

PURPOSE

The City of Franklin Police Department (FPD) recognizes the importance of effective and accurate communication between its personnel and the community that they serve.

Language barriers can impede effective and accurate communication in a variety of ways. Language barriers can sometimes inhibit or even prohibit individuals with limited English proficiency (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 suspects, and community members can present the FPD with safety, evidentiary, and ethical challenges. Ensuring maximum communication ability between law enforcement and all segments of the community serves the interests of both.

The purpose of this Directive is to establish effective guidelines, consistent with Title VI of the Civil Rights Act of 1964 and the Omnibus Crime Control and Safe Streets Act of 1968 for departmental personnel to follow when providing services to, or interacting with, individuals who are LEP.

POLICY

The FPD's policy is to take reasonable steps to provide timely, meaningful access to LEP persons to the services and benefits the FPD provides in all FPD-conducted programs or activities. All FPD personnel shall provide free language assistance services to LEP individuals whom they encounter or whenever an LEP individual requests language assistance services. The FPD personnel will inform members of the public that language assistance services are available free of charge to LEP persons and that FPD personnel will provide these services to them.

DEFINITIONS

Primary Language- means an individual's native tongue or the language in which an individual most effectively communicates. The FPD personnel should avoid assumptions about an individual's primary language. For example, not all individuals from Central America speak Spanish fluently. Instead, some Central Americans may claim an indigenous language as their native tongue. The FPD personnel should make every effort to ascertain an individual's primary language to ensure effective communication.

Limited English Proficiency- 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 function in one setting, but these skills may be insufficient in other situations.

Interpretation- is the act of listening to a communication in one language (source language) and orally converting it to another language (target language) while retaining the same meaning.

Translation- is the replacement of written text from one language (source language) into an equivalent written text in another language (target language).

Bilingual- refers to the ability to use two languages proficiently.

FPD Authorized Interpreter (FPDAI)-is a bilingual FPD employee who has been authorized to interpret for others in certain situations.

FPDAI List- is an accounting of FPD personnel who are bilingual and are authorized to act as volunteer interpreters. The Police Administration Division will create and maintain the list and provide it to the Franklin Police Department Communication Center.

PROCEDURES FOR ACCESSING INTERPRETATION SERVICES

Civilian Emergency Calls to 9-1-1

- 9-1-1 Communications with LEP Callers: When a 9-1-1 call-taker receives a call and determines that the caller is LEP, the call-taker shall inform the LEP caller that he or she will be placed “on hold.” If the language is known, the call taker shall immediately survey the communication center for an available and appropriate FPDAI to respond. If a FPDAI is available, the original call-taker will immediately transfer the LEP caller to the FPDAI. The FPDAI shall follow the standard operating procedures for all 9-1-1 calls.
- If no available and appropriate FPDAIs are present, the call-taker will contact the contracted telephonic interpretation service.
- Once a three-way call is established between the call-taker, the LEP caller, and the interpreter, the call-taker shall follow the standard operating procedures used for all 9-1-1 calls.
- The call-taker will note in information sent to dispatch that the 9-1-1 caller is an LEP individual and indicate the language, so that this information is provided to responding FPD personnel. Dispatchers will make every effort to dispatch a bilingual officer to the assignment, if available.

FPD Personnel Requesting Interpretation Services:

- Responding FPD Personnel Responsibilities: FPD personnel in the field in need of interpretation services will attempt to identify the LEP individual’s primary language through the use of the language identification card.

Exigent Circumstances:

- The FPD 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 available, such as bilingual FPD personnel. Examples may include the need to obtain descriptive information on a fleeing suspect, or identifying information of an injured person. However, once an exigency has passed, all personnel are expected to revert to the general procedures in this Directive.

Family, Friends and Bystanders:

- In other than exigent circumstances, FPD personnel 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 individual. Using family, friends, or bystanders to interpret could result in a breach of confidentiality, a conflict of interest, or an inadequate interpretation. Barring exigent circumstances, FPD personnel should not use minor children to provide interpreter services.

Communication Center Responsibilities:

- The dispatch personnel will consult the FPDAI List to determine if a FPDAI is available to respond to the assignment. If no FPDAI is available, the dispatch personnel will contact the telephonic interpretation service provider.

Contracted In-Person Interpretation Services:

- Contracted in-person interpretation services shall be available to all FPD personnel when interacting with LEP individuals. The communication center will be the central conduit for connecting personnel in the field to an appropriate interpreter. While this service is available to all FPD personnel, it is best suited for investigative units operating under non-emergency situations, such as witness interviews and criminal interrogations.

Accessing Contracted In-Person Interpreters:

- FPD personnel who believe they need this service will consult with the highest-ranking supervisor on location. If the supervisor concurs, the supervisor will contact the dispatch. The calling supervisor will provide the dispatch supervisor with the investigative officer's name, phone number, and exact location where the interpreter is needed.
- Dispatch will contact the contracted in-person interpreter service, relay all information, and provide the assigned access codes. The dispatcher will obtain an estimated time of arrival (ETA) for the interpreter before ending the call and notify the officer/investigator. The in-person interpreter should be on location no more than two hours from the time of notification.

Upon Arrival of Contracted In-Person Interpreter:

- Upon the arrival of the interpreter, the officer/investigator will examine the interpreter's employee identification. The officer/investigator shall record the interpreter's name and company affiliation on the investigative report along with the interpreter's arrival and departure times. Once the interpreter is prepared, FPD personnel will ask all questions through the interpreter.
- It is FPD personnel's responsibility to develop and ask any questions. Under no circumstances will an interpreter independently question a LEP individual. The interpreter's role is to serve as a neutral third party, taking care not to insert his or her perspective into the communication between the parties.

Conflict of Interest/Bias of Interpreter:

- If the officer/investigator believes that there is any conflict of interest with the assigned interpreter, bias, or any other reason why the interpreter should be recused, the officer/investigator shall consult with the highest ranking supervisor on location and the supervisor will decide if another interpreter is warranted.
- If this should occur, the supervisor will forward a memorandum regarding the conflict of interest to the deputy chief and chief of police.

INTERROGATION, INTERVIEWS, AND COMPLAINTS

Criminal Interrogations and Crime Witness Interviews:

- These scenarios potentially involve statements with evidentiary value upon which a witness may be impeached in court. As such, accuracy is a priority. Moreover, a failure to protect the rights of LEP individuals during arrests and interrogations presents risks to the integrity of the investigation. The FPD personnel must recognize that miscommunication during the interrogations or crime witness interviews may have a substantial impact on the evidence presented in any related criminal prosecution. A qualified interpreter shall be used for any interrogation or taking of a formal statement where the suspect or witness' legal rights could be adversely impacted. **Because of the dual role a FPDAl may have when conducting interrogations and acting as an interpreter, FPDAls are not to be used as interpreters during interrogations.** Hence, the contracted in-person interpretation service shall be utilized, as outlined in above.

- *Miranda* warnings, and all other vital written materials, will be available to the suspect or witness in his or her primary 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 his or her primary language using the contracted interpretation services.
- Complaint Procedures for LEP Persons: Any LEP individual who wishes to file a complaint with the FPD regarding language access, or the discharge of FPD's duties, shall be provided with an LEP complaint form and submitted to the City of Franklin Risk Management Division. Risk Management shall utilize the contracted in-person interpretation services when conducting any interviews of LEP complainants or witnesses. The Risk Manager/Title VI Coordinator in conjunction with the Administration Deputy Chief or their designee will provide written notice of the disposition of any LEP complaint in the complainant's primary language.
- In the event formal disciplinary charges result from a LEP complaint, the chief of police or their designee will ensure that a contracted in-person interpreter is available for any scheduled hearings.

PROCEDURES FOR ACCESSING DOCUMENT TRANSLATION SERVICES

- The Administration Deputy Chief or their designee will be responsible for having any documents that are needed to be translated and distributed to LEP communities. The Administration Deputy Chief or designee will serve as the central repository of all translated documents and make them available to FPD personnel and members of the public on request.

Requests by Other Units for Document Translation:

- Although the Administration Deputy Chief or their designee shall be the central conduit for document translation, all FPD personnel shall have access to this service through the following procedures:
- Should a supervisor identify a need for a specific document to be translated, a memorandum will be forwarded to the Administration Deputy Chief. The Deputy Chief or their designee will review the request, confirm that no similar document has already been translated, and then process the request for the requesting supervisor.

Translation of Investigative Documents:

- Should an investigator need a note, letter, or other document translated for an investigation, a memorandum will be forwarded to the Administration Deputy Chief and approved by the investigator's highest ranking supervisor available, with a **copy** of the original note, letter or other document to be translated. The request should indicate if the translation is needed immediately; otherwise, the request should specify the date required.

NOTIFYING THE PUBLIC ABOUT FPD'S LANGUAGE SERVICES

Signage:

- At each FPD building entry point or lobby, signage shall be posted in the most commonly spoken languages stating that interpreters are available free of charge to LEP individuals. The FPD shall also maintain translated written forms and documents for LEP individuals. A list of these documents and forms along with the available languages is attached as APPENDIX I. Notification of the availability of translated forms and documents will be posted in the public lobby of FPD.
- Locations inside Police Headquarters with direct public access shall ensure that the signage is posted and visible to the general public.

TRAINING: LANGUAGE ASSISTANCE POLICY AND INTERPRETER SKILLS

LEP Policies:

- The FPD will provide periodic training to personnel about FPD's LEP policies, including how to access FPD-authorized, telephonic and in-person interpreters. The FPD shall conduct such training for new recruits, at in-service training, and at roll call for officers at least every two years. Training shall initially be conducted within 180 days of the effective date of this Directive.

Competency of Interpreters:

- The FPD personnel identified as bilingual who are willing to act as FPD's will have their language skills assessed by a professional certified interpreter.

Training:

- All personnel conditionally placed on the FPD's List must successfully complete the prescribed interpreter training within one year.
- After successful completion of interpreter training, the individual will be unconditionally placed on the FPD's List. To complete interpreter training successfully, an interpreter must demonstrate proficiency in and ability to communicate information accurately in both English and in the target language; have knowledge in both languages of any specialized terms or concepts peculiar to the FPD and of any particularized vocabulary and phraseology used by the LEP person; and understand and adhere to the interpreter role without deviating into other roles such as counselor or legal advisor.
- Those persons who have been unconditionally placed on the FPD's List must receive refresher training annually or they will be removed from the FPD's List. The Training Division/Administration shall be responsible for coordinating the annual refresher training and will maintain a record of training that the interpreters have received.

MONITORING AND UPDATING LANGUAGE ASSISTANCE EFFORTS

LEP Coordinator:

- The Administration Deputy Chief or their designee is responsible for coordinating and implementing all aspects of the FPD's services to LEP individuals.

Community Review:

- The Administration Deputy Chief or their designee shall assess demographic data, review contracted language access services 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.

Documents:

- The Administration Deputy Chief or their designee will be responsible for annually reviewing all new documents issued by the FPD to assess whether they should be considered vital documents and be translated.

Collection of LEP Contact Data:

The Administration Deputy Chief or their designee will be responsible for collecting FPD LEP contacts. This data may be collected through the review of CAD (FPDAI usage) and billing statements submitted by the contracted telephonic and in-person service providers.

Tracking and Analysis of LEP Data:

The Administration Deputy Chief or his designee shall be responsible for assessing demographic data, reviewing contracted language access services utilization data, and consulting with community based organizations to ensure that the FPD is providing meaningful access to LEP persons to the services and benefits the FPD provides in all FPD-conducted programs or activities.

Complaint or Incident Reports:

If during the course of handling an assignment where LEP assistance is required and the responding officer either utilized his or her bilingual skills, the services of a FPDAI, an in-person interpreter, or the telephonic interpreter service, the letters "LEP" in large bold letters shall be inserted in the narrative of the report. These reports should be forwarded to Administration Deputy Chief or their designee for tracking purposes and review of assistance.

The communication supervisor shall submit a report with the letters "LEP" in the narrative section documenting the use of the telephonic translator to the Administration Deputy Chief also for review and tracking purposes.