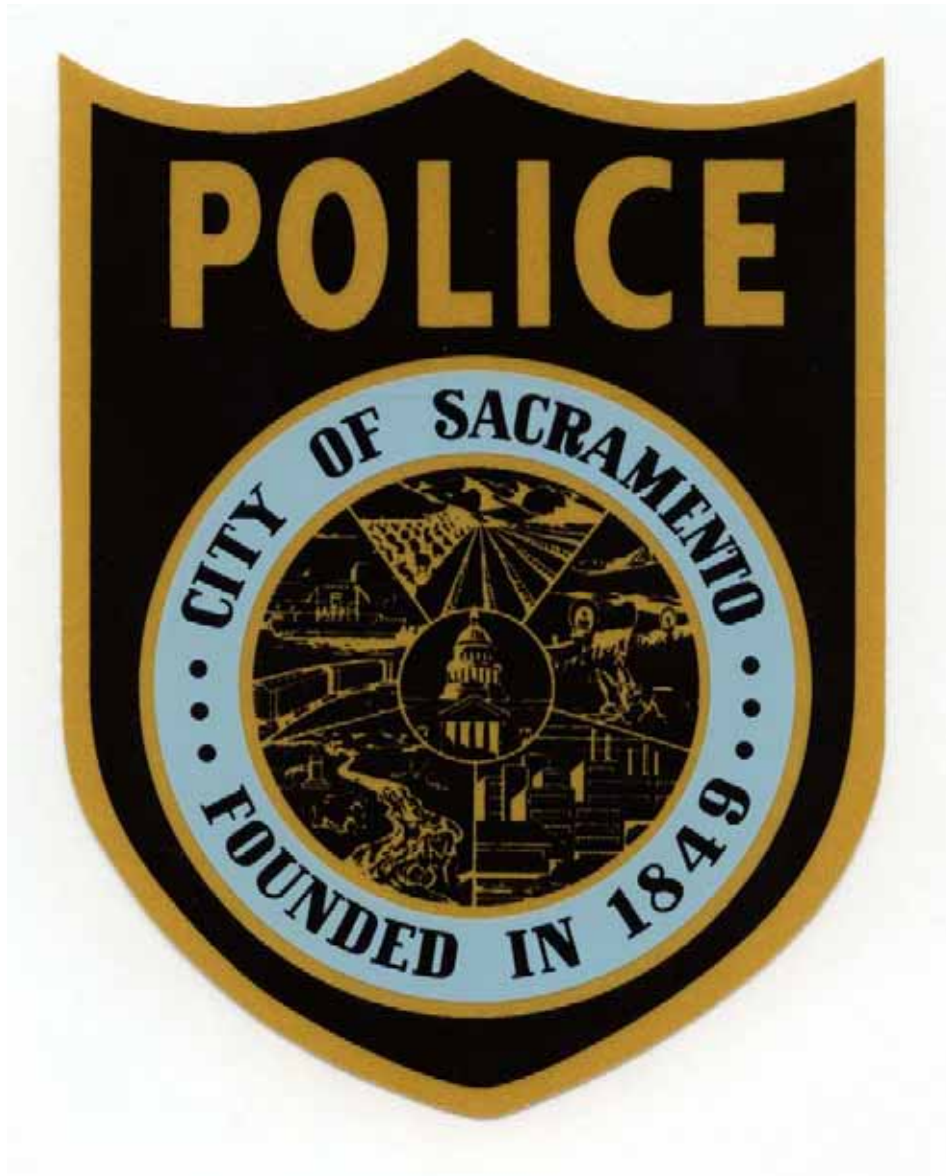


SACRAMENTO POLICE DEPARTMENT

LIMITED ENGLISH PROFICIENCY (LEP) PLAN



RM 510.08



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Limited English Proficiency Plan

Revised 11-08

POLICY STATEMENT

TO: ALL PERSONNEL

The Sacramento Police Department's Limited English Proficiency Plan, and subsequent General Order 510.08, will detail the steps to be taken when encountering individuals who do not speak English as their primary language and have a limited ability to read, write, speak, or understand English. This Plan is for departmental use only and will outline specific measures which will provide reasonable and meaningful access to various rights, obligations, services and programs to everyone who is Limited English Proficient (LEP).

This Plan, and General Order 510.08, implements specific policy that requires personnel to know its contents and follow its guidelines when interacting with members of the LEP community.

Additionally, so that this Plan shall remain as contemporary, viable and useful as possible, employees shall report, through their chain of command, to the Chief of Police (COP), any discrepancies they discover between the contents of this Plan, the law and acceptable police procedures. Any procedural changes made to those outlined in this Plan shall be at the discretion of the COP.



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I. INTRODUCTION AND BACKGROUND

A. POLICY STATEMENT

It is the policy of the Sacramento Police Department to take reasonable steps to provide meaningful access to all individuals in any encounters with the Department regardless of their national origin or limited ability to speak, read, write, or understand English. This language assistance plan, and subsequent General Order 510.08, will detail the steps to be taken in implementing this Policy.

B. BACKGROUND AND PURPOSE

1. Federal law prohibits national origin discrimination and requires federally assisted law enforcement agencies to take reasonable steps to provide meaningful access to Limited English Proficient (LEP) individuals.
2. Language barriers can put cases and lives at risk by impeding communications with LEP victims, witnesses, suspects, and community members and by creating safety, evidentiary, and ethical challenges for officers and others.
3. Language barriers can prevent LEP individuals from understanding their rights, complying with the law, and receiving meaningful access to law enforcement services and information.

C. DEFINITIONS

1. **PRIMARY LANGUAGE** – The language in which an individual is most effectively able to communicate.
2. **INTERPRETATION** – The act of listening to a communication in one language and orally converting it into another language, while retaining the same meaning. Interpreting is a sophisticated skill needing practice and training, and should not be confused with simple bilingualism. Even the most proficient bilingual individuals may require additional training and instruction prior to serving as interpreters. Qualified interpreters are generally required to have undergone rigorous and specialized training.
3. **TRANSLATION** – The replacement of written text from one language into an equivalent written text in another language. Translation also requires special knowledge and skills.



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4. **BILINGUAL** – The ability to speak two languages fluently and communicate directly and accurately in both English and another language.
5. **DIRECT COMMUNICATION** – Monolingual communication in a language other than English between a qualified bilingual Department employee or representative and an LEP individual (e.g., Spanish to Spanish).

D. WHO IS LIMITED ENGLISH PROFICIENT (LEP)

LEP individuals do not speak English as their primary language and have a limited ability to read, write, speak, or understand English.

1. Many LEP persons are in the process of learning English and may read, write, speak, and/or understand some English, but not proficiently.
2. LEP status may be context-specific. For example, an individual may have sufficient English language skills to communicate basic information (e.g. name, address etc.) but may not have sufficient skills to communicate detailed information (e.g., medical information, eyewitness accounts, information elicited in an interrogation, etc.) in English.

E. FOUR FACTOR ANALYSIS

Since there are potentially hundreds of languages officers could encounter, the Sacramento Police Department will analyze four factors in determining those measures which will provide reasonable and meaningful access to various rights, obligations, services and programs to everyone. Because it is recognized that law enforcement contacts and circumstances will vary considerably, this analysis must remain flexible and requires an ongoing balance of the following four factors:

1. The number or proportion of LEP individuals eligible to be served or likely to be encountered by officers or who may benefit from programs or services within the Department's jurisdiction or a particular geographic area;
2. The frequency with which LEP individuals are likely to come in contact with officers, programs or services;
3. The nature and importance of the contact, program, information or service provided; and



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4. The cost of providing LEP assistance and the resources available.

As indicated above, the intent of this analysis is to provide a balance that reasonably ensures meaningful access by LEP individuals to critical services while not imposing undue burdens on the Department or its officers.

F. TYPES OF LEP ASSISTANCE AVAILABLE

Depending on the balance of the above four factors, the Sacramento Police Department will make every reasonable effort to provide meaningful and timely assistance to LEP individuals through a variety of services, where available. LEP individuals may elect to accept interpreter services offered by the Department at no cost or choose to provide their own interpreter services at their own expense. Officers should document in any related report whether the LEP individual elected to use interpreter services provided by the Department or some other source. Department provided interpreter services may include, but are not limited to:

1. **BILINGUAL STAFF** - Individual officers and employees need not be certified as interpreters, but need only have a competent understanding of the language involved. When bilingual employees of this Department are not available, employees from other departments within the area may be requested by a supervisor depending on the circumstances.
2. **WRITTEN FORMS AND GUIDELINES** - The Sacramento Police Department will endeavor to provide frequently used and critical forms and guidelines in languages most commonly represented within the community or a particular area. The Department will utilize the translation services of a professional company (e.g. Language World LLC) to perform this service.
3. **AUDIO RECORDINGS** - The Department may develop audio recordings of important information needed by LEP individuals. For example, officers may be provided with a canine warning or crowd dispersal order for broadcast in a language most likely to be understood by involved LEP individuals.
4. **TELEPHONE INTERPRETER SERVICES** – Department employees shall utilize a qualified interpreter service (e.g., AT&T Language Line) which may be contacted to assist LEP individuals.
5. **COMMUNITY VOLUNTEERS** - Depending on the circumstances, location and availability, responsible members of the community may be available to provide qualified interpreter services. Sources for these



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individuals may include local businesses, banks, churches, neighborhood leaders and school officials.

6. **FAMILY AND FRIENDS OF LEP INDIVIDUALS** - While family and friends of an LEP individual may frequently offer to assist with interpretation, officers should carefully consider the circumstances before relying on such individuals. The nature of the contact and relationship between the LEP individual and the individual offering services must be carefully considered (*e.g.*, victim/suspect).

G. IDENTIFICATION OF PRIMARY LANGUAGE

1. All SPD employees will be provided a language identification card and a Language Line Services Quick Reference Guide (QRG) to aid in the identification of the primary language spoken by the LEP individual.
2. SPD employees should display the language identification card to the LEP individual so the person can identify the language they speak prior to requesting a qualified bilingual employee or notifying the AT&T Language Line services.
3. If the LEP person does not appear able to read or understand the language identification card, the employee should call the AT&T Language Line services and advise the service of the situation (refer to the QRG for specific instructions). With assistance from the language service member, employees should attempt to ascertain the LEP individual's primary language in order to obtain a suitable interpreter.

H. RESTRICTIONS

1. SPD employees should not use family members, neighbors, friends, volunteers, bystanders or children to interpret for a LEP person unless exigent circumstances exist and a more reliable interpreter is not available, especially for communications involving witnesses, victim and potential suspects, or in investigations, collection of evidence, negotiations or other sensitive situations.
2. If an exigent circumstance requires an employee to use family members, neighbors, friends, volunteers, bystanders or children for initial language assistance, employees shall seek the assistance of a qualified bilingual employee from the Language Locator, or other professional interpreter to confirm or supplement the initial translation or interpretation as soon as practical.



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I. INTERACTING WITH LEP INDIVIDUALS

SPD employees shall follow the policy listed in this plan, and the specific procedures listed in General Order 510.08, in all encounters with LEP individuals absent exigent circumstances. In such situations, SPD employees shall use the most reliable, temporary interpreter available. Once the exigency has passed, employees shall revert to the procedures set forth in General Order 510.08.

1. Exigent circumstances are defined as situations that require deviation from procedures, such as a threat to life, safety, or property, a fleeing suspect, or the potential loss or destruction of evidence (e.g., physical loss of property, witness or victim)

J. LEP CONTACT SITUATIONS

1. Custodial Interrogations and Crime Victim Interviews:
 - a. Formal crime victim interviews and custodial interrogations of suspects potentially involve statements with evidentiary value, upon which an individual may be impeached in court. As such, accuracy is a priority. Moreover, a failure to protect the rights of LEP individuals during arrests and custodial interrogations presents risks to the integrity of the process. SPD employees must recognize that miscommunication during custodial interrogations may have a substantial impact on the evidence presented in any related criminal prosecution. A qualified bilingual employee, or other civilian interpreter, shall be used for any custodial interrogation or taking of a formal statement where the suspect or witness' legal rights could be adversely impacted. The preferred method for interviewing a LEP individual is direct communication. When a qualified bilingual employee is not available to directly communicate with a LEP individual, a qualified civilian interpreter shall be provided (see General Order 510.08 for specific procedures).
2. Field Contacts, Enforcement, and Investigations:
 - a. Field contacts with LEP persons could generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts. Because the scope and nature of these activities and contacts will inevitably vary, the Department recognizes that it would be virtually impossible to provide immediate access to



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complete translation services to every officer in the field. However, each officer and/or supervisor must assess each such situation to determine the need and availability for translation services to any and all involved LEP individuals.

K. REPORTING REQUIREMENTS

Whenever an incident or crime report is prepared regarding an incident involving an LEP person, and translation services are provided, the report shall identify the primary language spoken by the LEP individual, the person who provided the interpretation, and the manner in which interpretation services were provided.



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II. PLANNING AND COORDINATION

A. LEP COORDINATOR

The Sacramento Police Department recognizes the need for centralized planning and coordination of its LEP efforts for the entire Department. In order to properly address these issues, the Sergeant assigned to the Office of the Chief, Professional Standards Unit (PSU), will be responsible for monitoring compliance by reviewing needs assessments and the Departmental response. The PSU Sergeant shall:

1. report non-compliance or departmental deficiencies through his/her chain of command to the Chief of Police.
2. prepare annual reports by no later than February 1st of the following calendar year, that shall be routed through the chain of command to the Chief of Police, with a copy being sent to the U.S. Department of Justice, Office of Civil Rights, to include:
 - a. existing Departmental language assistance resources
 - b. training efforts performed throughout the given year
 - c. identified language service needs for the Department
 - d. quality control measures; and
 - e. outreach efforts made to the LEP community
3. oversee translations of documents, including those determined to be vital, into languages of frequently encountered LEP groups, ensuring quality control, securing translation services, and ensuring access to translated documents.
 - a. Vital documents are those documents that affect a member of the public's legal right and/or are mandated by law.
 - b. Once the document is considered vital, the document will be translated and its accuracy verified via a certified translation service (e.g., Language World LLC).
4. coordinate with the Training Division to provide employee training on accessing all language assistance measures the Department will use.
5. identify and implement a system for receiving and responding to complaints/suggestions by citizens through the SPD website, as well as internal Departmental staff, regarding improvements to language assistance measures.



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6. exchange current practices with other law enforcement departments and other community organizations upon request.
7. review the Department's progress in providing meaningful access to LEP persons, recommend modifications to this Plan and implementing Directives/General Orders/Protocols, as appropriate.
8. coordinate with the Fiscal Section on budgetary and procurement/contracting matters related to implementation of the policy.
9. increase the public's awareness and use of the Department's multi-lingual website, and to ensure that all vital documents and links are properly translated on the website.

B. MEASURING LEP CONTACTS

In order to formulate, implement, monitor and maintain an effective program to meet the needs of the LEP community, the Sacramento Police Department recognizes the need to accurately measure the frequency of LEP contacts with the Department, the nature of such contacts, and other relevant data. SPD will capture such information through a variety of the following measures:

1. Contract with AT&T Language Line Services to provide 24-hour interpreter services and data collection services to reflect the frequency of use, the specific languages spoken, and the individual employee and/or Division/Section who utilizes such services.
2. Expanding its data input requirements arising from calls for service (CFS) in order to collect LEP specific information. A CFS to the Communications Center, or Records Division Report Writers Unit, which results in a report or Patrol response, will automatically generate a CAD number. Prior to closing out each incident, employees shall document LEP contacts to include the number of LEP contacts and the language(s) spoken.
3. The database enhancement described above also will result in the collection of LEP specific information for Police Public Counter contacts and self-initiated contacts that result in a CAD number being generated.
4. Hardcopy logs will capture data collection for LEP contacts at Police Public Counters that do not result in the generation of a CAD number.



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5. Tracking Departmental contacts with hearing impaired individuals through the use of TDD and text message equipment at the Communications Center.

III. BILINGUAL STAFF

A. DEPARTMENT BILINGUAL COORDINATOR

The Personnel Services Division (PSD) shall designate a Bilingual Coordinator for the Department, who will work in partnership with the City Human Resources Department (HR), to ensure:

1. the Department's Language Locator is updated each year, and distributed to the appropriate Sections/Divisions.
2. the Department establishes and maintains an ongoing program, or coordinates through the City HR, for skill development and standards of proficiency for those employees speaking one or more languages or American Sign Language.
 - a. For purposes of this Plan, SPD employees who identify themselves as "bilingual" must demonstrate, through a formal procedure which has been established by the City HR, competency to communicate in the source language by demonstrating the ability to listen to a communication in one language (source language) and orally convert it to another language (target language) while retaining the same meaning.
 - b. The City may authorize bilingual pay when it is determined to be necessary for the operation in accordance with current labor contracts. The City shall determine what languages are appropriate for such pay and the number of employees to be certified. To be eligible for bilingual pay the employee must be determined to be verbally proficient, and if necessary for the assignment, proficient in the written language. The City HR will arrange the certification and testing process and authorize the bilingual pay.
3. the proper use of:
 - a. bilingual employees, including adopting and implementing standards and assessments for qualifying Department employees as bilingual, training, tracking, and dispatching qualified bilingual officers;



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- b. Department interpreters, including adopting and implementing standards and assessments to measure interpreter proficiency, and training, tracking, and dispatching qualified Department interpreters; and
- c. non-employee interpreters, including adopting and implementing standards for ensuring qualifications of contract and other non-employee interpreters (in-person and telephonic), and training, tracking, and utilization of such interpreters.

B. BILINGUAL RECRUITMENT

- 1. The Community Recruiter program consists of community leaders from neighborhoods, associations, clubs, churches, and businesses who assist the Police Department in seeking out and recruiting police candidates who possess the traits and qualifications needed to become community-oriented police officers. This program offers a unique opportunity for community leaders to assist in developing and shaping the future of their police department.



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IV. TRAINING

A. TRAINING DIVISION RESPONSIBILITIES

In an effort to ensure that all SPD employees in public contact positions (or employees having contact with those in custody) are properly trained in these guidelines, the Training Division will provide periodic training to include:

1. employee awareness of LEP policies, procedures, forms and available resources to include:
 - a. how and when to access both telephonic and in-person interpreters; and
 - b. how to work with such interpreters

NOTE: Training will include all academy recruits, and Officers attending In-service training or Roll Calls at least every two years.

2. providing language identification cards, as well as the Language Line Services Quick Reference Guide (QRG), and training on how to use these cards to identify the primary language of LEP individuals.
3. providing instructions on what to do if the LEP person's language cannot be identified using the cards (such as seeking the assistance of telephonic or other services).
4. information on categories of people who should not be used for interpretation purposes (e.g. family members, children, neighbors, friends, alleged perpetrators, witnesses, acquaintances, and bystanders), especially in situations involving communication with witnesses, victims, or potential suspects.

B. COMMUNITY OUTREACH

Community outreach programs, and other such services offered by the Sacramento Police Department, have become increasingly recognized as important to the ultimate success of more traditional law enforcement duties. As such, SPD will continue to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services to LEP individuals and groups to include:

1. use of the multi-lingual, user-friendly SPD website.



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2. access to appropriate written pamphlets/brochures available for LEP individuals, based on a needs assessment, at the main public entry or lobby of each SPD Facility or available on the SPD website.
3. access to a Limited English Proficiency Annual Report by February 1st of the following calendar year.
4. signs that will be posted, based on a needs assessment, at Department entrances, lobbies, websites, or other locations where LEP individuals are likely to see them that detail important information in languages most frequently encountered. These signs shall indicate that language services are available free of charge to LEP persons in the appropriate languages.
5. use of media public service announcements (PSA) through various non-English speaking media outlets.



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V. LANGUAGE ASSISTANCE DOCUMENTS

The Professional Standards Unit (PSU) shall serve as the central repository for all written documents and guidelines for assistance to LEP individuals and the Department's Limited English Proficiency Plan. PSU shall maintain all translated documents and make them available to SPD employees and members of the public upon request.

A. MONITORING OF LANGUAGE ACCESS EFFORTS

The Sergeant assigned to the Office of the Chief, Professional Standards Unit (PSU), will be responsible for, and will direct as necessary, divisions within the Department to address translation and interpreter services, develop training, respond to language access concerns/suggestions by employees and the public, review Department progress and coordinate budgetary, procurement and contracting matters related to language access.

1. The PSU Sergeant shall assess demographic data, and review contracted language access services data in order to determine if there are additional languages into which vital documents should be translated.
2. The PSU Sergeant will monitor the implementation of the Limited English Proficiency Plan and modify it, as needed, as circumstances change and in order to improve upon the plan.
3. Any SPD employee who encounters a discrepancy between this policy and current and/or future changes to Department mandates, shall inform the LEP Coordinator at his/her earliest opportunity.