

# **Philadelphia Police Department**

## **Language Access Plan and Protocol**



**2016**

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## **Language Access Plan and Protocol**

### **1. PURPOSE AND AUTHORITY**

- A. The purpose of this plan is to outline the effective guidelines published in Police Directive 7.7, consistent with Title VI of the Civil rights Act of 1964 and the Omnibus Crime Control and Safe Streets Act, and the Mayor's Executive Order of May 16, 2016 for all Police Department personnel to follow when providing services to, or interacting with, individuals who have limited English Proficiency (LEP).
- B. This plan will highlight the effective plan and protocol for Philadelphia Police Department personnel to follow when providing public safety services to, or interacting with, individuals who have limited English proficiency (LEP). Following this plan and protocol is essential to the success of our mission to serve all the citizens of Philadelphia.

## **2. GENERAL POLICY**

- A. The Philadelphia 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 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 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.
- B. It is the City's policy to grant access to services or programs to every person even when the person has limited ability to speak, understand, read, or write English. The Philadelphia Police Department intends to take reasonable steps to provide LEP persons with meaningful access to services and programs. The Philadelphia Police Department seeks to reduce barriers by increasing its capacity to deliver services and benefits to people in their primary language.
- C. Responsibilities: 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 to 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.
- D. All police personnel will inform members of the public that language assistance services are available free of charge to LEP persons and that the Department will provide these services to them.
  - 1. Responding Police Personnel Responsibilities:
    - a. Police 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 and immediately contact the Operations Desk of Police Radio at \_\_\_\_\_ or \_\_\_\_\_

2. Exigent Circumstances:

a. 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 available, such as bilingual police 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.

3. Family, Friends and Bystanders:

a. In other than exigent circumstances, police 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 person. 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, police personnel should not use minor children to provide interpreter services.

4. Police Radio Responsibilities:

a. The Operations Desk personnel will consult the Philadelphia Police Department Authorized Interpreter (PPDAI) List to determine if a PPDAI is available to respond to the assignment. If no PPDAI is available to respond, the Operations Desk personnel will immediately determine if a PPDAI is available in the radio room to assist. If no PPDAI is available, the Operations Desk personnel will contact the telephonic interpretation service provider.

3. LANGUAGE ACCESS COORDINATOR

Philadelphia Police Language Access Coordinator  
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Commanding Officer Training and Education Division  
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Organizational Services

#### **4. DIRECT CONTACT WITH LEP INDIVIDUALS**

All members of the Philadelphia Police Department recognize that 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 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 our community.

#### **DEFINITIONS**

- A. **Primary Language:** Means an individual's native tongue or the language in which an individual most effectively communicates. Police personnel should avoid assumptions about an individual's primary language. **EXAMPLE:** Not all individuals from Central America speak Spanish fluently. Instead, some Central Americans may claim an indigenous language as their native tongue. Police personnel should make every effort to ascertain an individual's primary language to ensure effective communication.
- B. **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 function in one setting, but may find these skills are insufficient in other situations.
- C. **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.
- D. **Translation:** Is the replacement of written text from one language (source language) into an equivalent written text (target language).
- E. **Bilingual:** Is the ability to use two (2) languages fluently.
- F. **Police Department Authorized Interpreter (PPDAI):** Bilingual police personnel who have been authorized to interpret for others in certain situations.

- G. PPDAI List: An accounting of police personnel who are bilingual and are authorized to act as volunteer interpreters. The list will be created and maintained by the Training Bureau and provided to the Communications Bureau.

## 5. LANGUAGE ACCESS SERVICES AND PROTOCOLS

The Philadelphia Police Department established a policy for Limited English Language Proficiency in 2005. This Policy is Police Directive 7.7, which was recently updated in 2014.

- A. Civilian Emergency Calls to 9-1-1 When a 9-1-1 call is received by Police Radio Room personnel and it is determined that the caller is LEP, the call taker shall inform the LEP caller that he or she will be immediately transferred to an interpreter. If the language is known, the call taker shall immediately survey the Radio Room for an available and appropriate PPDAI. If no available and appropriate PPDAI's are present, the call taker will contact the contracted telephonic interpretation service directly via speed-dial. 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.
- B. Radio Room personnel will note in the information sent to dispatch that the 9-1-1 caller is an LEP individual and indicates the language, so that this information is provided to responding police personnel. The Dispatcher will make every effort to dispatch a bilingual officer to the assignment, if available.
- C. Contracted In-Person Interpretation Services shall be available to all police personnel when interacting with LEP individuals. Police Radio will be the central conduit for connecting personnel in the field to the appropriate interpreter. While this service is available to all police personnel; it is best suited for investigative units operating under non-emergency situations, such as witness interviews and criminal interrogations. Police 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 Radio Room Operations Desk Supervisor at \_\_\_\_\_, or \_\_\_\_\_. The calling supervisor will provide the Radio Room Supervisor with the investigative officer's name, badge number, phone number, and exact location where the interpreter is expected (*i.e. numerical address with room or floor numbers - not just "homicide" or "east division"*). The use of this service will be noted on the district/unit's Daily Complaint Summary (\_\_\_\_\_).
- D. The Radio Room Supervisor will contact the contracted in-person interpreter service, relay all information, and will provide the assigned access codes. The supervisor will obtain an estimated time of arrival (ETA) for the interpreter before ending the call and will notify the officer/investigator with this information. The contracted in-person interpreter should be on location no more than two (2) hours

from the time of the service's notification. The use of this service will be noted on Radio's Daily Complaint Summary (75-67). Upon the arrival of the contracted 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, police personnel will ask all questions through the interpreter.

**NOTE:** It is police 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.

- E. 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 excused, the highest ranking supervisor on location shall be consulted. If that supervisor agrees that the concern is warranted, the interpretation service will be notified for another interpreter. Any time that there may be a conflict of interest or bias on the part of the interpreter the supervisor consulted with, will forward a memorandum to the departmental LEP Coordinator identified in Section 9 and will make note on the district/unit's Daily Complaint Summary (75-67).
- F. Criminal interrogations:
1. A failure to protect the rights of LEP individuals during interrogations risks the integrity of any investigation. Police personnel must recognize that miscommunication during interrogations may have a substantial impact on the evidence presented in any related criminal prosecution. A qualified interpreter \*5 shall be used for all interrogations according to the procedures set forth in Directive 5.23, "Interviews and Interrogations".
  2. Because of the dual role a PPDAI may have when conducting interrogations and acting as an interpreter, PPDAIs are not to be used as interpreters during interrogations. Hence, the contracted in-person interpretation service shall be utilized, as outlined in Section 4-C. \*5 NOTE: If an interrogator is available to communicate with the suspect(s) in their primary language (i.e. English, Spanish, etc.) an in person interpreter is not required.
  3. 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.



4. According to Pennsylvania law, "upon the arrest of any person who is deaf and prior to interrogation, the arresting officer shall make available to the person who is deaf an interpreter who shall be present with the person who is deaf throughout the interrogation." A sign language interpreter can be requested by notifying Police Radio at

**G. Crime witness interviews:**

1. These scenarios potentially involve statements with evidentiary value upon which a witness may be impeached in court. As such, accuracy is a priority. Accordingly, a PPDAI will be used as an interpreter when taking any formal statement or interview. If a PPDAI is not already on location with the investigator, the investigator will contact Police Radio at \_\_\_\_\_ or \_\_\_\_\_ to determine if a PPDAI is available to respond to the investigator's location. In the event there are no PPDAIs available to respond, the contracted in-person interpretation service shall be utilized, as outlined in Section 4-C.  
\*5 NOTE: Any person who is deaf and prior to interviewing, the investigator shall make available to the person who is deaf an interpreter who shall be present with the person who is deaf throughout the interview. A sign language interpreter can be requested by notifying Police Radio at

**H. Procedures for accessing document translation services:**

**1. Identification and Translation of Vital Documents:**

- a. The Commanding Officer of the Research and Planning Unit (R&P), with assistance from the Mayor's office of Immigrant and Multicultural Affairs (MOIMA) and guidance from the Department of Justice, shall be responsible for classifying all documents as vital or non-vital, and determining into what languages the vital documents should be translated.
- b. R&P will assess demographic data, review contracted language access services utilization data, and consult with community-based organizations in order to inform these decisions. The Commanding Officer of R&P will be responsible to have the documents translated and distributed.
- c. Requests by Other Units for Document Translation: Although R&P shall be the central conduit for document translation; all police personnel shall have access to this service if needed. The following procedures shall be used:

- 1) Should a Commanding Officer identify a need for a specific document to be translated, a memorandum will be forwarded to the Commanding Officer of R&P. R&P will review the request against the requirements listed in Section 6-A, confirm that no similar document has already been Translated, and then process the request through the appropriate vendor.

#### I. Translation of Investigative Documents

1. Should an investigator need a note, letter or other document translated for an investigation, a memorandum will be forwarded to the Commanding Officer R&P, approved by the investigator's highest ranking supervisor available, with a *copy* of the original note, letter or other document to be translated. Indicate if the translation is needed immediately, otherwise specify the date required.

#### J. Bilingual Staff

1. Police personnel identified as bilingual who are willing to act as PPDAs will have their language skills assessed by a professional interpreter using a structured assessment tool. Through its contract for in-person interpretation services, the Mayor's office of Immigrant and Multicultural Affairs will establish qualifications for the professional interpreters. The MOIMA will be responsible for approving the structured assessment tool.
2. After assessment, those found proficient in interpreting into and from target language will be placed conditionally on the PPDAs List. The language assessment for police personnel hired as bilingual shall be waived if the employee chooses to act as a PPDAs. These employees will be placed conditionally on the PPDAs List.
3. All police personnel conditionally placed on the PPDAs List must successfully complete the prescribed interpreter training within one (1) year. After successful completion of interpreter training, the individual will be unconditionally placed on the PPDAs List.
4. In order to successfully complete interpreter training, an interpreter must:
  - a. Demonstrate proficiency in and ability to communicate information accurately in both English and in the target language;

- b. have knowledge in both languages of any specialized terms or concepts peculiar to the Department and of any particularized vocabulary and phraseology used by the LEP person and;
- c. understands and adheres to their role as interpreters without deviating into a role as counselor, legal advisor, or other roles.

**\*Those persons who have been unconditionally placed on the PPD AI List must receive refresher training annually or they will be removed from the PPD AI List. The Training Bureau shall be responsible for coordinating the annual refresher training and will maintain a record of training that the interpreters have received.**

#### 5. Future Plans

- a. The Philadelphia Police Department will continue to update bilingual staff capable of being certified for LEP services. Training and certification will be conducted each year to ensure the maximum number of personnel are trained and available to service the community when needed.

#### K. Training Protocol

1. The Philadelphia Police Department's Language Access Plan and Protocol is part of Police Directive 7.7, which is posted on the intranet, and a hard copy is provided to all Police Department personnel upon hiring.
2. The Philadelphia Police Department will distribute the LEP plan to all staff and will have an electronic copy available so all staff will be knowledgeable of LEP policies and procedures.
3. All staff providing technical assistance, training or receiving calls from the public (9-1-1) will receive annual LEP training, or training upon employment, and then annually.
4. LEP training will include information on the following topics:
  - Legal obligation to provide language assistance;
  - LEP plan and protocols (Directive 7.7);
  - Identifying and responding appropriately to LEP individuals;
  - Documenting LEP individuals' language preference;
  - Obtaining interpreters (in-person and over-the-phone);
  - Using and working with interpreters (in-person and over-the-phone);
  - Translating procedures;
  - Documenting language requests; and
  - Using or not using bilingual staff as in-house interpreters.

5. The Department will provide periodic training to personnel about the Department's LEP policies, including how to access departmental authorized, telephonic and in-person interpreters. The Department shall conduct such training for new recruits, at in-service training, and at Roll Call for officers at least every two (2) years. Training shall initially be conducted within 180 days of the effective date of this Directive.
6. Police personnel identified as bilingual who are willing to act as PPDAIs will have their language skills assessed by a professional interpreter using a structured assessment tool. Through its contract for in-person interpretation services, the Mayor's office of Immigrant and Multicultural Affairs will establish qualifications for the professional interpreters. The MOIMA will be responsible for approving the structured assessment tool.
7. After assessment, those found proficient in interpreting into and from target language will be placed conditionally on the PPDAI List. The language assessment for police personnel hired as bilingual shall be waived if the employee chooses to act as a PPDAI. These employees will be placed conditionally on the PPDAI List.
8. All police personnel conditionally placed on the PPDAI List must successfully complete the prescribed interpreter training within one (1) year. After successful completion of interpreter training, the individual will be unconditionally placed on the PPDAI List.
9. In order to successfully complete interpreter training, an interpreter must:
  - a. Demonstrate proficiency in and ability to communicate information accurately in both English and in the target language;
  - b. Have knowledge in both languages of any specialized terms of concepts peculiar to the Department and of any particularized vocabulary and phraseology used by the LEP person and;
  - c. Understand and adhere to their role as interpreters without deviating into a role as counselor, legal advisor, or other roles.
10. New staff will be trained on Directive 7.7 and all policy and protocol related to the Police Department's LEP Policy while in the Philadelphia Police Academy upon hiring.

## L. Future Plans

1. Currently the Philadelphia Police Department's public website includes the entire written directive for the Philadelphia Police Department under <http://www.phillypolice.com/accountability/> . Moving forward a copy of the Mayor Executive Order and Department's LEP Access Plan will be available on the PPD web page.

## M. Administrative Hearings Protocol

1. Any administrative hearing being held by the Police Department that presents the need for an LEP to assist a member of the public to participate will contact Police Radio at \_\_\_\_\_, \_\_\_\_\_ or \_\_\_\_\_ to determine if a PPD AI is available to respond to the hearing's location. In the event there are no PPD AIs available to respond, the contracted in-person interpretation service shall be utilized, as outlined in Directive 7.7 Section C-4.

## 6. NOTICE OF RIGHT TO LANGUAGE ACCESS

- A. At each police building with direct public access, signs shall be posted in the most commonly spoken languages at each public access point or lobby stating that interpreters are available free of charge to LEP individuals.
- B. The Department shall also maintain translated written public forms and documents for LEP individuals. A list of these documents and forms along with the available languages is listed in Appendix A of this directive.
- C. Notification of the availability of translated forms and documents will be posted in the public lobby of Police Headquarters, districts, units and detention facilities to inform LEP persons about which forms are readily available. In the case of illiteracy or languages into which materials have not been translated, such forms and documents will be read to LEP individuals in their primary language.
- D. The Police Department Commanding Officers of all districts and units with direct public access shall ensure that the sign is posted and visible to the general public.

## 7. DATA COLLECTION AND ANNUAL REPORT

- A. The Department will take reasonable steps to develop in-house language capacity in the Radio Room by hiring personnel with specific language skills. Using the various assessment processes described in this directive the Department will determine its Radio Room staffing needs, and will work with the Personnel Department to recruit and hire qualified bilingual staff.

**B. Complaint or Incident Reports (75-48) involving LEP contacts:**

1. If during the course of handling an assignment where a 75-48 is required and police personnel either utilized his/her bilingual skills, the services of a PPD AI, an in-person interpreter or the telephonic interpreter service, the letters "LEP" along with the language in large bold letters shall be inserted in the lower section of the 75-48.
2. A forced-entry field on the INCT transmittal screen has been created to tabulate language services provided by the Department to the public. The ORS or designee will ensure that the below designations are used in the INCT. These codes will be used on all police services when a Complaint or Incident Report (75-48) is required or submitted.
  - No Service Provided 0 (zero)
  - Arabic 1
  - Cambodian 2
  - Chinese 3
  - Korean 4
  - Russian 5
  - Spanish 6
  - Vietnamese 7
  - All Other Languages 9
  -

**C. Community Review:**

1. The Commanding Officer of the Department's Research and Planning Unit 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.

**D. New Documents:**

1. The Commanding Officer of Research and Planning will be responsible for annually reviewing all new documents issued by the Department to assess whether they should be considered vital documents and be translated.

**E. ANNUAL REPORT**

1. The Philadelphia Police Department will conduct an annual evaluation of its Language Access Plan to determine its overall effectiveness, review the progress of department goals and identify new goals or strategies for serving LEP residents. The designated staff will lead the evaluation with the assistance of the Commanding Officer Communication Division. The evaluation will include the following:

- a. Assessment of the use of telephonic interpretation, in-person interpretation and translation services.
  - b. Assessment of data collected about the LEP's primary language.
  - c. Assessment of the number and types of language requests during the past year.
  - d. Assessment of whether staff members understand the Language Access Plan and procedures, how to carry them out, and whether language assistance resources and arrangements for those resources are up-to-date and accessible.
  - e. Assessment of complaint information; and
  - f. Assessment of soliciting feedback from LEP individuals and community groups.
2. The Philadelphia Police Department will record each person's language of choice in electronic format to ensure that the information can be used by staff and tracked by the language access coordinator.
    - a. If the individual is Limited English Proficient, the person's language of choice will be noted for future visits.
    - b. PPD's Language Access Coordinator will track through the Communications Division the number of individuals that are assisted or unable to be assisted by the person's language of choice. This information will be considered as part of the annual Language Access Plan report.
  3. Evaluation results and recommended changes will be shared by OIA's Language Access Coordinator and incorporated into **annual report which is required to be filed under Philadelphia Home Rule Charter § 8-600**. The Language Access Coordinator will also keep records of any language access services provided and will make this information available during the annual review process. In connection with updates to the Language Access Plan, the Office of Immigrant Affairs may use some of the following tools to conduct further assessment:
    - a. Request comments and feedback from visitors that have received language services
    - b. Establish a tracking system to collect primary-language data for individuals that participate in programs and activities

**The Police Commissioner or his/her 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 Department is providing meaningful access to LEP persons to the services and benefits the Department provides in all Department-conducted programs or activities. This assessment and consultation shall be done in coordination with R&P.**

## **8. LANGUAGE ACCESS COMPLAINT PROCEDURES**

### **A. Complaint Procedures for LEP Persons.**

1. 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 complaint forms.
2. The assigned Internal Affairs investigator will use a PPDAI when conducting any interviews of LEP complainants or witnesses. If a PPDAI is not already on location with the investigator, the investigator will contact Police Radio at \_\_\_\_\_ to determine if a PPDAI is available to respond to the Internal Affairs investigator's location. In the event there are no PPDAIs available to respond, the contracted in-person interpretation service shall be utilized, as outlined in Section 4-C.
3. Internal Affairs will provide written notice of the disposition of any LEP complaint in the complainant's primary language.
4. In the event formal disciplinary charges result from an LEP complaint, the Department Advocate will insure that a contracted in-person interpreter is available for any scheduled hearing.

## **9. TIMELINE FOR IMPLEMENTATION**

### **Implementation Plan and Logistics**


- The Philadelphia Police Department has had a LEP program in place for more than 10 years.
- The Department will continue to update the agency language access tools and resources.
- The Department will explore new training opportunities.

### **2016**

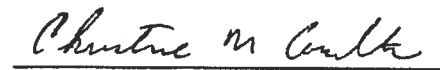
- All publications and language access staff groups will be updated in the agencies database to ensure changes are properly recorded.
- Command Staff will continue to communicate with LEP trained staff to obtain feedback and needs to overcome any challenges face while delivering this service.



**10. SIGNATURE PAGE**

  
\_\_\_\_\_  
Language Access Coordinator  
Philadelphia Police Department

8-26-16  
Date

  
\_\_\_\_\_  
Deputy Police Commissioner

8/27/16  
Date