

Communication with People with Limited English Proficiency

330.1 PURPOSE AND SCOPE

Federal MODIFIED

This policy provides guidance to members when communicating with individuals with limited English proficiency (LEP) in compliance with Title VI of the federal Civil Rights Law of 1964 (42 USC § 2000d).

330.1.1 DEFINITIONS

Federal MODIFIED

Definitions related to this policy include:

Title VI of the federal Civil Rights Law of 1964 (42 USC § 2000d) – A federal law that prohibits discrimination on the basis of race, color and national origin in programs and activities that receive federal financial assistance.

A person with limited English proficiency (LEP) - Any individual whose primary language is not English and who cannot read, write, speak or understand English.

Effective Communication – Communication between two or more persons in which the intended message is properly encoded and conveyed, delivered through an appropriate channel, received, and properly decoded and understood by the recipient(s).

Language Assistance - Is an interpretation or translation service, or adjustment in the mode of communication, that allows for effective communication to occur.

Interpretation - The act of listening to a communication in one language (source language) and orally converting it to another language (target language) orally or via a symbolic language (such as American Sign Language), while retaining the same meaning and using linguistically and culturally appropriate terms and concepts in the target language.

Translation - The conversion of written text from one language (source language) into an equivalent written text (target language), while retaining the same meaning and using linguistically and culturally appropriate terms and concepts in the target language.

Qualified interpreter - A person who is able to interpret effectively, accurately and impartially in a language, both receptively and expressively, using any specialized vocabulary necessary for the setting or type of interaction. Qualified interpreters must also understand the professional function and role of an interpreter as well as the ethical issues involved when acting as language conduit.

Authorized interpreter/Authorized translator - A person who has been screened and authorized by the Department to act as a qualified interpreter and/or translator for people that speak a specific language other than English, or an employee of an agency or contracted company which has been authorized by the Department to provide qualified interpreting services. Such a

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person, or the agency or contracted company that employees them, may be required to establish the accuracy and trustworthiness of the interpretation or translation in a court proceeding.

In-Person/Onsite Interpreter – A qualified Interpreter who travels to a site where interpretation is needed and provides interpretation services in person. Members should only utilize those people, agencies or contracted companies authorized by the Department for In-person/onsite interpretation.

Remote Audio or Video Interpreter – An interpreter who provides interpretation from a remote location to persons at a site where interpreters are needed. This two way communication occurs via a device that conveys audio (often phone based) or video with audio (application or computer based). Members should only utilize those people, agencies or contracted companies authorized by the Department for remote interpretation.

Bilingual member - A member of the Syracuse Police Department, identified by the Department, as having the ability to communicate fluently in both English and another language. Bilingual members may be fluent enough to communicate in that other language to some extent, but may not be sufficiently proficient or trained to provide professional interpretation. Absent an emergency or other critical situation, such members may only assist in communication with a speaker of that second language.

Authorized bilingual member - A member of the Syracuse Police Department, or another local law enforcement agency, whom the Department, has evaluated through established Departmental procedures to confirm that they have sufficient level of skill and competence to communicate fluently, accurately, and effectively between English and a second language, and whom the department has authorized to provide interpretation because they are qualified to do so in a manner equivalent to a professional interpreter. In order to be authorized, such a bilingual member must also have the ability to communicate specialized law enforcement terms or concepts in that second language as well as to perform complicated tasks, such as conducting interrogations, taking statements, collecting evidence or conveying rights or responsibilities. Such a member may also be required to establish the accuracy and trustworthiness of the interpretation or translation in a court proceeding.

Approved Community Volunteer – A bilingual community leader or other bilingual volunteer identified by the Department as having the ability to communicate fluently in both English and a second language. The Department will provide members with a list of such persons. However, while such persons may be deemed fluent enough to communicate in that second language, but they may not be sufficiently proficient, knowledgeable about law enforcement concepts or terminology, nor trained to provide interpretation professionally. Absent an emergency or other critical situation, such individuals may only assist in communication with a person who is LEP with consent of that person.

330.2 POLICY

Federal **MODIFIED**

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It is the policy of the Syracuse Police Department to reasonably ensure that persons who are LEP including complainants, victims, witnesses, suspects, detainees and arrestees, have meaningful and equal access to law enforcement services, programs, information, or activities, while not imposing undue burdens on its members. Accordingly, the Department will provide language assistance to persons who are LEP, including the use of qualified interpreters, as soon as reasonably possible given the circumstances of each law enforcement situation or encounter. The Department will utilize qualified interpreters, unless an emergency or other critical situation would make it difficult or impractical to do so.

The Department will not discriminate against or deny any individual access to services, rights or programs, information or activities based upon national origin or any other protected interest or right.

330.3 FOUR-FACTOR ANALYSIS

Federal **MODIFIED**

Because there are many different languages that members could encounter, the Department will utilize the four-factor analysis outlined in the U.S. Department of Justice (DOJ) Guidance to Federal Financial Assistance Recipients, available at the DOJ website, to determine which measures will provide meaningful access to its services and programs. It is recognized that law enforcement contacts and circumstances will vary considerably. This analysis, therefore, must remain flexible and will require an ongoing balance of the following four factors, which are:

- (a) The number or proportion of LEP individuals eligible to be served or likely to be encountered by department members, or who may benefit from programs or services within the jurisdiction of this department or a particular geographic area.
- (b) The frequency with which LEP individuals are likely to come in contact with department members, programs or services.
- (c) The nature and importance of the contact, program, information or service provided.
- (d) The cost of providing LEP assistance and the resources available.

The Department will make every reasonable effort to provide meaningful and timely language assistance to people who are LEP through the most appropriate available method or service. Such language assistance will be provided without any kind of charge or fee. Department members will not refuse service to an LEP individual who has requested assistance, nor may they require an LEP individual to identify or furnish an interpreter as a condition for receiving assistance.

The Department will also provide language assistance to the parents or caregivers of complainants, victims, witnesses, suspects, detainees or arrestees who are under age 18, elderly, or are persons with a disability that affects their ability to understand, comprehend, or respond to law enforcement communication, regardless of whether or not such a primary subject of law enforcement communication or action is a person who is LEP.

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330.4 TYPES OF LEP ASSISTANCE AVAILABLE

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Syracuse Police Department members should never refuse service to an LEP individual who is requesting assistance, nor should they require an LEP individual to furnish an interpreter as a condition for receiving assistance. The Department will make every reasonable effort to provide meaningful and timely assistance to LEP individuals through a variety of services.

The Department will utilize all reasonably available tools, such as language identification cards, when attempting to determine an LEP individual's primary language.

LEP individuals may choose to accept department-provided LEP services at no cost or they may choose to provide their own. The burden to ensure effective communication is on the Department.

Department-provided LEP services may include, but are not limited to, the assistance methods described in this policy.

Members may have access to the following types of language assistance:

- (a) In person/Onsite Interpreters
- (b) Remote Audio or Video Interpreter Service
- (c) Bilingual Member
- (d) Authorized Bilingual Member
- (e) Approved Community Volunteers

In an emergency or other critical situation, members may utilize the most effective form of language assistance available to address the situation. This shall be considered a temporary approach until the emergency or critical situation is resolved.

All members who interact with the public in any way will be provided with information about how to access the appropriate types of language assistance services in relation to their functions in the Department.

In Field Operations, where no emergency or other critical situation exists, members will give first priority to the use of an authorized bilingual member. Remote audio or video interpreter services contracted by the department may also be utilized. It may not be practical to wait for the arrival of an in-person interpreter to arrive on-site, nor may an in-person interpreter be available on demand. Field Operations shall include both Field Interactions & Field Interviews as described in this policy.

Except in emergency or critical situations, bilingual friends, family members or other relatives of a person who is LEP should not be relied on to provide language assistance except in very informal, non-critical and non-confrontational situations. The Department has no way to assess such person's competence to interpret in advance, or to discern the degree to which they may have a conflict of interest.

Unless there is a clear and immediate danger, members shall not rely on minor children to provide language assistance.

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Limited English Proficiency Services Procedures

330.5 WRITTEN FORMS AND GUIDELINES

Federal **MODIFIED**

Vital documents or those that are frequently used in communication with complainants, victims, witnesses, suspects, detainees or arrestees should be translated into languages most likely to be encountered. The department will arrange to make these translated documents available to members and other appropriate individuals, as necessary.

When there is need for translation of other documents, authorized translators will be utilized.

330.6 AUDIO RECORDINGS

Federal **MODIFIED**

The Department may develop audio recordings of important or frequently requested information in languages most likely to be understood by those LEP individuals who are representative of the community being served.

Authorized Bilingual members may be utilized to make such recordings. Approved community volunteers may also be utilized to make such recordings in cooperation with Department personnel, however their choices of terms and concepts will be double checked with the assistance of an authorized interpreter.

330.7 BILINGUAL MEMBERS

Agency Content

Bilingual members of the Department may be utilized during the preliminary stages of an investigation to develop initial information during a law enforcement activity. Bilingual officers should only be used until authorized audio or video interpreter or an authorized bilingual member becomes available.

330.8 AUTHORIZED BILINGUAL MEMBERS

Federal **MODIFIED**

Bilingual members may be qualified to provide LEP services when they have demonstrated through established department procedures a sufficient level of skill and competence to fluently communicate in both English and a non-English language. Members utilized for LEP services must demonstrate knowledge of the functions of an interpreter/translator and the ethical issues involved when acting as a language conduit. Additionally, bilingual members must be able to communicate technical and law enforcement terminology, and be sufficiently proficient in the non-English language to perform complicated tasks, such as conducting interrogations, taking statements, collecting evidence or conveying rights or responsibilities.

When an authorized bilingual member from this department is not available, personnel from other City departments or external agencies who have been identified by the Department as having the requisite skills and competence may be requested.

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330.9 AUTHORIZED INTERPRETERS

Federal **MODIFIED**

Any person designated by the Department to act as an authorized interpreter and/or translator must have demonstrated competence in both English and the involved non-English language, must have an understanding of the functions of an interpreter that allows for correct and effective translation, and should not be a person with an interest in the department case or investigation involving the LEP individual. A person providing interpretation or translation services may be required to establish the accuracy and trustworthiness of the interpretation or translation in a court proceeding.

Authorized interpreters must pass a screening process that demonstrates their skills and abilities in the following areas:

- (a) The competence and ability to communicate information accurately in both English and in the target language.
- (b) Knowledge, in both languages, of any specialized terms or concepts peculiar to this department and of any particularized vocabulary or phraseology used by the LEP individual.
- (c) The ability to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.
- (d) Knowledge of the ethical issues involved when acting as a language conduit.

330.9.1 SOURCES OF AUTHORIZED INTERPRETERS

Federal **MODIFIED**

The Department may contract with authorized interpreters who are available over the telephone. Members may use these services with the approval of a supervisor and in compliance with established procedures.

Other sources may include:

- Qualified bilingual members of this department or personnel from other City departments.
- Individuals employed exclusively to perform interpretation services.
- Contracted in-person interpreters, such as state or federal court interpreters, among others.
- Interpreters from other law enforcement agencies who have been authorized as interpreters by this department, and with whom the Department has a resource-sharing or other arrangement that they will interpret according to department guidelines.

330.9.2 COMMUNITY VOLUNTEERS AND OTHER SOURCES OF LANGUAGE ASSISTANCE

Federal **MODIFIED**

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Language assistance may be available from community volunteers who have demonstrated competence to who in either monolingual (direct) communication and/or in interpretation or translation (as noted in above), and have been approved by the Department to communicate with LEP individuals.

Where authorized bilingual members or other authorized interpreters are unavailable to assist, approved community volunteers who have demonstrated competence may be called upon when appropriate. However, department members must carefully consider the nature of the contact and the relationship between the LEP individual and the volunteer to ensure that the volunteer can provide neutral and unbiased assistance.

While family or friends of an LEP individual may offer to assist with communication or interpretation, members should carefully consider the circumstances before relying on such individuals. For example, children should not be relied upon except in exigent emergency or very informal and non-confrontational situations. Family members should not be used except in emergency situations. Children are not qualified.

330.10 CONTACT AND REPORTING

Federal MODIFIED

Although all law enforcement contacts, services and individual rights are important, this department will utilize the four-factor analysis to prioritize service to LEP individuals so that such services may be targeted where they are most needed, according to the nature and importance of the particular law enforcement activity involved.

Whenever any member of this department is required to complete a report or other documentation that involves a situation in which interpretation or translation services were provided to any involved LEP individual, such services should be noted in the related report. Members should document the type of interpretation or translation services utilized and whether the individual elected to use services provided by the Department or some other identified source. Members should also document the identification number of an interpreter provided by a contracted service as applicable, as well as the purpose and content of the interaction and the elapsed time of interpreted communication.

330.11 RECEIVING AND RESPONDING TO REQUESTS FOR ASSISTANCE

Federal MODIFIED

The Syracuse Police Department will take reasonable steps and will work with the Human Resources Division to develop in-house language capacity by hiring, evaluating, and authorizing qualified members proficient in languages representative of the community being served.

330.12 FIELD INTERACTIONS

Federal MODIFIED

Field interactions will generally include such contacts as traffic stops, pedestrian stops, welfare checks, criminal investigations, involuntary transport to a medical facility, serving warrants and restraining orders, crowd/traffic control, and other routine field contacts that may involve LEP

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individuals. The scope and nature of these activities and contacts will inevitably vary. Members and/or supervisors must assess each situation to determine the need and availability of language assistance to all involved LEP individuals and utilize the methods outlined in this policy to provide such assistance.

Although not every situation can be addressed in this policy, it is important that members are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action. For example, it would be meaningless to request consent to search if the officer is unable to effectively communicate with an LEP individual.

If available, officers should obtain the assistance of an authorized bilingual member or an authorized interpreter before placing an LEP individual under arrest.

330.13 INVESTIGATIVE FIELD INTERVIEWS

Federal MODIFIED

In any situation where an interview with a person who is LEP may reveal information that could be used as the basis for arrest or prosecution of an LEP individual and a qualified bilingual member is unavailable or lacks the skills to directly communicate with the LEP individual, an authorized interpreter should be used. This includes interviews conducted during an investigation with victims, witnesses and suspects. In such situations, audio recordings of the interviews should be made when reasonably possible.

Identification and contact information of the interpreter (e.g., name, ID number, contact phone number, address) should be documented so that the person can be subpoenaed for trial if necessary.

If an authorized interpreter is needed, officers should consider calling for an authorized interpreter in the following order:

- An authorized department member or allied agency interpreter
- An authorized audio/video interpreter
- Any other authorized interpreter

Any Miranda warnings shall be provided to suspects in their primary language by an authorized interpreter or, if the suspect is literate, by providing a translated Miranda warning card.

The use of an LEP individual's bilingual friends, family members, children, neighbors or bystanders may be used only when a qualified bilingual member or authorized interpreter is unavailable and there is an immediate need to interview an LEP individual.

330.14 CONSIDERATIONS DURING DETENTION AND/OR ARREST AND TRANSPORT TO JAIL

Agency Content

If a person who is LEP is detained or arrested, the arresting officer shall provide language assistance at the place of detention or arrest. If a person who is LEP is to be transported to the

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Onondaga County Justice Center or to another place of detention, the arresting officer shall also call ahead to the Booking or Intake office at that facility, as soon as reasonably practicable, to notify them that a person who is LEP is due to arrive there, and to provide information about the language in which they have been provided interpretation.

330.15 CUSTODIAL INTERROGATIONS

Federal MODIFIED

Miscommunication during custodial interrogations may have a substantial impact on the evidence presented in a criminal prosecution. Only authorized bilingual members or, if none are available or appropriate, authorized interpreters shall be used during custodial interrogations. Miranda warnings shall be provided to suspects in their primary language by the qualified bilingual member or an authorized interpreter.

To ensure that interpretation and translation during custodial interrogations are accurately documented and are admissible as evidence, interrogations should be recorded whenever reasonably possible. See guidance on recording custodial interrogations in the Investigation and Prosecution Policy. Additionally, it is also important to document the identification and contact information of the interpreter (e.g., name, ID number, contact phone number, address) so that the person can be subpoenaed for trial if necessary.

330.16 COMPLAINTS

Federal MODIFIED

The Department shall ensure that people who are LEP who wish to file a complaint regarding members of this department are able to do so. The Department will provide an authorized interpreter or translated forms, as appropriate. Complaints will be referred to the Office of Professional Standards.

Investigations into such complaints shall be handled in accordance with the Personnel Complaints Policy. Authorized interpreters used for any interview with a person who is LEP during a complaint investigation should not be members of this department. The identification and contact information of the interpreter (e.g., name, ID number, contact phone number, address) should be documented.

Any notice required to be sent to a person who is known to be LEP as a complaining party pursuant to the Personnel Complaints Policy should be translated or otherwise communicated in a language-accessible manner.

330.17 COMMUNITY OUTREACH

Best Practice MODIFIED

Community outreach programs and other such services offered by this department are important to the ultimate success of more traditional law enforcement duties. This department will continue to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services. Where interpretation would be necessary to engage in effective

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communication during such programs and services, members will make efforts to utilize readily available forms of language assistance.

330.18 TRAINING

Federal MODIFIED

To ensure that all members who may have contact with persons who are LEP individuals are properly trained, the Department will provide periodic training on this policy and related procedures, including how to access department-authorized remote audio/visual and in-person interpretation services and other available resources.

The Commanding Officer of the Training Division shall be responsible for ensuring new members receive training in how to ensure effective communication with people who are LEP. Such training will include review of this policy, related procedures, awareness of nationality and non-English language groups in the City of Syracuse, recognition that a person may be LEP and the need for language assistance, the legal obligation to provide language assistance, best practices in requesting and interacting with an interpreter, and how to document the utilization of interpretation and translation services. Members who interact with the public, and so may have contact with LEP individuals, should receive refresher training at least once every two years thereafter. The Commanding Officer of the Training Division shall maintain records of all such training provided, and will retain a copy in each member's training file in accordance with the established records retention schedule.

330.19 USE OF THIS POLICY

Agency Content

The definitions in this policy shall not be used in conjunction with any other policy or agreement.

Attachments

Limited_English_Proficiency_Services_Procedures.pdf

Interpreter Access Instructions

All information on this document is confidential and belongs to the agency listed. Not for distribution outside of this agency

Agency Name: Syracuse Police Department Patrol

1. Dial: 1-866-998-0338
2. Enter your account number 33126
3. Enter your pin number 8419
4. Enter your Badge number followed by #, then Press "1" to confirm
5. Select the language you need
 - Press 1 for Spanish
 - Press 2 for Nepali
 - Press 3 for Arabic
 - Press 4 for Swahili
 - Press 5 for Somali
 - Press 6 for Kinya/Rwanda
 - Press 7 for Burmese
 - Press 8 for Mandarin
 - Press 9 for Russian
 - Or Press 0 for all others

(No need to listen to entire audio prompt)

Hold temporarily as you connect to an interpreter
Backup #1, 1-844-541-3961
Backup #2, 1-530-361-6782

For your reference:

Voice Account Number: 501033126
Four-Digit PIN: 8419

Contact Voiance




Phone: 1-800- 481-3289 | support@voiance.com | www.voiance.com

ACCESS AN INTERPRETER

1. Login **USERNAME:** SyracusePD@cyracomvri.com

PASSWORD: video123

2. Select the Language

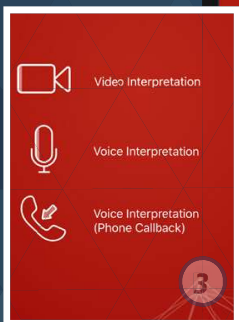
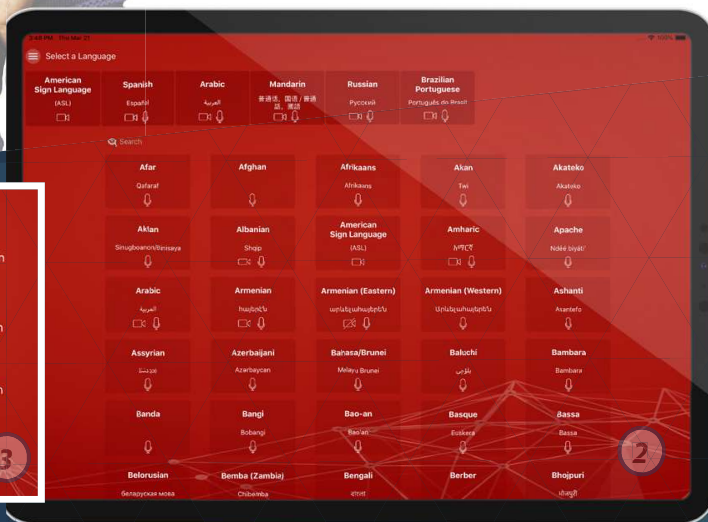
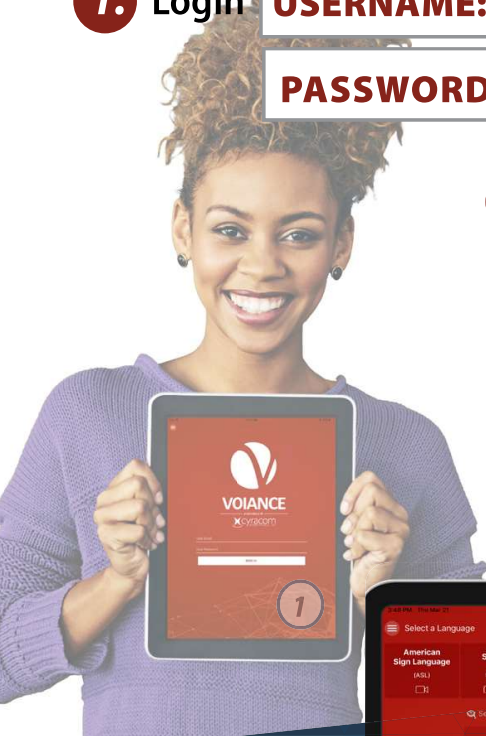
-  Favorite Languages Bar *(most frequently requested)*
-  Search Language Field, or
-  Scroll through Alphabetical List of Languages Provided.

3. Select Type of Session

4. Enter Session Data
(if prompted)

5. Session Connects

During the session, call functions are available.



AUDIO CONTROL

- Select speaker device
- Allows Bluetooth speaker connection



CAMERA CONTROL

- Flip between front and back facing camera



MICROPHONE CONTROLS

- Mute or unmute yourself



VIDEO CONTROL

- Enables privacy shade for patient



Account #: 501033126
Pin#: 1001
Username:
SyracusePD@cyracomvri.com
Password: video123