



NYPD
New York City Police Department

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Police Commissioner



NYPD LANGUAGE ACCESS PLAN

August 2018

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Revised 2018

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

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

- Investigating reports of crime;
- Investigating motor vehicle collisions;
- Responding to sick or injured persons;
- Responding to other emergencies reported to “911” as necessary;
- Responding to “311” calls for service as necessary;
- Investigating missing persons;
- Enforcing violations of the law, both criminal and traffic, through summonses and arrests;
- Investigating domestic incidents;
- Mediating disputes;
- Recovering found property;
- Documenting lost property;
- Initiating fingerprint-based employment background checks as requested by residents;
- Issuing firearm licenses;
- Issuing certificates of conduct or certificates of relief;
- Providing safety and security services for public schools, public housing developments, and mass transit facilities, and
- Providing counterterrorism protection for the City.

The Department's direct services may be provided in the field or at a point of service police facility (e.g., precinct, housing public service area, transit district). In either case, the language access protocol remains the same. Officers are trained at the Police Academy and during in-service training to obtain interpretation services as necessary when working with a LEP individual. Typically, officers utilize bilingual members of the Department, or Language Line for interpretation services.

The decision of whether to use the Language Line or a certified interpreter on the scene is based on the totality of the circumstances (e.g., 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. This option is readily accessible now that all officers have been equipped with a Department-issued smartphone capable of accessing Language Line in the field.

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 Local Law 30 of July 2017, it is the policy of the New York City Police Department to take reasonable steps to provide timely and meaningful access for LEP¹ 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 a 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.

The Commanding Officer, Office of Management Analysis and Planning, is John G. Cappellmann. He has been 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. Additionally, the language access plan will be reviewed and updated as necessary.

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: Pursuant to local law 30 enacted in July of 2017, the Mayor's Office of Immigrant Affairs and the Mayor's Office of Operations identified ten languages as the ten designated citywide LEP languages: Spanish, Chinese, Russian, Korean, Bengali, Haitian Creole, Polish, Arabic, Urdu and French. The Department provides its services for the entire City

¹ 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.

of New York; therefore, the Department will use the ten languages that have been designated as the baseline languages for its language access policy and plan. Essential public documents will be translated into these languages as practicable. Furthermore, interpretation services will continue to be provided in every language as necessary via Language Line and the Language Initiative Program described in Section IV – Service Provision Plan.

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 regularly.

Factor 2 – LEP data tailored specifically to the agency: The most accurate data regarding the LEP populations that the Department currently serves is Language Line usage, and 911 call records. Of the 8,845,843 calls the Department received via 911 in CY 2017, 273,028, or approximately 3%, required interpretation services. Additionally, 148,457, or 54%, of the “911” calls that required interpretation services were processed “in-house” by the Department’s Spanish speaking 911 call takers. In CY 2017, the Language Line processed 124,571 total calls requiring interpretations in 90 different languages. The top three requested languages required in CY 2017 were Spanish, Mandarin, and Russian. Of the foreign language speaking “911” calls received, Spanish represented the vast majority.

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 certified interpreter may be obtained through the Language Initiative Program or Language Line.

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

- Smartphones assigned to all officers with the Language Line numbers programmed to provide access to language interpretation services in the field.
- Special dual handset telephones for accessing the interpretation services of Language Line are in every precinct, housing police service area, and transit district.
- The Language Initiative Program administered by the Chief of Personnel.
- Since September 28, 2009, the Department has posted multi-language signs to advise LEP individuals of the availability of free interpretation services. These signs are prominently displayed in all publicly accessible Department facilities.

- Starting in 2010, the Department began issuing primary language identifier activity log inserts to all members of the service. Each new recruit receives the insert during academy training. The insert is also available to all uniformed officers on Department-issued smartphones. These resources enable quick identification of an individual's primary/preferred language.
- 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. Additionally, the homepage can be accessed via an online translation tool that covers more than 100 languages.
- In CY2017, the Police Department spent a total of \$71,645 on foreign language certification testing as part of the Language Initiative Program.

IV. 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 its 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 180 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 services, 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.

B. Language Initiative Program

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

An officer's language skills are entered on his/her personnel record which is available to Operations Unit personnel and can be accessed at any time. The majority of requests for interpreters within the Department are made via the Operations Unit; however, the Personnel Bureau and the Intelligence Bureau also have the capability to process requests for interpreters. As of February 2018, the Language Initiative Program has 2,452 certified interpreters, and is capable

of providing interpretation services in over 85 different languages (including American Sign Language).

C. Use of Non-Certified Interpreters

Nearly 35% of Department employees indicate some level of proficiency in a language other than English. Approximately 21% of those employees indicate 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 to provide police services in a foreign language allows the Department to provide the public with a more timely and personalized response while simultaneously reducing inconvenience to LEP persons.

Generally, 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, the service of the Language Line or Language Initiative Program should be used.

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. Similarly, absent exigent circumstances, officers responding to domestic violence calls for service are required to use certified personnel or Language Line interpreters to verify the details of the incident.

There are many exigent or 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 facilitate the provision of 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 a LEP individual and a bilingual member of the public is readily available and willing to provide interpretation services, the employee will consider four 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
- d. The sensitivity/confidentiality of the topic

If any of the above factors suggests that the use of the member of the public to interpret is not appropriate, employees should use Language Line services or a certified member of the service.

During domestic violence situations, members of the service should avoid using bystanders and family members to interpret in order to preserve privacy and minimize the risk of a faulty interpretation, often due to fear of arrest of a family member or other personal biases. They may be temporarily used for interpretation in life-threatening situations when there is no feasible alternative. However, once the situation is stabilized, responding officers must use a bilingual member of the Department or Language Line services to verify the details of the domestic incident before finalizing the call.

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, absent exigent circumstances, 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.

Regarding interpretation/translation duties for investigative purposes (e.g., custodial interrogations), the Police Department prefers the use of certified interpreters through the Language Initiative Program.

D. Domestic Violence Initiative

In 2015, the Department launched a pilot program in three precincts to enhance language assistance services to LEP individuals involved in domestic violence incidents. Under the pilot's protocols, officers handling family-related calls for service make a determination whether language assistance is needed or requested by one of the parties. If so, the officer will use either a certified member of service or a Language Line interpreter absent exigent circumstances. In addition, officers will document whether such services were needed, and, if so, whether and how they were supplied.

The initiative was expanded in 2016 to additional precincts and was expanded to all precincts in November 2017.

E. Selective Certification Program

The Chief 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.

F. Evaluation of Language Access Needs of Service Population

The Mayor's Office of Operations and Office of Immigrant Affairs with the Department of City Planning designated ten languages as 'the top LEP' languages for New York City. These languages -- Spanish, Chinese, Russian, Korean, Bengali, Haitian Creole, Polish, Arabic, Urdu and French 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 ten baseline LEP languages for New York City.

G. 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.

Furthermore, all uniformed members of the service are issued a one-page activity log insert--which is now available on officers' smartphones--that is designed in a format that enables the LEP person to point to the language he or she speaks. This permits officers to quickly identify an individual's primary language.

H. 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 (e.g., clerical staff, investigators, court staff, etc.) making completion of the form in the LEP person's primary language impractical. Department forms can be completed by employees using information obtained through an interpreter, when necessary. In addition, officers taking Domestic Incident Reports allow victims to complete page 2 of the document in his/her primary/preferred language.

The Office of Management Analysis and Planning (OMAP) continues to examine other types of Department forms that are regularly completed by members of the public and evaluating the practicability of translating these documents. In addition, the Department has created a new mechanism to translate written materials that are distributed to the public (e.g., 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. For instances where no Language Initiative participant is available (e.g., obscure language, availability, etc.), the Department utilizes the services of an outside vendor, "Accurate Communications."

I. Community Outreach

The NYPD's Community Affairs Bureau has a specific subunit dedicated to immigrant outreach. On average, the Immigrant Outreach Unit conducts 15 to 20 presentations, lessons, and lectures in a classroom-type setting per month. This translates to over 3,000 people instructed by the Immigrant Outreach Unit each year. The Unit hosts approximately 24 large events each year in various immigrant communities with approximately 400 to 1,000 people attending each event. Immigrant Outreach personnel make presentations on Police Department policies, programs, and services affecting new immigrant communities. In addition, liaisons are able to speak different languages which helps to better communicate with various immigrant communities. Since 2008, the Unit has organized the NYPD Police Commissioner's Youth Soccer & Cricket Leagues for youths between the ages of 14-19, which has given thousands of immigrant youth the opportunity to participate in a positive program bringing the police and community closer together. The Immigrant Outreach Unit liaisons work to build and maintain relationships with community leaders and organizations in new immigrant communities. Additionally, the Unit coordinates with other Police Department bureaus and City agencies to address the needs and concerns of the community. Furthermore, the Unit is actively in the process of having certified, via the Language Initiative Program, all of its members who identify proficiency in a foreign language.

J. 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. In addition, the Department's website can be accessed via an online translation tool in over 100 languages.

V. Training

The Chief of 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 on how to identify an individual's primary language, to use the Department smartphone and dual hand-set telephone, to use telephonic interpreters, and to properly use certified and non-certified interpreters. In-service training sessions specific to elements of the Language Access Plan are conducted regularly.

Furthermore, public facing 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.

VI. Record Keeping and Evaluation

Records of the language services provided by the Police Department will be obtained through billing statements received by Language Line services. Furthermore, the Chief of Personnel maintains records regarding the use of police personnel for interpretation or translation services. Both these sources of data are monitored and reviewed periodically, in addition to other official Department records, by the Department's Language Access Coordinator.

VII. Resource Analysis and Planning

The New York City Police Department will continue to utilize its citywide contract for Language Line Services. Language Line is a private vendor that provides interpretation services in over 180 languages. Department point of service facilities (e.g., precincts, housing police service areas and transit districts, etc.) are able to access the Language Line service using specially equipped dual handset telephones 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 officers are also equipped with Department cellular phones programmed with Language Line's phone number. These smartphones provide all patrol personnel with the ability to acquire interpretation services in the field.

VIII. Outreach and Public Awareness of Language Access Services

As a supplement to the activity log inserts described in Section III, the Department has designed a palm card to remind the public of the importance of understanding police officers during police-civilian interactions and to advise them of the ready availability of free interpretation services. In conjunction with our partners, the Department began circulation of the cards in 2018. It is anticipated that some 60,000 cards will be distributed in 2018, and annually thereafter.

In addition, a poster entitled "Free Interpretation Service Available" is visibly displayed in the reception area of all precinct/transit district/police service area commands, ensuring crime victims and visitors to police facilities are made aware of language access services.

IX. Language Access Complaints

Public complaints regarding language access are received through 911, 311, the Civilian Complaint Review Board (CCRB), or directly to the NYPD Internal Affairs Bureau. The allegations are classified internally as one of the following:

- Failure to provide adequate interpretation/translation services to persons with limited English proficiency;

- Failure to provide a sign language interpreter/auxiliary aids and services to a hearing impaired person.

The Internal Affairs Bureau is the entity responsible for tracking and resolving complaints pertaining to language access. If an allegation is substantiated, it will result in the subject officer receiving instruction, retraining, or discipline.

In CY 2017, thirteen (13) language access complaints were received via 311.

X. Milestones

- **2019**
 - Test and certify all officers in the Immigrant Outreach Unit who identify proficiency in a foreign language.
- **2020**
 - Test and certify all 911 call-takers who identify proficiency in a foreign language.
- **2021**
 - Translate the NYPD “Crime Stoppers” website in the 10 designated LEP languages.

XI. 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, and Cultural Immersion training. Furthermore, the Police Department is fully accessible to LEP individuals for all purposes, including licenses, permits or registrations.