

SAN JOSE POLICE DEPARTMENT



LANGUAGE ACCESS PLAN

August 2014

I. PURPOSE

The San Jose Police Department (SJPD or Department) recognizes the importance of effective and accurate communication between its personnel and the community they serve. The purpose of this plan is to establish effective guidelines, consistent with Executive Order 13166, 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 limited English proficient (LEP).

II. POLICY

The Department will take reasonable steps to provide LEP persons with timely and meaningful access to available programs, services and benefits as described in this plan. Department members will ensure reasonable efforts are made to provide language assistance services to LEP persons.

III. DEFINITIONS

- A. Bilingual: the ability to speak two languages fluently and communicate directly and accurately in both languages.
- B. 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).
- C. Interpretation: the act of listening to verbal communication in one language (source language) and orally converting it to another language (target language) while retaining the same meaning. Interpreting is a sophisticated skill needing practice and training, and should not be confused with simple bilingualism.
- D. Language Access Coordinator: The San Jose Police Department R&D Unit will designate a sergeant within the unit to be responsible for coordinating and implementing language services to LEP individuals.
- E. Limited English Proficiency (LEP): 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.
- F. Primary Language: the language in which an individual most effectively communicates. SJPD should make every effort to ascertain an individual's primary language to ensure effective communication.

- G. Translation: the replacement of written text from one language (source language) into an equivalent written text in another language (target language). Translation requires special knowledge and skills.
- H. Vital Documents: documents that contain essential information about available programs, services, and benefits, access to which is essential in order to receive them, benefit from them, or participate meaningfully in them. Vital documents shall be translated into the commonly spoken languages identified by the SJPD.

IV. GENERAL PRINCIPLES IN PROVIDING LANGUAGE ASSISTANCE

Department members will provide language assistance services to LEP individuals whom they encounter or whenever an LEP individual requests language assistance services. Members shall not solely rely on their own assessment of an individual's English proficiency in determining the need for an interpreter or a translator, especially when an individual may be subjected to stressors or specialized terms that would make it difficult for that individual to communicate in English. If a person requests an interpreter or a translator, then a Department member shall take reasonable steps to provide one.

Department members shall refrain from asking opinions of the interpreter or translator, and shall not ask an interpreter or a translator to undertake any role that may conflict with his or her function as a professional responsible for providing language assistance services. In addition, an interpreter does not make language proficiency assessments to determine how much English a person may understand or speak.

V. PROCEDURES FOR PROVIDING ORAL INTERPRETATION SERVICES

A. Civilian Calls to 3-1-1 or 9-1-1

The Department will maintain a contract with an interpretation service to assist with all incoming calls ("911" and "non-emergency") for SJPD Communications. The Department's interpretation services may vary depending on the contracted service at that particular time.

All incidents will be processed in accordance with the protocol utilized in the SJPD Communications Policy Manual. When a call is received from a LEP caller, the call taker will keep the caller on the line and conference with the identified and contracted interpreter service if necessary. The interpretation service is used when a call taker receives a call from a reporting party who speaks a language other than English, unless that call taker is certified bilingual by the Human Resources Department in that particular language. When receiving a call from an LEP caller, call takers shall determine the nature of the call via the appropriate interpretation service without delay as follows:

- 9-1-1 or 7 digit emergency lines – use the emergency interpretation service. When the telephone line to the emergency interpreter is busy or unavailable, ascertain if there is a certified bilingual call taker available to interpret. If there is no one available, use the non-emergency interpretation service.
- 3-1-1 or 7 digit non-emergency lines – ascertain if there is a certified bilingual call taker available to interpret. If there is no one available, use the non-emergency interpretation service. If there is an indication of an emergency or there is uncertainty about the nature of the call, the emergency interpretation service should be used.

If a call necessitates dispatch, the call taker will utilize the interpretation service to complete the event regardless of the role assigned to the call taker. The text of the event shall indicate the language spoken and that the information has been obtained through an interpreter. If the caller is requesting contact, the text shall include whether or not there is someone available on scene to interpret for the officer(s).

B. Department Members Requiring Interpretation Services During Field Encounters, Including Those Resulting in Arrests

Department members in need of interpretation services will attempt to identify the LEP individual's primary language through the following available means:

- 1) Identify the LEP person's self-identification of their language.

Or

- 2) Identify the unknown language by using the "I Speak" Limited English Proficiency Form developed by the SJPD (SJPD I-Speak Form – 2010, Appendix I).

When an officer requests an interpreter, the dispatcher should contact an on-duty certified interpreter (sworn or non-sworn). The designated bilingual interpreter in the field should exercise those skills and demonstrate their capabilities of interpreting for the officer. Interpreters in the field should be independent and unbiased with reference to the investigation.

1. Skills Inquiry of SJPD Personnel

Sworn department members who are certified interpreters have been assigned in the Computer Aided Dispatch (CAD) System. To identify which officers are working who can provide interpretation assistance for the language that is needed, the dispatcher should perform a language inquiry in CAD or through a radio inquiry.

2. Officer Availability and Assignment

Upon determining that a certified officer is working, the dispatcher will determine if the officer is available to respond to interpret. If the officer is on a

call or out of service, the officer does not have to respond to interpret. If the officer is available, the dispatcher should dispatch the unit to assist with interpreting. Once the officer agrees to respond to interpret, the dispatcher will place them on the event.

3. Interpreter Services

If an officer is not available, the officer may then call the contracted language interpretation service for the SJPD. The contracted interpreter service should only be called after it has been determined that a qualified on-duty officer is unavailable to assist. The officer will follow the following steps:

- a. Call the contracted language services
- b. Provide the proper account number that pertains to your bureau (BFO or BOI).
- c. Follow the steps prompted over the phone.
- d. Provide his/her name and badge number to the interpreter and obtain their interpreter ID for documentation purpose later.
- e. Determine if the conversation needs to be recorded.
- f. Add a comment to the event to reflect what the name of the language was requested.

Department members are expected to follow the general procedures outlined in this standard operating procedure; however, exigent circumstances may require some deviations. Examples may include the need to obtain descriptive information on a fleeing suspect, or identifying information of an injured person. In such situations, personnel are to use the most reliable, temporary interpreter available. However, once an exigency has passed, all personnel are expected to revert to the general procedures in this plan.

Other than exigent circumstances, Department members should avoid using family, friends or bystanders for interpretation. Using family, friends, or bystanders to interpret could result in a breach of confidentiality, a conflict of interest, or inadequate interpretation. Barring exigent circumstances, Department members should not use minor children to provide interpreter services.

C. Criminal Interrogations and Victim/Witness Interviews

These scenarios potentially involve statements with evidentiary value upon which a victim/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 and the SJPD. SJPD personnel must recognize that miscommunication during interrogations or victim/witness interviews may have a substantial adverse impact on the evidence presented in any related criminal prosecution. Every effort should be made to use a qualified interpreter identified by the City's bilingual list for any interrogation or the taking of a statement where the legal rights of a suspect or victim/witness could be adversely impacted. The Department will utilize the identified contracted interpreter

services vendor at that time to assist with any interpreter services that are unable to be fulfilled by an on-duty certified interpreter.

Miranda warnings will be available in English, Spanish and Vietnamese. Other vital documents will be available to the suspect or victim/witness in their primary language. If a document needs to be translated during the course of an investigation and certified personnel are unavailable, the Unit Commander or designee will determine the need for the document to be translated and will make the appropriate arrangements with the contracted interpretation/translator service.

If a document is not identified as a “vital document”, the document shall be read to the suspect or victim/witness in their primary language using an interpreter. This occurrence shall be documented in the SJPD General Offense Crime Report.

D. Other Telephonic or In-Person Interactions with LEP Persons

The Department distributes the “I Speak” Limited English Proficiency Form (SJPD I-Speak Form – 2010) to all personnel and posts this document on the SJPD’s intranet site. The “I Speak” form will give individuals the opportunity to inform Department members of their language abilities and preferences. The form contains 38 numbered check boxes next to sentences that direct the individual to check the box where they read and write a particular language. When the individual checks a box, the Department member can find the number on the form that indicates which language was chosen.

The “I Speak” Limited English Proficiency forms will be posted in the Main Lobby, Community Policing Centers, Pre-Processing in-take sally port, and available in Central Supply. Department members working in the Main Lobby should assist individuals via the lobby phones when access to the “interpreter-line” is necessary in order to communicate with the requesting individual.

VI. PROCEDURES FOR PROVIDING WRITTEN LANGUAGE ASSISTANCE

The Department translates its vital documents into Vietnamese and Spanish and translates other documents when there are external and internal requests. The Research and Development Unit will continue to monitor community demographics and obtain feedback from various investigative units to determine whether it should translate vital documents, including forms, into additional foreign languages. A list of translated forms can be located in Appendix II of this plan. Department members are encouraged to contact the R & D Unit and/or Webmaster to research any vital documents that would benefit the Department and LEP persons if translated. The R & D Unit is responsible for reviewing new and recently modified documents and forms issued by the SJPD to assess whether they should be considered vital documents that must be translated. An interpreter will provide sight translation of any documents that are not otherwise available in translated form.

VII. COMPLAINT PROCEDURES FOR LEP PERSONS

Any LEP individual who wishes to file a complaint with the SJPD, including complaints about its provision of oral or written language assistance, may utilize the SJPD internet site (www.sjpd.org) and select one of the languages provided to assist with the procedures on how to file a complaint or may come in person to the Internal Affairs Unit. In addition, the SJPD Internal Affairs section of the intranet has both Spanish and Vietnamese procedures on how to make a complaint without utilizing a translation feature.

If a citizen who speaks another language comes into Internal Affairs to file a complaint, and there is no investigator available to assist in interpretation, then an officer who speaks that language will be brought in from the field. If such efforts are not sufficient, then the intake officers will utilize the identified contracted interpreter services vendor at that time to receive the complaint.

Any LEP individual can also contact the Office of the Independent Police Auditor (IPA), a San Jose City office that is independent from the SJPD. The IPA is appointed by, and reports directly to, the Mayor and City Council. The IPA distributes informational publications at resource fairs, presentations, and community events (the IPA brochure is available in English, Spanish, and Vietnamese).

IPA publications include the following: brochure describing IPA functions and the complaint process; wallet-sized “info card” providing IPA contact information and a brief description of IPA services; A Student’s Guide to Police Practices (Student Guide) in print and CD form and IPA Year-End Reports that are presented annually to the City Council.

VIII. NOTIFYING THE PUBLIC ABOUT SJPD’S LANGUAGE SERVICES

Signage

The Department’s Main Lobby has posted signage in the most commonly spoken languages in San Jose stating that interpreters are available for LEP individuals. The Language Access Coordinator is responsible for ensuring that this signage is posted and visible to the general public.

Internet

The Language Access Plan is available on the SJPD internet (www.sjpd.org). The Language Access Coordinator is responsible for ensuring the plan is supported as needed. In addition, the San Jose Police Department’s internet site has been updated to include a translation feature for several languages on each webpage to assist our community members.

Community Meetings

Sworn command staff and crime prevention specialists routinely attend community meetings. At those meetings, personnel distribute relevant brochures that are translated into Vietnamese, Spanish, and any other foreign language.

IX. LANGUAGE CERTIFICATION PROCESS FOR SWORN PERSONNEL

SJPD has a formal language certification process for sworn personnel, which requires individuals with self-identified foreign-language abilities to take oral and written tests conducted by the Berlitz Language Center. The Department has more than 100 personnel (77 sworn / 32 non-sworn) who are certified in 29 languages to provide language assistance. An officer who becomes certified through this process is qualified to engage in direct communication with an LEP person and depending on the results of the certification process, may also provide assistance to other personnel as an interpreter or a translator. Officers receive a biweekly premium if they are certified to act as interpreters or translators in Spanish, Vietnamese, or any foreign language deemed operationally important by the Chief of Police. Any employee who is interested in becoming certified as an interpreter or a translator should contact the SJPD Personnel Unit.

X. TRAINING ON LANGUAGE ACCESS PLAN

The SJPD Training Academy ensures that police recruits receive training and information about the Language Access Plan and related language assistance resources during the cultural diversity and discrimination lesson plan of each police academy.

The training for new and existing personnel includes the following components: the legal obligations to provide meaningful access to programs, services, and benefits to LEP individuals, the SJPD's Language Access Plan, how to identify LEP individuals, how to access language assistance services and how to work with interpreters, documenting the language needs of LEP individuals and the language services provided to them by personnel, and how to obtain written translation services. The Department provides periodic in-service training to sworn and civilian personnel through roll-call, patrol and academy training.

XI. COMMUNITY OUTREACH

Community outreach programs and other services that the Department offers are important to the ultimate success of the Department's law enforcement duties. The Department continually works with community groups, local businesses and neighborhoods to provide equal access to such programs and services.

XII. RECRUITING

In order to represent the City's diverse community, the Department will continue to recruit and hire individuals that possess diverse backgrounds and skills that will enhance the Department's contribution to those who are limited English speaking.

XIII. MONITORING AND UPDATING LANGUAGE ASSISTANCE EFFORTS

To ensure that the Department continues to provide effective language services to LEP individuals, the Language Access Coordinator will annually review (1) pertinent demographics in San Jose, (2) the SJPD's Language Access Plan, (3) data collected on the SJPD's provision of language assistance services to LEP individuals, (4) the SJPD's inventory of written materials to ensure that documents are translated in appropriate languages, and (5) the costs of providing language assistance services. Based on this review, the Department will make appropriate revisions to its Language Access Plan and related procedures as needed.

What language do you speak?

- 1 ضم علامة في هذا المربع إذا كنت تقرأ أو تتحدث العربية.
- 2 Խոսողով եսք նշում կատարեք այս քառակուսով, եթե խոսում կամ կարդում եք հայերեն:
- 3 যদি আপনি বাংলা পড়েন বা বলেন তা হলে এই বাক্সে দাগ দিন।
- 4 如果你能读中文或讲中文，请选择此框。
- 5 如果你能讀中文或講中文，請選擇此框。
- 6 Motka i kahhon ya yangin ûntûngnu' manitai pat ûntûngnu' kumentos
- 7 Označite ovaj kvadratić ako čitate ili govorite hrvatski jezik.
- 8 Zaškrtněte tuto kolonku, pokud čtete a hovoříte česky.
- 9 Kruis dit vakje aan als u Nederlands kunt lezen of spreken.
- 10 Mark this box if you read or speak English.
- 11 اگر خواندن و نوشتن فارسی بلد هستید، این مربع را علامت بزنید.
- 12 Cocher ici si vous lisez ou parlez le français.
- 13 Kreuzen Sie dieses Kästchen an, wenn Sie Deutsch lesen oder sprechen.
- 14 Σημειώστε αυτό το πλαίσιο αν διαβάζετε ή μιλάτε Ελληνικά.
- 15 Make kazye sa a si ou li oswa ou pale kreyòl ayisyen.
- 16 अगर आप हिन्दी बोलते या पढ़ सकते हैं तो इस बक्स पर चिह्न लगाएँ।
- 17 Kos lub voj no yog koj paub twm thiab hais lus Hmoob.
- 18 Jelölje meg ezt a kockát, ha megérti vagy beszéli a magyar nyelvet.
- 19 Markaam daytoy nga kahon no makabasa wenno makasaoka iti Ilocano.
- 20 Marchi questa casella se legge o parla italiano.
- 21 日本語を読んだり、話せる場合はここに印を付けてください。
- 22 한국어를 읽거나 말할 수 있으면 이 칸에 표시하십시오.
- 23 ໄຫ້ໝາຍໃສ່ຊ່ອງນີ້ ຖ້າທ່ານອ່ານຫຼືປາກພາສາລາວ.
- 24 Prosimy o zaznaczenie tego kwadratu, jeżeli posługuje się Pan/Pani językiem polskim.
- 25 Assinale este quadrado se você lê ou fala português.
- 26 Însemnați această căsuță dacă citiți sau vorbiți românește.
- 27 Пометьте этот квадратик, если вы читаете или говорите по-русски.
- 28 Обележите овај квадратичиј уколико читате или говорите српски језик.
- 29 Označte tento štvorček, ak viete čítať alebo hovoriť po slovensky.
- 30 Marque esta casilla si lee o habla español.
- 31 Markahan itong kuwadrado kung kayo ay marunong magbasa o magsalita ng Tagalog.
- 32 ใต้กรอบเครื่องหมายของช่องสี่เหลี่ยมนี้ถ้าคุณอ่านหรือพูดภาษาไทย.
- 33 Maaka 'i he puha ni kapau 'oku ke lau pe lea fakatonga.
- 34 Відмітьте цю клітинку, якщо ви читаете або говорите українською мовою.
- 35 اگر آپ اردو پڑھتے یا بولتے ہیں تو اس خانے میں نشان لگائیں۔
- 36 Xin đánh dấu vào ô này nếu quý vị biết đọc và nói được Việt Ngữ.
- 37 באצייכנט דעם קעסטל אויב איר לייענט אדער רעדט אידיש.

List of Languages

1. Arabic	2. Armenian	3. Bengali	4. Cambodian
5. Chamorro	6. Simplified Chinese	7. Traditional Chinese	
8. Croatian	9. Czech	10. Dutch	11. English
12. Farsi	13. French	14. German	15. Greek
16. Haitian	17. Hindi	18. Hmong	19. Hungarian
20. Ilocano	21. Italian	22. Japanese	23. Korean
24. Laotian	25. Polish	26. Portuguese	27. Romanian
28. Russian	29. Serbian	30. Slovak	31. Spanish
32. Tagalog	33. Thai	34. Tongan	35. Ukrainian
36. Urdu	37. Vietnamese	38. Yiddish	

Language information from the US Department of Commerce



(I-Speak Form)
San José Police Department

APPENDIX II

LISTING OF TRANSLATED DOCUMENTS

Title of Printed Material	Form Number	Additional Languages
Domestic Violence Resource Card	1644	Spanish & Vietnamese
I Speak Card	2010	38 Languages
Mutual Combat Resource Card	6837	Arabic, Farsi, Mandarin, Russian, Korean, Vietnamese
Unattended Vehicle Warning Notice	200-27A	Spanish & Vietnamese
SJPD Incident Card (English & Spanish)	200-45A	Spanish
SJPD Incident Card (English & Vietnamese)	200-45V	Vietnamese
Sexual Assault Report Receipt	200-45C	Spanish & Vietnamese
Miranda Card (English & Spanish)	200-56A	English & Spanish
Miranda Card (English & Vietnamese)	200-56V	English & Vietnamese
Impound Release Fee Card	200-4A	Spanish & Vietnamese
Consent To Search	202-54	Spanish & Vietnamese
Trespass Violation Notice	203-A	Spanish & Vietnamese
DMV Age 21 & Older Officer's Statement	DS 367	Spanish
DMV Under Age 21 Officer's Statement	DS 367M	Spanish
Boland Admonishment at IA		Spanish & Vietnamese
Gang Prevention Resource Card		Spanish & Vietnamese
Marsy's Rights Brochure		Spanish & Vietnamese

Title of Translated Web Resources	Location	Additional Languages
A Student's Guide to Police Practices	Online - SJPD Internet	Spanish & Vietnamese
Citizen Complaint and Commendation Procedures	Online - SJPD Internet	Spanish & Vietnamese
Gang Prevention Resources	Online - SJPD Internet	Spanish & Vietnamese
Police Clearance Letter	Online - SJPD Internet	Spanish & Vietnamese
Public Records Act Requests Form	Online - SJPD Internet	Spanish & Vietnamese
Street Smart Safety Expert - Video	Online - SJPD Internet	Spanish & Vietnamese