SAN JOSE POLICE DEPARTMENT

LANGUAGE ACCESS PLAN

Revised 2023

I. PURPOSE

The San Jose Police Department (SJPD or Department) recognizes the importance of effective and accurate communication between its personnel and the community it serves. The purpose of this plan is to (1) ensure the Department takes reasonable steps to provide equitable access to language assistance services for limited and/or non-English speakers, regardless of their proficiency and cultural background; and (2) 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.

II. POLICY

Department members shall provide language assistance services to Limited English Proficiency (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, the 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 the interpreter or translator to undertake any role that may conflict with his/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.

III. DEFINITIONS

A. **Limited English Proficiency or 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) and 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.

B. **Bilingual**: The ability to speak two languages proficiently and communicate accurately in both languages.

C. **Direct 'In-Language' Communication**: Monolingual communication in a language other than English between a certified bilingual Department employee or representative and limited and/or non-English speakers. (e.g., Spanish to Spanish).

D. **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.

E. **Language Access Coordinator**: An employee assigned to the Department's R&D Unit who is responsible for coordinating the LEP program.

F. **Primary Language**: The language in which an individual most effectively communicates. Department members should make every effort to ascertain an individual's primary language to ensure effective communication.

G. **Transcreation**: The conversion of communication in one language to another in a written form is translation. Transcreation is quality translation which combines the process of adapting a written message from one language to another, while maintaining its linguistic style and rendering it in a culturally appropriate manner.

H. **Vital Documents**: Documents that contain essential information about available programs, services, and benefits. Vital documents shall be translated into the commonly spoken languages identified by the Department. These documents shall be made readily accessible to the public.

IV. PROCEDURES FOR PROVIDING ORAL INTERPRETATION SERVICES

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

The Department shall 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 shall 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 shall 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 the 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.

- 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 shall 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.

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

Department members in need of interpretation services shall 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).

When an officer requests an interpreter, the dispatcher shall attempt to contact an on-duty certified interpreter (sworn or non-sworn).

1. **Skills Inquiry of Department members**

   Sworn Department members who are certified interpreters have been assigned in the Computer Aided Dispatch (CAD) System. Upon receiving a request for interpretation services, dispatch shall perform either a language inquiry in CAD or a radio inquiry to identify which officers are working who can provide interpretation assistance for the language needed.

2. **Officer Availability and Assignment**

   Upon determining if a certified officer is working, the dispatcher shall 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 and agrees to respond to interpret, the officer shall be attached to the event.

3. **Interpreter Services**

   If an on-duty certified interpreter is unavailable, the officer shall call the contracted language interpretation service for the SJPD. The officer shall do the following ▮▮▮▮▮▮▮▮▮▮▮▮▮▮▮

   a. Call the contracted language services;
   b. Provide the proper account number pertaining to the officer's bureau (BFO or BOI);
   c. Follow the steps prompted over the phone;

      d. Enter your badge number;
      e. Select the language you need;
      f. Record the conversation;
      g. Obtain the interpreter's ID for documentation purpose later; and
      h. Add a comment to the event to reflect the language requested.

If officers need assistance communicating with someone who is hearing impaired, the officer shall do the following using a desktop computer, laptop, tablet, or any mobile device with a working camera.

      a. Use Google Chrome to open the website provided by the contracted language service: ███████████████████

      b. Log in to the website:
         1. Enter the department username in the email portion: ████████████████

         2. Enter the department password: ████████
         2. Select the language (i.e. American Sign Language)
         3. Select the camera icon
         4. When prompted put in your badge number

Upon completion of these steps, the officer will be connected to an interpreter.

Department members are expected to follow the general procedures outlined in this policy; however, exigent circumstances may require 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 the exigency has passed, personnel are expected to revert to the general procedures.

Other than exigent circumstances, Department members should avoid using family, friends, minor children, or bystanders for interpretation. Using family, friends, minor children, or bystanders to interpret could result in a breach of confidentiality, a conflict of interest, or inadequate interpretation.

C. **Criminal Interrogations and Victim/Witness Interviews**

Miscommunication during interrogations or victim/witness interviews may have a substantial adverse impact on the evidence presented in any related criminal prosecution. Victim/witness interviews potentially involve statements with evidentiary value upon which a victim/witness may be impeached in court, so 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. Every effort should be made to use a qualified interpreter identified by the City's bilingual list for any interrogation or taking of a statement where the legal rights of a suspect or victim/witness could be adversely impacted. The Department member shall utilize the contracted

interpreter services to assist with any interpreter services when an on-duty certified interpreter is unavailable.

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 investigation and certified personnel are unavailable, the Unit Commander or designee shall determine the need for the document to be translated and shall 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 the document on the SJPD's intranet. The "I Speak" form gives individuals the opportunity to inform Department members of their language abilities and preferences. The form contains 132 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.

Department members working in the Main Lobby should assist individuals via the lobby phones when access to the "interpreter-line" is necessary to communicate with the requesting individual.

V. 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. A list of translated forms can be located in Appendix II of this plan. 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.

VI. COMPLAINT PROCEDURES FOR LEP PERSONS

Any 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); one of the languages available can be selected to provide the individual with the procedures to file a complaint. Additionally, 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. Furthermore, an individual can go to the Internal Affairs Unit.

If a resident goes to Internal Affairs to file a complaint and there is no investigator available to assist in the interpretation, an officer who speaks the 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 to receive the complaint.

Any LEP individual can also contact the Office of the Independent Police Auditor (IPA). The IPA is appointed by, and reports directly to, the Mayor and City Council.

VII. NOTIFYING THE PUBLIC ABOUT SJPD'S LANGUAGE SERVICES

<u>Signage</u>

The signage in the Department's Main Lobby is posted in the most commonly spoken languages in San Jose and states that interpreters are available for LEP individuals.

<u>Internet</u>

The Language Access Plan is available on the SJPD internet (www.sjpd.org). 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 community members.

<u>Community Meetings</u>

Sworn command staff and Crime Prevention Specialists routinely attend community meetings. At those meetings, personnel distribute relevant brochures that have been translated into Vietnamese, Spanish, and other foreign languages.

VIII. 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 an oral test conducted by a certified language institute approved by the City of San Jose Human Resources Department. An officer who becomes certified through this process is qualified to engage in direct communication with LEP persons and, depending on the results of the certification process, may assist other personnel as an interpreter. Officers receive a biweekly premium if they are certified to act as interpreters 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 should contact the SJPD Personnel Unit.

IX. TRAINING ON LANGUAGE ACCESS PLAN

The SJPD Training Academy ensures police recruits receive training and information about the Language Access Plan and related language assistance resources during the police academy's San Jose specific Learning Domain SJ30.

New and existing personnel are trained on the following components: 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, training bulletins, and Academy training.

X. COMMUNITY OUTREACH

Community outreach programs and other services 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.

XI. RECRUITING

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

XII. 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 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 the review, the Department shall make appropriate revisions to its Language Access Plan and related procedures as needed.

What language do you speak?

1. ☐ ضع علامة في هذا المربع إذا كنت تقرأ أو تتحدث العربية.
2. ☐ Նշեք այս քառակուսին այս քառակուսում, եթե խոսում կամ կարդում եք հայերեն:
3. ☐ যদি আপনি বাংলা পড়েন বা বলেন তা হলে এই বাক্সে দাগ দিন।
4. ☐ សូមបញ្ជាក់ក្នុងប្រអប់នេះ៖ បើអ្នកអាន ឬនិយាយភាសា ខ្មែរ ។
5. ☐ Motka i kahhon ya yangin ûntûngnu' manaitai pat ûntûngnu' kumentos
6. ☐ 如果你能读中文或讲中文，请选择此框。
7. ☐ 如果你能讀中文或講中文，請選擇此框。
8. ☐ Označite ovaj kvadratić ako čitate ili govorite hrvatski jezik.
9. ☐ Zaškrtněte tuto kolonku, pokud čtete a hovoříte česky.
10. ☐ Kruis dit vakje aan als u Nederlands kunt lezen of spreken.
11. ☐ Mark this box if you read or speak English.
12. ☐ اگر خواندن و نوشتن فارسي بلد هستيد، اين مربع را علامت بزنيد.
13. ☐ Cocher ici si vous lisez ou parlez le français.
14. ☐ Kreuzen Sie dieses Kästchen an, wenn Sie Deutsch lesen oder sprechen.
15. ☐ Σημειώστε αυτό το πλαίσιο αν διαβάζετε ή μιλάτε Ελληνικά.
16. ☐ Make kazye sa a si ou li oswa ou pale kreyòl ayisyen.
17. ☐ अगर आप हिन्दी बोलते या पढ़ सकते हों तो इस बक्स पर चिह्न लगाएँ।
18. ☐ Kos lub voj no yog koj paub twm thiab hais lus Hmoob.
19. ☐ Jelölje meg ezt a kockát, ha megérti vagy beszéli a magyar nyelvet.
20. ☐ Markaam daytoy nga kahon no makabasa wenno makasaoka iti Ilocano.
21. ☐ Marchi questa casella se legge o parla italiano.
22. ☐ 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。
23. ☐ 한국어를 읽거나 말할 수 있으면 이 칸에 표시하십시오.
24. ☐ ໃຫ້ໝາຍໃສ່ຢູ່ອງນີ້ ຖ້າທ່ານອ່ານຫຼືປາກພາສາລາວ.
25. ☐ Prosimy o zaznaczenie tego kwadratu, jeżeli posługuje się Pan/Pani językiem polskim.

26. ☐ Assinale este quadrado se você lê ou fala português.
27. ☐ Însemnaţi această căsuţă dacă citiţi sau vorbiţi româneşte.
28. ☐ Пометьте этот квадратик, если вы читаете или говорите по-русски.
29. ☐ Обележите овај квадратић уколико читате или говорите српски језик.
30. ☐ Označte tento štvorček, ak viete čítať alebo hovoriť po slovensky.
31. ☐ Marque esta casilla si lee o habla español.
32. ☐ Markahan itong kuwadrado kung kayo ay marunong magbasa o magsalita ng Tagalog.
33. ☐ ให้ทำเครื่องหมายลงในช่องถ้าท่านอ่านหรือพูดภาษาไทย.
34. ☐ Maaka 'i he puha ni kapau 'oku ke lau pe lea fakatonga.
35. ☐ Відмітьте цю клітинку, якщо ви читаєте або говорите українською мовою.
36. ☐ اگر آپ اردو پڑھتے ہیں تو اس خانے میں نشان لگا کیں۔
37. ☐ Xin đánh dấu vào ô này nếu quý vị biết đọc và nói được Việt Ngữ.
38. ☐ באצייכנט דעם קעסטל אויב איר לייענט אדער רעדט אידיש.

(I-Speak Form) 2010
San José Police Department

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. Llocano	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. Ukranian
36. Urdu	37. Vietnamese	38. Yiddish	

Language information from the US Department of Commerce

How To Access Voiance When In Need of An Interpreter:

(Non-Emergency Only)

1. Dial: ███████████
2. Enter your account number: █████
3. Enter your applicable PIN:
   - ███ (BFO)
   - ███ (BOI)
   - ███ (Communications and OSSD)
4. Enter your badge number, then press "1" to confirm (sworn only)
5. Select the language you need:
   - Press "1" for Spanish,
   - Press "2" for Vietnamese,
   - Press "3" for Hindi, or
   - Press "0" for all other languages or customer service
6. Hold while you are connected to an interpreter

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 Arabic, Farsi, Mandarin, Russian, Korean, Vietnamese
Mutual Combat Resource Card	6837	
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
Police Visa Clearance Letter	Online - SJPD Internet	Spanish
Gang Prevention Resources Police Visa	Online - SJPD Internet	Spanish & Vietnamese
Public Records Act Requests Form	Online - SJPD Internet	Spanish & Vietnamese
Ask an Officer- Videos	Online - SJPD Internet	Spanish & Vietnamese
Police Compliment or Complaint	Online – SJPD Internet	133 Languages via Google translate
How to Request a Crime/Incident Report	Online - SJPD Internet	133 Languages via Google translate
Towed Vehicle Information	Online - SJPD Internet	133 Languages via Google translate