

	KANSAS CITY MISSOURI POLICE DEPARTMENT <b>PROCEDURAL INSTRUCTION</b>	DATE OF ISSUE <b>5/27/2020</b>	EFFECTIVE DATE <b>5/27/2020</b>	NO. <b>20-03</b>
	SUBJECT <b>Limited English Proficiency</b>			AMENDS
REFERENCE Title VI of the Civil Rights Act of 1964 Omnibus Crime Control and Safe Streets act of 1968 PPBM: "Bilingual Skill Pay" P.I.: "Contact with Foreign Nationals"		RESCINDS PI 14-10, "Language Interpreting Services"		

## I. INTRODUCTION

This written directive sets forth the policies and procedures regarding effective guidelines for Department members to follow when providing services to, or interacting with, individuals who have limited proficiency in the English language consistent with Title VI of the Civil Rights Act of 1964 and the Omnibus Crime Control and Safe Streets Act of 1968.

Language barriers can impede and even prevent individuals with limited proficiency in the English language from accessing and/or understanding important rights, obligations, and services, or from communicating accurately and effectively in difficult situations. Members may be hampered in their ability to communicate with victims, witnesses, alleged perpetrators, and community members with limited English proficiency, which can present the Department with safety, evidentiary, and ethical challenges.

The Department is committed to providing meaningful access for all individuals, regardless of proficiency in the English language, to all Department services and programs.

## II. TERMINOLOGY

- A. **Approved Interpreter** – A bilingual or multilingual member or contract employee who has been independently tested and found to be proficient to provide interpretation services in one or more languages other than English.
- B. **Bilingual or Multilingual** – The ability to communicate in two or more languages proficiently.
- C. **Interpretation** – 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. **KCPD Bilingual Skill List** – A list of members who have been tested, found to be proficient, and approved to provide interpretation in a foreign language.

- E. **Limited English Proficiency (LEP)** – 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). An individual may possess sufficient English language skills to function in one setting, but those same skills may prove insufficient in another setting.
- F. **LEP Coordinator** – Designated by the Chief of Police, the individual responsible for the oversight, coordination, and monitoring of all initiatives appearing in this written directive. Responsible for ensuring the Department is providing meaningful access to its services to LEP individuals.
- G. **Primary Language** – An individual’s native language or the language in which an individual most effectively communicates.
- H. **Translation** – The conversion of written text from one language (source language) into an equivalent written text in another language (target language).
- I. **Vital Document** – Any written material containing information that would have an adverse impact on an individual if not provided in an accurate or timely manner (e.g., OCC forms, the Miranda Warning & Waiver, and the “10-Day Letter”).

### III. POLICY

- A. The Department will provide any needed LEP language assistance services to the public free of charge whenever such assistance is requested or it is evident that the individual is unable to effectively speak, read, write, or understand English.
- B. Members will obtain language assistance from approved interpreters. Approved interpreters include members found in the KCPD Bilingual Skill List and personnel employed by Department-authorized interpretation and translational services. Members should utilize family members, acquaintances, or bystanders as interpreters only in unforeseen, emergency circumstances. Once the emergency has passed, members will follow the procedures listed in the remainder of this written directive.

- C. The LEP Language Resource Center, found on both the Department's I:Drive and on the Department's intranet, contains all language assistance resources, including the KCPD Bilingual Skill List (intranet only), available to members requiring language assistance. The application contains instructions for its use as well as resource-specific contact information and procedures needed to obtain language assistance. The KCPD Bilingual Skill List will not be shared with or distributed to the public.
- D. KCPD Bilingual Skill List members will document the language services they provided each time they dispense their services using the KCPD Bilingual Skill Member Activity Log found in the LEP Language Resource Center.
- E. Any proposed Department documents, forms, and written materials that will be used in communicating with the public must be submitted to the Research and Development Division via memorandum who will, in conjunction with the Office of General Counsel, determine if the proposed material qualifies as a vital document.
- F. All Department members are required to receive training in regard to providing language assistance services. The KCPD Training Unit will define, develop, and conduct all required training (see Annex C, Section A).

#### **IV. TABLE OF ANNEXES**

The remainder of this written directive is divided into the following annexes.

- Annex A Language Identification, Interpretation, Translation, and LEP Contact Reporting
- Annex B Complaint Procedures for LEP Individuals
- Annex C Unit-Specific Responsibilities
- Annex D Outreach, Resource, Data Collection, and LEP Coordinator Responsibilities

Richard C. Smith  
Chief of Police

Adopted by the Board of Police Commissioners this \_\_\_\_\_ day of \_\_\_\_\_ 2020.

Nathan Garrett  
Board President

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## LANGUAGE IDENTIFICATION, INTERPRETATION, TRANSLATION, AND LEP CONTACT REPORTING

### A. Language Identification

1. Over-the-Phone Contact – When contact with an LEP individual occurs on the phone, members have the following options:
  - a. Members may attempt to identify the LEP caller’s language without assistance.
  - b. If the language used by the LEP caller cannot be identified by the member, or if the member believes the LEP caller is in an agitated state or otherwise in need of emergency services, the member will transfer the call to the on-duty Communications Unit Supervisor for assistance.
2. Face-to-Face Contact - When contact with an LEP individual is face-to-face, the following aids are available to help with language identification:
  - a. Pocket Reference Book, Form 321 P.D., – The Language Identification Guide section translates the phrase “I Speak...” for approximately 30 foreign languages.
  - b. Language Identification Sign – Displayed in the lobbies of all Department facilities in which potential for contact with the public exists. The signs contain the following phrase in the most commonly spoken foreign languages in Kansas City, “Free language assistance available upon request”.
  - c. Language Identification Guide, Form 2 P.D. En/Sp/Vn – A smaller, printable version of the Language Identification Sign which can be exchanged with an LEP individual.
  - d. Communications Unit Assistance – If the previous language identification aids prove inadequate in identifying the language spoken by the LEP individual, Department members will contact Communications Unit personnel for assistance.

## B. Language Interpretation

1. After the language has been identified, members will obtain an interpreter.
  - a. The member must be present whenever the LEP individual is engaged with the interpreter whether the interpreter is a KCPD Bilingual Skill List member or an employee of a Department-authorized interpretation service.
  - b. Whether the interpretation takes place over the phone or in person, the member will provide the interpreter with information and assistance only when asked to do so by the interpreter.
  - c. Any KCPD Bilingual Skill List member, when requested by another member to serve as an interpreter during an incident (e.g. call for service, walk-in report, complaint), involving an LEP individual can act only in the capacity of an interpreter and cannot be asked to assist in the incident in any other way. All activities associated with the resolution of the incident (e.g. – writing the report) are the responsibility of the primary member who requested the services of the KCPD Bilingual Skill List member.
2. Procedures for Criminal Interrogations, Crime Witness Interviews, and Crime Victim Interviews
  - a. Given the impact that inaccurately exchanged or procured information of an evidentiary nature can have on the integrity of an investigation, members will ensure LEP individuals understand all questions posed to them and all documents presented to them during all phases of interrogations and interviews regardless of their ability to speak, read, write, or understand the English language.
  - b. All communication with an LEP individual in these situations, especially any advisement of rights, should be explained to the LEP individual in his/her primary language.
  - c. Any LEP individual subject to an interrogation or an interview will be provided with an interpreter employed by a Department-authorized language interpretation service or a KCPD Bilingual Skill List member. If any member involved with the investigation believes the assigned interpreter may have a conflict of interest or not be completely objective regarding the individual being interrogated or interviewed, another interpreter will be requested.

- d. The Miranda Warning and Waiver, Form 340 P.D., has been translated into all foreign languages required by the Office for Civil Rights, Office of Justice Programs, U.S. Department of Justice (Office for Civil Rights) guidelines and will be made available to LEP individuals for whom those languages are their primary language. For languages that don't meet the Office for Civil Rights standard for translation, and in cases involving persons who are illiterate, the Miranda Warning and Waiver will be read to the suspect or witness in his or her primary language using a Department-authorized interpretation service or a KCPD Bilingual Skill List member.
- e. Any other written materials or documents presented to, or discussed with, LEP individuals during interrogations will also be made available to them in their primary language. If the documents in question are not available in the LEP individual's primary language, or in cases of illiteracy, the written materials and documents will be read to the LEP individual in his or her primary language using a Department-authorized interpretation service or a KCPD Bilingual Skill List member.
- f. Whenever possible, interrogations and interviews of LEP individuals should be conducted with the interpreter on-site in a face-to-face setting.
- g. The following interpretation resources can be contacted for use in criminal interrogations as well as victim and witness interviews.
  - (1) Interpreters Inc.
    - (a) Locally-owned Interpreters Inc. can provide on-site, face-to-face interpreters. Several of these interpreters are State of Missouri foreign language court certified in Spanish. Court certified interpreters are recommended for situations in which the most expert level of language interpretation is required.
    - (b) The use of Interpreters Inc. on-site, face-to-face interpreters requires written approval by the member's supervisor and the Financial Services Unit prior to use.

- (c) If circumstances (e.g., time constraints) preclude obtaining prior written approval, members will contact their immediate supervisor or on-duty supervisor and obtain verbal approval.
- (d) In either case above, members will submit a request for language services through the chain of command to the Financial Services Unit to ensure proper documentation is received for payment. The request will include the date and time of service, the length of anticipated time the interpreter will be used (or was used), and the case report number.

(2) KCPD Bilingual Skill List Members

Prior to utilizing Department members as interpreters, detectives should, before making this decision, consider factors such as:

- (a) The circumstances and severity of the crime
- (b) Type of subject being interrogated/interviewed (suspect, witness, victim)
- (c) The 24-hour rule
- (d) Availability of interpreters for the needed language
- (e) Any other issues that might put the successful prosecution of the case at risk by virtue of having used a Department member as an interpreter

(3) LanguageLine Solutions, Inc.

LanguageLine Solutions, Inc. does not provide on-site, face-to-face interpretation services for the KCPD. If on-site, face-to-face interpretation cannot be obtained or, in the opinion of the detective, it is not needed, members may make use of LanguageLine Solutions, Inc. over-the-phone interpretation services for interrogations and victim and witness interviews.



3. Procedures for All Other Scenarios

The following interpretation resources have been approved for use in all scenarios that do not involve criminal interrogations, crime witness interviews, and crime victim interviews.

- a. KCPD Bilingual Skill List members
- b. LanguageLine Solutions, Inc.

Authorized to provide only over-the-phone interpretation services to members.

- c. Interpreters Inc.

The same set of restrictions and procedures associated with the use of Interpreters Inc. as described in "Procedures for Criminal Interrogations, Crime Witness Interviews, and Crime Victim Interviews" found in Annex A, applies here.

C. Language Translation

- 1. Should it be necessary to translate information written in one language (the source language) to its equivalent in another language (the target language) Department members may, with bureau approval, arrange for translational services with Interpreters, Inc.
- 2. Vital Documents and Forms
  - a. All Department-generated documents, forms, and written materials that meet the standard of a vital document as defined in Section II (Terminology) of this written directive must be translated into the most frequently encountered foreign languages spoken in Kansas City per Department of Justice guidelines.
  - b. If a form is needed in a language other than English but the form does not exist in that language, or if the LEP individual for whom it is intended is illiterate, Department members will obtain an interpreter using one of the options listed in Annex A, Section B in order to have the material read and explained to the LEP individual.

D. Limited English Proficiency (LEP) Contact Reporting

1. All interactions with LEP individuals must be documented when interpretation or translation services occur (e.g. call for service, traffic violation, phone call, etc.) Examples of such interpreters/translators are Department members, relatives/acquaintances of the victim or suspect, and bystanders.
2. Members will document LEP contacts using the LEP Activity Entry Forms Log located in the LEP Language Resource Center found on the Department intranet. The logs are labeled "LEP Contacts" and "KCPD Bilingual Skill Member Activity".
3. If a Department-authorized paid professional language service is used, i.e., LanguageLine, Interpreters Inc., etc., the interaction does not need to be documented.

**COMPLAINT PROCEDURES FOR LEP INDIVIDUALS**

Members are responsible for taking complaints when requested to do so by an individual. Complaints filed by LEP individuals can present special challenges. It is critical that these complaints are filed with the utmost accuracy to ensure that information is not misinterpreted or misrepresented during any stage of the complaint investigation and resolution process.

**A. Complaint Filing**

1. If the LEP individual's primary language is one of those required to be translated in that language per Office for Civil Rights guidelines, members will provide the individual with the appropriate version of Community Complaint Report, Form 337 P.D.
2. If the LEP individual speaks a language that is not required to be translated in the complainant's primary language, members will arrange for a KCPD Bilingual Skill List member, if available, or a Department-authorized language interpretation service, to assist the complainant in understanding and completing the form.

**B. Complaint Investigation and Resolution**

1. When conducting an investigation of a complaint and interviewing any LEP complainants or witnesses, members of the Internal Affairs Unit will use a KCPD Bilingual Skill List member, if available, or a Department-authorized language interpretation service to communicate with the LEP individual.
2. The Office of Community Complaints (OCC) will provide written notice of the disposition of any complaint filed by an LEP individual in the complainant's primary language. If needed, OCC members will refer to Annex A, Section C of this written directive for guidance.

## UNIT-SPECIFIC RESPONSIBILITIES

### A. Training Unit

All Department members are required to receive training in regard to providing language assistance services. The KCPD Training Unit will define, develop, and conduct all required training.

1. All members must be initially trained on the content and use of this procedural instruction so that they are aware of the proper procedures for providing language assistance services in general. Individuals hired after the publication of this written directive will receive this training as soon as possible after their hiring, but no later than the end of their probationary period. Reviewing and signing this written directive in the PASS system does not fulfill this training requirement.
2. After receiving this initial training, all members must receive annual training focused specifically on how to provide language assistance services to LEP individuals.
3. Training Unit personnel will review and update the LEP training segments periodically to ensure the content is current, relevant, and reflects improved approaches to providing language access and assistance.
4. The Training Unit may develop additional training segments as dictated by need per Department of Justice guidelines or based on feedback of members or the public.

### B. Communications Unit

When handling calls involving LEP individuals, Communications Unit members will adhere to the following procedures:

1. Members can either attempt to identify the caller's language without assistance or with the assistance of a bilingual on-duty call taker. If the member is unable to identify the caller's language after using either method, the member should contact a Department-authorized language interpretation service for assistance in identifying the language.

2. After the language of the LEP caller has been identified, the member will obtain an interpreter in the following order of preference:
  - a. An on-duty call taker or dispatcher who is listed in the KCPD Bilingual Skill List for the needed language. In this circumstance, the call taker or dispatcher must make an entry in the LEP Contact Activity Log, found in the LEP Language Resource Center.
  - b. An over-the-phone interpreter employed by a Department-authorized language interpretation service.
3. To ensure accurate interpretation of information, the call takers and dispatchers will conduct their LEP calls on either a three-way telephone or conference call.
4. Call takers will note in the CAD system that the caller is an LEP individual and indicate the primary language (if known).
5. For all LEP calls, dispatchers will attempt to dispatch an on-duty officer who is a KCPD Bilingual Skill List member for the needed language.

C. Human Resources Division (HRD)

Personnel in HRD are responsible for the administration of the KCPD Bilingual Skill Program. As administrators of this process, HRD will:

1. Conduct annual testing of Department members who may be interested in becoming a designated KCPD Bilingual Skill List member.
2. Publish a directive each year indicating when testing of members seeking to become KCPD Bilingual Skill List members will occur.
3. On a monthly basis, review the KCPD Bilingual Skill List and incorporate any changes caused by personnel actions or results of the annual test.

**OUTREACH, RESOURCE, DATA COLLECTION, AND  
LEP COORDINATOR RESPONSIBILITIES**

Effectively managing the delivery of Department services to LEP individuals and communities cannot occur without understanding where LEP communities reside, in what proportions they exist, how often encounters with individuals in these communities occur, the concerns these communities have, and the resources the Department uses in addressing LEP needs. Consequently, the following outreach, resource, and data collection activities will be established and enacted under the direction of the Department's LEP Coordinator.

**A. Outreach Activities**

1. Establish procedures and mechanisms (e.g., surveys, forums, focus groups) for gathering feedback from the local LEP service population and, using the information, determine how the Department can provide more effective language assistance services.
2. Based on languages and dialects most frequently encountered, consult with members of those ethnic groups and explain how the Department is providing meaningful access to its language services.
3. Identify, contact, and establish relationships with ethnic media outlets through which public safety information to LEP communities can be relayed.

**B. Resource Activities**

1. Increase the recruitment and use of bilingual officers as a resource, particularly officers who speak languages and dialects most frequently encountered.
2. Identify, contact, and establish working relationships with community groups that serve LEP populations in order to determine what additional steps the Department can take to attract more bilingual employees capable of interpreting in a variety of foreign languages.
3. Annually, or as needed, conduct a review of the capital and human resources the Department devotes to meeting the needs of its LEP populations in terms of costs, benefits, and effectiveness.

C. Data Collection Activities

1. Establish reliable systems for gathering information on contacts with the Department's LEP service population in order to monitor:
  - a. Requests for LEP interpretation assistance originating from the Communications Unit.
  - b. Requests for LEP interpretation assistance originating from Department members.
  - c. All encounters with LEP persons resulting in the use of the LEP contact activity log.
2. Annually, locate and review the latest data from the U.S. Census Bureau in terms of Kansas City, Missouri's population trends and linguistic shifts in order to accurately determine the language assistance needs of community members.

D. Limited English Proficiency (LEP) Coordinator

1. The LEP Coordinator will be responsible for coordination of, and compliance with, all initiatives appearing in this written directive.
2. The LEP Coordinator will generate a report annually, or as needed, which will assess the Department's efforts in providing meaningful access to all its services and programs regardless of language proficiency.
4. The LEP Coordinator will designate and utilize Department resources as needed in order to compile the report.
5. The report will include a review and analysis of, but is not limited to, the following:
  - a. Community outreach efforts
  - b. Capital and human resources dedicated to LEP services
  - c. Demographic data and LEP population changes
  - d. Changes to languages requiring translation, per Office for Civil Rights guidelines, for the purposes of vital forms
  - e. Frequency and type of LEP contacts utilizing LanguageLine Solutions, Inc. invoices and LEP Contact Log activity
  - f. Language interpretation and translation providers

- g. LEP training
  - h. Recommendations for changes to the LEP written directive
6. The report will be submitted to the Chief of Police.