



## **NYPD LANGUAGE ACCESS PLAN**

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**Revised June 14, 2012**

## **NYPD LANGUAGE ACCESS PLAN FOR LIMITED ENGLISH PROFICIENT (LEP) PERSONS**

### **I. Mission**

The mission of the New York City Police Department is to enhance the quality of life in New York City by working in partnership with the community to enforce the law, preserve peace, reduce fear, and maintain order. The Department is committed to accomplish its mission to protect the lives and property of all people of New York City by treating every individual with courtesy, professionalism, and respect, and to enforce the laws impartially, fighting crime both through deterrence and the relentless pursuit of criminals.

### **Direct Services**

The services of New York City Police Department are primarily non-programmatic in nature. The New York City Police Department provides law enforcement services for the people of the City. The Department enforces the law, protects lives and property, maintains peace, reduces fear and maintains order.

The Department provides a wide array of direct services to the public, including, but not limited to:

- Investigate reports of crimes
- Investigate motor vehicle accidents
- Respond to sick or injured persons
- Respond to other emergencies reported to “911” as necessary
- Investigate missing persons
- Enforce violations of the law, both criminal and traffic, through summonses and arrests
- Investigate domestic incidents
- Mediate disputes
- Recover found property

- Document lost property
- Fingerprint civilians
- Provide firearm licenses
- Provide certificates of good conduct
- Provide safety and security services for public schools, public housing developments, and mass transit facilities
- Provide counterterrorism protection for the City

The Department's direct services may be provided in the field or at a point of service police facility (precinct, housing public service area, transit district). In either case, the protocol remains the same. Officers are trained at the Police Academy and during in-service training to obtain interpretation services as necessary when dealing with a LEP individual either via the Operations Unit for the response of a Department interpreter or via Language Line for telephonic interpretation.

The decision of whether to use Language Line or a live interpreter is made by the highest uniform ranking member of the Department on the scene based on the totality of the circumstances (language required, availability of live interpreters, exigency of the situation, etc.). In many cases, other than for ongoing investigations and document translation, an efficient method of obtaining interpretation services is through the Language Line service.

## **II. Goal of the NYPD's Language Access Plan**

The New York City Police Department recognizes the importance of effective and accurate communication between its employees and the community they serve. Consistent with Title VI of the Civil Rights Act of 1964, the Omnibus Crime Control and Safe Streets Act of 1968, and Mayor's Executive Order 120 of July 22, 2008, it is the policy of the New York City Police Department to take reasonable steps to provide timely and meaningful access for LEP persons to the services and benefits that the Department provides to the degree practicable. When performing law enforcement

functions, members provide free language assistance to LEP individuals whom they encounter when necessary or whenever an LEP person requests language assistance services. It is the policy of this Department to inform members of the public that language assistance services are available free of charge to LEP persons. The Department provides these services to them as part of the Department's community policing and enforcement efforts.

Limited English Proficient (LEP) persons refers to those individuals whose primary language is not English and who are unable to effectively read, write, speak or understand English.

The Commanding Officer of the Office of Management Analysis and Planning is designated the Department's Language Access Coordinator (LAC) by the Police Commissioner. As the LAC, he will supervise the Department's language access plan and institute several measures to monitor the success of the plan. The language access plan will be reviewed and updated as necessary on an annual basis.

### **III. LEP Population Assessment**

The New York City Police Department utilized the U.S. Department of Justice's "Four Factor Analysis" to determine which LEP populations will be served as follows:

*Factor 1 – Demographic Analysis:* The Police Department utilized the demographic data obtained by the New York City Department of City Planning. Pursuant to research and examination of census data, the Department of City Planning identified six languages as the top six citywide LEP languages: Spanish, Chinese, Korean, Haitian Creole, Russian and Italian. The Police Department provides its services for the entire City of New York; therefore, the Department will use the six languages that have been identified by the Department of City Planning as the baseline languages for its language access policy and plan. Essential public documents will be translated into these languages as practicable.

Interpretation services will continue to be provided in every language as necessary via Language Line and the Language Initiative Program.

The Department determines the frequency with which LEP individuals come in contact with the language access program by conducting periodic examinations of Police Department records. In addition, the Department reviews billing statements from language service vendors frequently.

*Factor 2 – LEP data tailored specifically to the agency:* The most accurate data regarding the LEP populations that the Department currently services is Language Line usage and 911 call records. Of the 11,052,108 “911” calls the Department received in 2010, 267,990, or approximately 2%, required interpretation services. 157,493, or 59%, of the “911” calls that required interpretation services were processed “in-house” by the Department’s Spanish speaking “911” call takers. In 2010, Language Line processed 112,587 total calls requiring interpretations in 85 different languages. This represents greater than a 53% increase from the total calls made to Language Line in 2007, prior to the implementation of the Language Access Plan. The majority of the calls processed by Language Line were received by “911”. The top three requested languages required in 2010 were Spanish (89%), Chinese (6%), and Russian (2%). Of the foreign language speaking “911” calls received, Spanish represented the vast majority; the second most popular language, Chinese, represented 0.1% of the total calls received.

In 2010, the Language Initiative Program received 211 requests for foreign language interpreters. This represents over a 31% increase from the number of requests made in 2007, prior to the implementation of the Language Access Plan. It is anticipated that as both public and inter-Department awareness of the Department’s Language Access Program increase, Language Line usage and requests for live interpreters will continue to increase. However, the Department’s core resources are able to provide limitless language access for LEP individuals regardless of the number of requests. The Department’s LAC will review Language Line usage and requests for

Language Initiative Program interpreters at least annually to ensure that the Department is adequately addressing the needs of LEP individuals.

*Factor 3 – Nature and Importance of Services:* The Police Department provides a wide array of emergency services that involve life threatening situations. It is virtually impossible to compose a list of all situations the police encounter. However, many serious situations that the police must handle involve crime. Obtaining language interpretation services for crime victims is the most important language access service the Department provides to the public. There are many exigent circumstances, including determining if a crime has occurred, rendering/obtaining medical treatment, and apprehending perpetrators of crimes, when the Department may need to utilize bilingual community members to assist in providing immediate services to LEP individuals. Once the situation is stabilized, a qualified interpreter may be obtained through the Language Initiative Program or Language Line.

*Factor 4 – List of Resources Designated for Language Assistance Services:*

- The Language Initiative Program administered by the Deputy Commissioner of Personnel.
- Special dual handset telephones for accessing the interpretation services of Language Line are in every precinct, housing police service area, and transit district.
- Cell phones are assigned to patrol supervisors with the Language Line number programmed to provide access to language interpretation services to members in the field.
- The Department launched multi-language signs on September 28, 2009, to advise LEP individuals of the availability of free interpretation services. These signs are prominently displayed in all publicly accessible Department facilities.
- The Department issued primary language identifier activity log inserts to all members of the service on July 22, 2010, to assist in providing police services to LEP individuals.

- The Department issued primary language identifier cards to detectives on December 16, 2010, to assist in providing police services to LEP individuals.
- The Department posts various items on its website that are translated into foreign languages, including information regarding public/police encounters, crime prevention, and domestic violence.

#### **IV. Implementation Plan Logistics**

The Department has significant and meaningful mechanisms in place to provide the entire LEP population in New York City with emergency, and if necessary, ongoing police services. For example, the Department currently administers a Language Initiative Program, a Selective Certification Program, Language Line, a Community Partnership Program, and cultural immersion training.

The Commanding Officer of the Office of Management Analysis and Planning is the Department's Agency Language Access Officer and will supervise the implementation of the language access plan.

#### **V. Service Provision Plan**

##### **A. Language Line Services**

The New York City Police Department provides interpretation services over the phone, in the field, and at police facilities. The Department will continue to utilize the Department of Information Technology and Telecommunications (DOITT) citywide contract for Language Line Services. The Communications Division administers Language Line operations for the Police Department. Language Line Services is a private vendor that provides translation and telephonic interpretation services in over 170 languages; however, the Department currently only utilizes Language Line for telephonic

interpretation. Documents are normally translated by Department employees that have been certified through the Language Initiative Program.

In addition to Language Line, the Communications Division has the capacity to provide significant in-house interpretation services to 911 callers. Given a large portion of the LEP population in New York is Spanish speaking, the 911 staff is comprised of a large number of bi-lingual Spanish-speaking operators. As a result, nearly two-thirds of the 911 calls involving LEP Spanish speakers are handled by 911 staff, while the remainder of the 911 calls involving Spanish speakers is handled by Language Line. All other 911 calls involving a LEP caller whose primary language is other than Spanish are interpreted by Language Line.

#### B. Language Initiative Program

The Chief of Personnel will continue to administer the Language Initiative Program. The New York City Police Department initiated the Language Initiative Program (previously known as the Voluntary Language Program) in 2002 in order to create a corps of qualified interpreters who could be called upon to interpret in particularly complex cases and to increase the pool of personnel qualified to interpret uncommon foreign languages for counterterrorism, investigative, or other police purposes. Under this program, members of the Department, both uniformed (police officers) and civilian members, volunteer to use their language skills to improve the efficiency of police operations.

The Language Initiative Program is composed of two groups: employees who identify themselves during the hiring process as being able to communicate in a foreign language and a smaller group of employees who are tested and certified by an independent vendor as proficient in a foreign language. Language skills are entered on the members' personnel record which is available to Operations Unit personnel and can be accessed at any time. The majority of requests for certified interpreters within the Department are made via the Operations Unit; however, the Personnel Bureau and the



Intelligence Division also have the capability to process requests for certified interpreters. The Language Initiative Program often processes requests to provide other government agencies, including Federal agencies, with interpreters. Currently, the Language Initiative Program has nearly 19,000 registered members, over 850 certified interpreters, and is capable of providing interpretation services in over 65 different languages (including American Sign Language).

### C. Use of Non-Certified Interpreters

Nearly 37% of Department employees indicate some level of proficiency in a language other than English. More than 1 out of 4 (approximately 27%) police officers indicate some level of proficiency in Spanish. The Department encourages employees who are not certified, but nonetheless possess language skills, to use their ability to speak a foreign language during the course of their work. The use of bilingual employees as interpreters allows the Department to provide the public with a more timely and personalized response while simultaneously reducing inconvenience to LEP persons.

A non-certified employee may interpret if he or she reasonably believes that his or her level of language proficiency is sufficient to accurately interpret given the totality of the circumstances surrounding the LEP person's interaction with the police. If at any time during the interpretation the employee determines that his or her level of language proficiency is insufficient to complete the interpretation, Language Line should be used or a certified interpreter should be requested via the Operations Unit. The decision of whether to use Language Line or a live interpreter is made on a case-by-case basis by the highest ranking uniformed member of the Department on the scene.

Some factors that non-certified employees should consider when determining whether they should interpret include whether or not the LEP person is in police custody, the potential severity of the outcome of the interaction, and the exigency of the situation. For instance, absent approval from a uniformed supervisor, a non-certified employee

should not perform interpretation for an investigative assignment, such as a custodial interrogation.

There are many exigent circumstances and emergency circumstances, including determining if a crime has occurred, rendering/obtaining medical treatment, and apprehending perpetrators of crimes, when the Department may need to utilize bilingual community members, including family members, to assist in providing immediate services to LEP individuals. In addition, it may also be appropriate to use a bilingual member of the public to interpret during a non-emergency encounter if the use of such an interpreter will expedite the delivery of police services without adversely impacting the quality of the services provided. When dealing with an LEP individual and a bilingual member of the public is readily available and willing to provide interpretation services, the employee will consider three factors to determine if the use of the non-employee interpreter is helpful:

- a. The nature and importance of the police services being provided
- b. The apparent capacity of the interpreter
- c. The apparent impartiality of the interpreter

If any of the above factors suggests that the use of the member of the public to interpret is not helpful, employees should use Language Line or a certified interpreter should be requested through the Operations Unit.

During domestic violence situations, it is not advisable for a police officer to use family members to interpret because of potential partiality due to fear of arrest of a family member or other personal biases. Family members may be temporarily used for interpretation in domestic incidents in life-threatening situations when there is no other feasible alternative. Interviewees may be more likely to respond if an impartial party interprets. Once the situation is stabilized, a bilingual employee or Language Line should be used to verify the details of the domestic incident. The alleged offender in any type of incident, including domestic violence, should not be used as an interpreter. Using an alleged offender to interpret may increase the risk of purposeful misinterpretation and gives him or her control of the situation. As with all interviews, to the extent possible,

the victim and offender should be interviewed separately and in a private setting. Victims may be reluctant to reveal details of an incident if the victim believes the offender may overhear the statement.

As possible victims or witnesses to an incident, a child should be interviewed; however, whenever feasible, a child should not be used as an interpreter for any kind of police incident, including domestic violence. Some words and concepts are difficult for a child to understand, let alone translate into another language. Interviewees are not likely to be forthcoming if a child is used to interpret and will be especially hesitant to reveal details of a sexual assault to a police officer through a child.

#### D. Selective Certification Program

The Deputy Commissioner of Personnel will continue to administer the Selective Certification Program which is in effect during the recruit selection process. Under this program, police applicants that are able to speak a language that is in demand by the Police Department receive special consideration for their abilities during the hiring process. Recruits may be used for interpretation or translation services as necessary prior to their graduation from the Police Academy.

#### E. Baseline Languages

The Mayor's Office of Operations and Office of Immigrant Affairs with the Department of City Planning identified six languages as 'the top LEP' languages for New York City based on census data. These languages -- Spanish, Chinese, Korean, Haitian Creole, Russian and Italian -- are the baseline languages for the Mayor's Language Access Policy and Implementation Plan. The New York City Police Department will implement its language access plan using the six baseline LEP languages for New York City. Languages will be added or removed as deemed necessary through annual reviews conducted in conjunction with the New York City Department of City Planning.

#### F. Primary Language Identifiers

The Mayor's Office created signs to inform the public of the availability of cost-free interpretation services. The signs are written in twenty-two different foreign languages. These signs are posted in publicly accessible areas of Police Department point of service facilities (precincts, housing police service areas and transit districts). The signs are designed in a format that enables the LEP person to point to the language he or she speaks so the employee can inform the Language Line interpreter what language is needed. Other than the reception area, most Police Department facilities are not publicly accessible and therefore directional signage is not required.

Police officers are issued a one-page activity log insert that is designed in a format that enables the LEP person to point to the language he or she speaks. In addition, the Department issues detectives a condensed version of the primary language identifier activity log insert that is designed in a pocket-size card format and allows investigators to quickly identify the primary language of an individual.

#### G. Translation of Written Material

Most Department forms are prepared exclusively by a Department employee and therefore, do not require translation. Of the Department forms that contain sections for the member of the public to complete, the vast majority must be referenced later by other parties (such as clerical staff, investigators, court staff, etc.) making completion of the form in the LEP person's primary language impracticable. Department forms can be completed by employees using information obtained through an interpreter, when necessary. In addition, official Department forms are carried by police officers in the field. It is similarly impractical to expect an officer to carry numerous versions of translated Department forms on patrol; in those situations the Department relies on interpretation services.

The Office of Management Analysis and Planning (OMAP) is examining those Department forms that are completed by members of the public and evaluating the practicability of translating these documents. In addition, the Department has created a new policy to translate written materials that are distributed to the public (pamphlet, flyer, notice, poster, etc). The written material must be translated by a certified employee through the Department's officially sanctioned Language Initiative Program. The translation will then be verified by a second certified member of the Language Initiative Program. Each translation will be written in plain language that is easy for LEP members of the public to understand.

#### H. Community Outreach

The NYPD's Community Affairs Bureau has a specific subunit dedicated to immigrant outreach. On average, the New Immigrant Outreach Unit conducts 15 to 20 presentations, lessons, and lectures in a class room type setting per month. This translates to over 3000 people instructed by The New Immigrant Outreach Unit each year. The Unit hosts approximately 24 large events each year in the various immigrant communities with approximately 400 to 1000 people attending each event. New Immigrant Outreach Liaisons make presentations on police department policies, programs, and services affecting new immigrant communities. In addition, liaisons are able to speak different languages which help to better communicate with the various immigrant communities. The New Immigrant Outreach Unit liaisons work to build and maintain relationships with community leaders and organizations in new immigrant communities. The Unit coordinates with other Police Department bureaus and city agencies to address the needs and concerns of the community.

#### I. Website

The Police Department posts various items on its website that are translated into foreign languages, including information regarding public/police encounters, crime prevention, and domestic violence. The "Crime Stoppers" section of the website is

translated into English, Spanish, Korean, Chinese and Russian and allows internet tips to be submitted online to the Crime Stoppers Unit in these languages. The Management Information Systems Division (MISD) maintains and updates the Department's website and is continuously evaluating the translation of various data points. The LAC monitors the Department's progress regarding website translation.

## **VI. Training**

The Deputy Commissioner, Training created a training curriculum for both police academy recruits and in-service members based on the Department's Language Access Plan to inform or reacquaint officers of the procedures to follow in obtaining interpretation services for LEP individuals while in the field or in a Department facility. Training occurs in the academy for police recruits and during roll-call for in-service members. Roll-calls for patrol officers assigned to precinct, police service areas and transit districts occur at the beginning of each shift which is 3 times within a 24 hour period. Training sessions for other police personnel not assigned to precincts, police service areas or transit districts are based on the working schedules of each respective unit. In-service training sessions are specifically designed to train personnel how to identify a customer's primary language, the use of the Department cell phone and dual hand-set telephone, the use of telephonic interpreters, and the proper use of certified and non-certified interpreters. In-service training sessions specific to elements of the Language Access Plan are conducted twice annually.

Civilian employees also receive training regarding the Department's Language Access Plan during their initial orientation training and semi-annually through the command level training program.

## **VII. Record Keeping and Evaluation**

Records of the language services provided by the Police Department will be obtained through billing statements received by Language Line. Furthermore, the Deputy

Commissioner of Personnel maintains records regarding the use of police personnel for interpretation or translation services. Both these sources of data are monitored and reviewed at least annually, in addition to other official Department records, by the Department's LAC.

### **VIII. Resource Analysis and Planning**

The New York City Police Department will continue to utilize the Department of Information Technology and Telecommunications (DOITT) citywide contract for Language Line Services. The Communications Division facilitates the Language Line operations for the Department. Language Line is a private vendor that provides interpretation services in over 170 languages. Department point of service facilities (precincts, housing police service areas and transit districts) are able to access the Language Line service using specially equipped dual handset telephones that are available in every precinct, housing police service area, and transit district. These telephones allow police personnel to obtain immediate interpretation services for LEP individuals. Patrol supervisors are also equipped with Department cellular phones programmed with Language Line's phone number. These cell phones provide all patrol personnel with the ability to acquire interpretation services in the field via the patrol supervisor. The Deputy Commissioner of Personnel will also continue to administer the Language Initiative Program.

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