

RENO POLICE DEPARTMENT GENERAL ORDER

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Legal Advisor: Karen Fraley /s/		
Approving Deputy Chief:		
General Order No: E-360-07	Issued: November 20, 2007	Supersedes: N/A
General Order Title: Limited English Proficiency		

I. **PURPOSE**

The Reno Police Department (RPD) 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 perpetrators, and community members can present the RPD with safety, evidentiary and ethical challenges. Ensuring maximum communication ability between law enforcement and all segments of the community serves the interest 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.

II. **POLICY**

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

III. **DEFINITIONS**

- A. Primary language means an individual's native tongue or the language in which an individual most effectively communicates. RPD personnel should avoid assumptions

about an individual's primary language and should make every effort to ascertain an individual's primary language to ensure effective communication.

- B. 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.
- 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 in another language (target language).
- E. Bilingual refers to the ability to use two languages proficiently.
- F. Tiburon refers to the department's report writing system.
- G. VESTA refers to the computer software system that handles all incoming calls (911 and non-emergency) for Reno E-Comm.
- H. IPDS (International Professional Development Services) refers to the company that provides document translation services to the Reno Police Department.
- I. Language Line refers to the RPD contracted language service supplier who provides language translation services on a 24 hour basis (via phone line) and can assist with over 140 different languages.
- J. RPD Authorized Interpreter (RPDAI) is a bilingual RPD employee who has been authorized to interpret for others in certain situations.
- K. RPDAI List is an accounting of RPD personnel who are bilingual and are authorized to act as interpreters. The Training Division will create and maintain the list. They will provide it to RPD Records Division for updating in the Capability Code section of Tiburon. The Training Division will be responsible for updating the RPDAI file on J:/drive.

IV. PROCEDURES FOR ACCESSING INTERPRETATION SERVICES

A. Civilian Emergency Calls to 9-1-1 and Non-Emergency Line

When a call is received (on either 9-1-1 or a non-emergency line) from a non-English or limited English speaking caller, the Emergency Services Operator (ESO) will keep the caller on the line and conference with the Language Line Services via VESTA.

Incidents requiring language services assistance will be processed on the line on which they

were received.

- Advise the caller to stay on the line and hold while you connect their call.
- Using the pre-programmed 9-1-1 transfer button (on Vesta), transfer the call to the Language Line Services; or transfer the call using the Conference/Transfer button by dialing 1-800-523-1786 (for emergencies) or 1-800-874-9426 (for non-emergencies).
- When the voice tree is heard, press 1 for Spanish. Press 2 for all other languages or press 0 [zero] and stay on the line for assistance.
- Enter on your telephone keypad or provide the representative the six digit client ID number when requested. The ID # is: 147010.
- Organization Name: Reno Emergency 9-1-1
- Personal Code: Your PINF number (employee number) or the number of your CTO (Communications Training Officer).
- If the ESO is unsure about the language being spoken, tell the language service that assistance is needed in identifying the language. Offer any suggestions about language possibilities. Ask the limited/non-English speaker if he/she speaks a particular language.
- Once an interpreter has been connected, brief them as to what information you need. The ESO will remain on the line until all needed information is obtained and/or relayed.

All incidents will be processed in accordance with the general call taking protocol utilized in Reno E-Comm (ESO Manual, 6 W's, etc.). Each call that is transferred to the Language Line Service will be identified in the call by entering "LEP" (language) in the type code description field and a notation made in the call "info via transfer to Language Bank".

- Reno E-Comm will take reasonable steps to develop in-house language capacity by recruiting and hiring personnel with specific language skills.

B. RPD Personnel Requesting Interpretation Services:

1. Responding RPD Personnel Responsibilities: RPD 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, language line assistance or any other means available. RPD personnel will contact Reno E-Comm to determine if a bi-lingual officer or other available interpreter is available to respond to the assignment. If no one is readily available, RPD personnel should use language line services for interpretation. Reno E-Comm may make an on-air request and/or refer to Tiburon (Capability Code section) in an attempt to locate a bilingual employee.

- Exigent Circumstances:
RPD personnel are expected to follow the general procedures outlined in this Directive; 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 directive.

- Family, Friends and Bystanders:
In other than exigent circumstances, RPD 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 inadequate interpretation. Barring exigent circumstances, RPD personnel should not use minor children to provide interpreter services.

C. Contracted In-Person Interpretation Services

Contracted in-person interpretation services shall be available to all RPD investigative personnel when interacting with LEP individuals. Contracted in-person interpretation services are best suited for investigative units operating under non-emergency situations and controlled environments, such as witness interviews and criminal interrogations.

1. Accessing Contracted In-Person Interpreters: RPD Investigative personnel who believe they need this service will consult with their supervisor on location. If the supervisor concurs, the investigator will contact the Language Bank or Court Services to make arrangements for an interpreter. A memo of occurrence should be forwarded to the Finance Manager to facilitate tracking of expenses and for data collection purposes.
2. Upon arrival of contracted In-Person Interpreter: Upon arrival of the interpreter, the officer/investigator will examine the interpreter's employee identification. The officer/investigator shall record the interpreter's name and affiliation in the investigative report along with the interpreter's arrival and departure times. Once the interpreter is prepared, RPD personnel will ask all questions through the interpreter.
 - It is RPD personnel's responsibility to develop and ask 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 parties.
3. Conflict of Interest/Bias of Interpreter: If the officer/investigator believes that there is any conflict of interest, bias, or any other reason why the assigned interpreter should be recused, the officer/investigator shall consult with the highest ranking supervisor on scene and the supervisor shall decide if another interpreter is warranted. If this should occur, it should be noted in the investigative report.

V. INTERROGATION, INTERVIEWS AND COMPLAINTS

A. 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. RPD 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 statement where the suspect's or witness' legal rights could be adversely impacted.

- Miranda warnings, and all other vital written materials, will be available to the suspect or witness in his or her primary language. If a form has not been translated in the suspect's or witness' primary language, or in cases of illiteracy, the forms will be read to the suspect or witness in his or her primary language using an interpreter. This occurrence must be documented in the report and on the forms.

B. Complaint Procedures for LEP persons: Any LEP individual who wishes to file a complaint with the RPD regarding language access shall be provided information in accordance with General Order E-210-04 – Internal Affairs / Employees Rights. The assigned Internal Affairs investigator shall utilize a contracted, outside agency interpreter when conducting any in-person interviews of LEP complainants or witnesses. Language Line may be utilized for phone interviews. The Internal Affairs investigator will provide written or verbal notification of the disposition of any LEP complaint in the complainant's primary language.

- In the event formal disciplinary charges result from an LEP complaint, the Internal Affairs investigator will ensure that a contracted, outside agency interpreter is available for any scheduled hearings at which an LEP is a witness.

VI. PROCEDURES FOR ACCESSING DOCUMENT TRANSLATION SERVICES

A. Identification and Translation of Vital Documents

The Department's Legal Advisor, with assistance from the Community Affairs Division 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. The Community Affairs Unit will assess demographic data, review contracted language access services utilization data, and consult with community-based organizations to inform them of these decisions. The Community Affairs Unit will be responsible for saving the documents translated and distributing them to LEP communities. The Community Affairs Unit will serve as the central repository of all translated documents and make them available to RPD personnel and members of the public on request. LEP documents will be stored both in hard copy (in supply) and in electronic copy (on the J:/drive).

B. Requests for Document Translation

Although the Community Affairs Unit shall be the central conduit for non-investigative document translation, all RPD personnel shall have access to this service through the following procedures:

1. Translation of Non-investigative Documents: All documents needing to be translated into another language must be approved by a supervisor. Should a supervisor identify a need for a specific document to be translated, an e-mail will be forwarded to the Community Affairs supervisor containing an electronic version of the document to be translated, the reason for the document being translated and the language into which the document is to be translated. The Community Affairs supervisor will review the request and confirm that no similar document has already been translated.

If no similar document has been translated, the Community Affairs supervisor will submit a purchase request to the Finance Manager requesting translation. Upon completion, a computer copy of the finalized document will be placed into the LEP folder on the J:/drive and hard copies will be maintained in supply and/or the Community Affairs unit.

2. Translation of Investigative Documents: Should an investigator need a note, letter or other document translated for an investigation, they will consult the RPDAl list for a capable translator. If no translator is available, a memorandum will be completed and a copy of the requested document attached. The copy of the document must be stamped "confidential." The memorandum will be approved by the investigator's supervisor. Once approved, the document should be hand delivered to IPDS for translation. A memo of occurrence should be forwarded to the Finance Manager facilitate the tracking expenses and for data collection purposes.

VII. NOTIFYING THE PUBLIC ABOUT RPD'S LANGUAGE SERVICES

A. Signage

At each RPD 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 RPD will also maintain translated vital forms and documents for LEP individuals. Forms and documents will be translated into languages that are in accordance with DOJ guidelines related to community demographics. A list of these forms is available on the J:/drive. Notification of the availability of translated forms and documents will be posted in the public lobbies of the RPD. In the case of illiteracy or languages into which written materials have not been translated, such forms and documents will be read to the LEP individuals in their primary language.

VIII. TRAINING: LANGUAGE ASSISTANCE POLICY

A. LEP Policies

The Reno Police Department shall provide periodic training to personnel about RPD'S LEP policies, including how to access authorized telephonic and in-person interpreters. The RPD 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.

IX. MONITORING AND UPDATING LANGUAGE ASSISTANCE EFFORTS

A. LEP Coordinator

The LEP Coordinator will be the chairperson of the department's Diversity Committee as designated by the Chief of Police. The chairperson is responsible for coordinating and implementing all aspects of the RPD services to LEP individuals.

B. Community Review and Collection of LEP Data

The Community Affairs 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.

C. Documents

The Community Affairs Unit will be responsible for annually reviewing all new documents issued by the RPD to assess whether they should be considered vital documents to be translated.