

  POLICE DEPARTMENT	PROCEDURE		Page 1 of 7	Procedure File No. 31-130
	Subject Limited English Proficiency (LEP)		Supersedes No. NEW	Previous Date NEW
	Approved By <i>Ronald Palmer, Chief of Police</i>		Date Approved 9/2/2009	Effective Date 10/14/2009

This policy statement and the procedures thereunder are intended for Police Department use only. The policies, procedures, and regulations are for internal Police Department administrative purposes and are not intended to create any higher legal standard of care or liability in an evidentiary sense than is created by law. Violations of internal Police Department policies, procedures, regulations, or rules form the basis for disciplinary action by the Police Department. Violations of law form the basis for civil and/or criminal sanctions to be determined in a proper judicial setting, not through the administrative procedures of the Police Department.

PURPOSE :

The purpose of this Directive is to establish effective guidelines, consistent with Title VI of Civil Rights Act of 1968 and the Omnibus Crime Control and Safe Streets Act, for Departmental Personnel to follow when providing services to, or interacting with, individuals who have limited English proficiency (LEP).

The Tulsa Police Department recognizes the importance of effective and accurate communication between its employees and the community they serve. Language barriers can impede effective and accurate communication in a variety of ways. Language barriers can sometimes inhibit and even prohibit individuals with LEP from accessing and/or understanding important rights, obligations, and services, or from communicating accurately and effectively in difficult situations. Hampered communication with LEP victims, witnesses, alleged perpetrators, and community members can present the Police Department with safety, evidentiary, and ethical challenges. Ensuring maximum communication ability between law enforcement and all segments of the community serves the interest of both.

POLICY:

It is the policy of this Department to take reasonable steps to provide timely, meaningful access for LEP persons to the services and benefits that the Department provides in all Departmentally conducted programs or activities. All police personnel shall provide free language assistance services to LEP individuals whom they encounter or whenever an LEP person requests language assistance services. All police personnel will inform members of the public that assistance services are available free of charge to LEP persons and that the Department will provide these services to them.

SUMMARY:

Procedures to ensure effective and accurate communication between the Tulsa Police Department and individuals with LEP.

APPLIES TO: All police personnel

DEFINITIONS:

BILINGUAL – the ability to speak effectively in two or more languages.

INTERPRETATION – the act of listening to a communication in one language and orally rendering into another language while retaining the same meaning.

LIMITED ENGLISH PROFICIENCY (LEP) – designates individuals whose primary language is not English and who have a limited ability to read, write, speak, or understand English. LEP individuals may be competent in certain types of communication (e.g., speaking or understanding), but still be LEP for other purposes (e.g., reading or writing). Similarly, LEP designations are context-specific: an individual may possess sufficient English language skills to

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function in one setting, but may find these skills are insufficient in other situations.

LANGUAGE PROFICIENCY LIST (LPL) – list of police department personnel and VIPS Volunteers certified proficient through the second language incentive program to interpret for LEP persons.

PRIMARY LANGUAGE – an individual’s native tongue or the language in which an individual most effectively communicates.

QUALIFIED INTERPRETER – police personnel certified proficient to interpret for others in certain situations, Volunteers in Police Service (VIPS) who are certified proficient to interpret for the Department in certain situations, and all contracted interpreters, including Language Line.

TRANSLATION – the rendering of a written text from one language into another language.

VIPS LANGUAGE VOLUNTEER – bilingual police department volunteer certified proficient to interpret for others in certain situations.

PROCEDURES:

A. PROCEDURES FOR ACCESSING INTERPRETATION SERVICES

1. Civilian Emergency Calls to 911

- a. When a 911 call is received by dispatch and it is determined that the caller is LEP, the call taker shall inform the LEP caller that they will be immediately transferred to an interpreter. If an interpreter is unavailable, dispatch shall immediately contact Language Line for assistance. Once the call is established between the call taker, dispatch, the LEP caller, and the interpreter, the call taker shall adhere to standard operating procedures for 911 calls.
- b. Dispatch will note in the call information the 911 caller is an LEP individual and indicate the language, so that this information is provided to responding police personnel. Dispatch will make every effort to dispatch a bilingual officer to the assigned call.

2. Officers Requesting Interpretation Services

- a. Officers in need of interpretation services will request dispatch locate a bilingual officer, preferably from the LPL. If no on-duty bilingual officers are available, officers may request dispatch contact a VIPS language volunteer. If no VIPS language volunteers are available officers may request dispatch contact an off-duty officer on the LPL. If officers have access to a telephone they may, with supervisory approval, contact the Language Line for assistance. For emergencies the contact number is (800) 523-1786. For non-emergencies the contact number is (800) 874-9426. Officers may obtain Language Line PIN code from dispatch.
- b. Police personnel are expected to follow the general procedures outlined in this directive; however, exigent circumstances may require some deviations. In such situations, personnel are to use the most reliable, temporary interpreter assistance available. Once an exigency has passed, all personnel are expected to revert to the

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general procedures in this policy.

- c. In other than exigent circumstances, officers should only use family, friends, or bystanders for interpreting in very informal, non-confrontational contexts, and only to obtain basic information at the request of the LEP person. Using family, friends, or bystanders to interpret could result in a breach of confidentiality, a conflict of interest, or an inadequate interpretation.

3. Contracted In-Person Interpretation Services

- a. Contracted in-person interpretation services shall be available to all police personnel when interacting with LEP individuals. Dispatch will be responsible for connecting officers with the appropriate interpreter. While the service is available to all officers, it is best suited for investigative units operating under non-emergency situations, such as witness interviews and criminal interrogations.
- b. Officers who believe they need this service will consult with an on-scene supervisor. If the supervisor agrees, officers should request dispatch notify the contracted interpreter service.
- c. Dispatch will contact the contracted interpreter service and relay all pertinent information. Dispatch will obtain an estimated time of arrival (ETA) for the interpreter and will notify the officer with this information.
- d. Upon the arrival of the contracted interpreter, the officer will verify the interpreter's employee identification. The officer shall record the interpreter's name and organizational affiliation on the investigative report along with the interpreter's arrival and departure times. Once the interpreter is prepared, officers will ask all questions through the interpreter.

4. Conflict of Interest/Bias of Interpreter

- a. If the officer believes a conflict of interest or bias exists with the assigned interpreter, or has any other reason why the interpreter should be excused, a supervisor on location shall be consulted. If the supervisor agrees that the concern is warranted, the interpretation service will be notified for another interpreter.
- b. When a conflict of interest or bias on the part of the interpreter exists, the supervisor consulted with will forward an Interoffice to the Department LEP Coordinator.

B. INTERROGATION, INTERVIEWS, AND COMPLAINTS

1. Criminal Interrogations

- a. A failure to protect the rights of LEP individuals during interrogations risks the integrity of any investigation. Officers must recognize that miscommunication during interrogations may have a substantial impact on the evidence presented in any related criminal prosecution. A qualified interpreter shall be used for all interrogations as the suspect's legal rights could be adversely impacted.
- b. The LEP plan discourages use of police officers as interpreters in interrogations except under circumstances in which the LEP individual is informed of the officer's dual role

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and the reliability of the interpretation is verified, such as, for example, where the officer has been trained and tested in interpreting and video and audio recordings are made of the entire formal interview and/or interrogation.

- c. Miranda Warnings, and all other vital written materials, will be available to the suspect or witness in their language. In the case of a language into which forms have not been translated and in the case of illiteracy, forms will be read to the suspect or witness in their primary language using a qualified interpreter. The Department will evaluate whether to translate these forms into additional languages.

2. Crime Witness Interviews

- a. These statements potentially involve statements with evidentiary value upon which a witness may be impeached in court. As such, accuracy is a priority. Accordingly, a qualified interpreter will be used as an interpreter when taking any formal statement or interview.

3. Complaint Procedures for LEP Persons

- a. Any LEP individual who wishes to file a complaint with the Department regarding language access, or the discharge of Departmental duties, shall be provided with translated Internal Affairs (IA) complaint forms. If a form is needed for a language in which forms have not been translated or in the case of illiteracy, forms will be read to the suspect or witness in their primary language using a qualified interpreter. The Department will evaluate whether to translate these forms into additional languages.
- b. The assigned IA investigator will use a qualified interpreter when conducting any interviews of LEP complainants or witnesses. In the event there are no qualified interpreters to respond, the contracted interpretation service shall be utilized.
- c. IA will provide written notice of the disposition of any LEP complaint in the complainant's primary language.
- d. In the event formal disciplinary charges result from an LEP complainant, IA will insure that a contracted interpreter is available for any scheduled hearings.

C. NOTIFYING THE PUBLIC ABOUT DEPARTMENTAL LANGUAGE SERVICES

1. Each division with direct public access shall display signs in the most commonly spoken languages at each access point or lobby stating that interpreters are available free of charge to LEP individuals.
2. The Department shall also maintain translated written public forms and documents for LEP individuals.
3. Notification of the availability of translated forms and documents will be posted in the public lobby of each division to inform LEP persons which translated forms and documents are available.
4. Division Commanders with public access shall ensure that the signage is posted and visible to the general public.

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D. TRAINING – LANGUAGE ASSISTANCE POLICY AND INTERPRETER SKILLS

1. Departmental Training to Personnel Concerning the Department’s LEP Policies
 - a. The Department will provide periodic training to personnel about the Department’s LEP policies, including how to access Departmental-authorized telephonic and in-person contracted interpreters. The Department shall conduct such training for new recruits, at in-service training, and at squad meetings at least every two (2) years. Training shall initially be conducted within 180 days of the effective date of this policy.

2. Second Language Incentive Pay Requirements
 - a. The Collective Bargaining Agreement between the City of Tulsa and Fraternal Order of Police Lodge #93 allows officers to receive a second language pay incentive for satisfactory completion of language review/testing as approved by the Chief of Police.
 - b. To qualify for incentive pay, officers must be able to demonstrate the basic ability to communicate in a second language. Officers who desire to test will report to a facility designated by the Tulsa Police Department. The City of Tulsa will bear the cost of the initial testing, as well as recertification. If officers fail the test, they will be responsible for the cost of subsequent testing. Officers will be allowed to retest once quarterly.
 - c. The required annual recertification testing will be held during the month of May. Officers who receive their initial certification after January 1 will retain their certification until May of the following year. The Career Development Sergeant is the Second Language Program monitor and will maintain the roster and records of certified officers.
 - d. Officers who have been certified for at least two consecutive years after the initial certification for the second language pay incentive are only required to re-certify every three years upon the recommendation of the language examiner. Officers interested in the Second Language Program should contact the Career Development Sergeant to schedule an appointment with the appropriate certifier.
 - e. Officers who do not successfully re-certify according to the directives contained herein will be notified by the Program Monitor. If satisfactory arrangements are not made, the Program Monitor will send an Interoffice to the Chief of Police describing the circumstances and requesting that the affected employee’s incentive pay cease on or before the next pay period.
 - f. The Career Development Sergeant will annually disperse, Department-wide, an outline of the Second Language Program.
 - g. The Career Development Sergeant will maintain a language proficiency list and provide dispatch updates of officers certified to speak a second language.

3. VIPS Interpreters

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- a. The Department utilizes civilian volunteers in various assignments. Participation in the VIPS program is contingent upon a background investigation by the VIPS coordinator.
 - b. Volunteers desiring to serve as interpreters must complete the certification process. The VIPS volunteer will be referred to the Career Development Sergeant for an extensive background investigation. The Career Development Sergeant will schedule certification sessions.
 - c. Upon certification, VIPS volunteers are placed on the Language Proficiency List for certified proficient interpreters, which is maintained by the VIPS coordinator and the Career Development Sergeant. The Career Development Sergeant shall provide dispatch with a language proficiency list of certified volunteer interpreters.
4. Basic Spanish Language Skills Training
- a. The Career Development Sergeant will provide additional oral language skills training and written Spanish translations of basic law enforcement words and phrases to all interested officers.
 - b. The Training Division will coordinate and provide a basic Spanish language skills training elective in-service once a year.
- E. MONITORING AND UPDATING LANGUAGE ASSISTANCE EFFORTS
1. The Department will take reasonable steps to develop department wide language capacity. Using the various assessment processes described in this directive, the Department will work with department recruiters and the Personnel Department to recruit and hire qualified bilingual personnel.
 2. Community Review
 - a. The Career Development Sergeant shall assess demographic data, review contracted language access services and utilization data, and consult with community-based organizations annually in order to determine if there are additional languages into which vital documents should be translated.
 - b. The Career Development Sergeant shall annually review new documents and determine whether they are vital and should be translated.
 - c. The Community Education Sergeant, in conjunction with the Career Development Sergeant, will ensure that meetings for the LEP community are hosted at least quarterly, and will ensure that surveys are distributed ascertaining the effectiveness of the Department in meeting the needs of the LEP community.
 1. All department personnel hosting meetings for the LEP community should obtain surveys from the Career Development Sergeant to be completed by attendees.
 2. Upon conclusion of the meeting, submit the surveys along with documentation reporting the purpose of the meeting, location, and number of persons in attendance. This information will assist in documenting quarterly meetings and ascertaining the effectiveness of the Department in meeting the needs of the LEP community.

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REGULATIONS:

1. All formal interviews and interrogations of LEP persons must be video and audio recorded.

REFERENCES:

Title VI of the Civil Rights Act of 1968
Omnibus Crime Control and Safe Streets Act
Fraternal Order of Police Collective Bargaining Agreement
TOG 2033

