

Fulton County Sheriff's Office

Written Directive

Effective Date: January 1, 2008		Number: 10.09
Subject: LIMITED ENGLISH PROFICIENCY (LEP) GUIDELINES		Pages: 28
Amends/Rescinds: None	Distribution: All Staff	References:
Approving Authority Signature:	Date:	Review Date:

I. Purpose

The Fulton County Sheriff's Office (FCSO) recognizes the importance of effective and accurate communication between its personnel and the community that it serves. Language barriers can impede effective and accurate communication in a variety of ways. Language barriers can sometimes inhibit or even prohibit individuals with limited English proficiency (LEP) from accessing and/or understanding important rights, obligations, and services, or from communicating accurately and effectively in difficult situations. Hampered communication with LEP victims, witnesses, alleged perpetrators, and community members can present the FCSO with safety, evidentiary, and ethical challenges. Ensuring maximum communication ability between law enforcement and all segments of the community serves the interests of both.

The purpose of this Directive is to establish effective guidelines, consistent with *Title VI* of the *Civil Rights Act of 1964* and the *Omnibus Crime Control and Safe Streets Act of 1968*, for agency personnel to follow when providing services to, or interacting with, individuals who have LEP.

II. Scope

All Personnel

III. Policy

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

IV. Definitions

A. Primary Language means an individual's native tongue or the language in which an individual most effectively communicates. The FCSO personnel should avoid assumptions about an individual's

primary language. For example, not all individuals from Central America speak Spanish fluently. Instead, some Central Americans may claim an indigenous language as their native tongue. The FCSO personnel should make every effort to ascertain an individual's primary language to ensure effective communication.

- B. 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). Similarly, LEP designations are context-specific: an individual may possess sufficient English language skills to function in one setting, but these skills may be insufficient in other situations.
- C. Interpretation is the act of listening to a communication in one language (source language) and orally converting it to another language (target language) while retaining the same meaning.
- D. Translation is the replacement of written text from one language (source language) into an equivalent written text in another language (target language).
- E. Bilingual refers to the ability to use two languages proficiently.
- F. FCSO Authorized Interpreter (FCISOAI) is a bilingual FCSO employee or independent contractor who has been authorized to interpret for others in certain situations.
- G. FCISOAI List is an accounting of FCSO personnel and independent contractors who are bilingual and are authorized to act as volunteer interpreters. The Training Section will create and maintain the list and provide it to the Jail Bureau, Courts and Warrant/Service Divisions.

V. PROCEDURES FOR ACCESSING INTERPRETATION SERVICES

A. FCSO Personnel Requesting Interpretation Services:

- i. Responding FCSO Personnel Responsibilities: FCSO personnel in the field in need of interpretation services will attempt to identify the LEP individual's primary language through the use of the language identification card and immediately contact the Warrant/Service 1200 Desk.

NOTE 1 – Exigent Circumstances:

FCSO personnel are expected to follow the general procedures outlined in this Directive; however, exigent circumstances may require some deviations. In such situations, personnel are to use the most reliable, temporary interpreter available, such as bilingual FCSO personnel. Examples may include the need to obtain descriptive information on a fleeing suspect, or identifying information of an injured person. However, once an exigency has passed, all personnel are expected to revert to the general procedures in this Directive.

NOTE 2 – Family, Friends and Bystanders:

In other than exigent circumstances, FCSO personnel should only use family, friends or bystanders for interpreting in very informal, non-confrontational contexts, and only to obtain basic information at the request of the LEP individual. Using family, friends, or bystanders to interpret could result in a breach of confidentiality, a conflict of interest, or an inadequate

interpretation. Barring exigent circumstances, FCSO personnel should not use minor children to provide interpreter services.

- ii. Fulton County Jail Personnel: The Intake Supervisor will consult the FCISOAI List to determine if a FCISOAI is available to respond to the assignment.
 1. For Spanish, the Intake Supervisor will contact the FCISOAI Independent Contractor who will translate by phone if he is not already present on-site.
 2. For any foreign language other than Spanish, or if no FCISOAI is available, the Intake Supervisor will contact the telephonic interpretation service provider.
 - a. Procedure for **AT&T Language Line** (telephonic interpretation service provider)
 - i. Use conference hold to place the non-English speaker on hold.
 - ii. Dial 1-800-874-9426 for routine calls, OR
 - iii. Dial 1-800-523-1786 for Emergency calls
 - iv. Give Information
 1. Language needed
 2. Client ID Number - (from unit 1200 or Central Control)
 3. Organization name - Fulton County, GA
 4. Personal Code - Sheriff+(your DID)
 - v. Add non-English speaker to the line.
 - vi. Wait for the answer point to conference in the Interpreter.
 - vii. Brief the Interpreter. Summarize what you wish to accomplish and give any special instructions.
 - viii. Say "End of call." to the interpreter when the call is completed.
 - * When placing a call to a non-English speaker, begin at Step ii.*
- iii. Upon Arrival of Contracted In-Person Interpreter: Upon the arrival of the interpreter, the deputy/officer will examine the interpreter's identification. The deputy/officer shall record the interpreter's name and company affiliation in the log book along with the interpreter's arrival and departure times. Once the interpreter is prepared, FCSO personnel will ask all questions through the interpreter.

NOTE: It is FCSO personnel's responsibility to develop and ask any questions (at the Jail, this will mean reading from the intake information sheet). Under no circumstances will an interpreter independently question a LEP individual. The interpreter's role is to serve as a neutral third party, taking care not to insert his or her perspective into the communication between the parties.

- iv. Conflict of Interest/Bias of Interpreter: If the officer/investigator believes that there is any conflict of interest with the assigned interpreter, bias, or any other reason why the interpreter should be recused, the deputy/officer shall consult with the highest ranking supervisor on location and the supervisor will decide if another interpreter is warranted. If this should occur, the supervisor will call the Fulton County Interpreter Line (as listed in the Fulton County Directory), and be referred to another interpreter.

VI. INTERROGATION, INTERVIEWS, AND COMPLAINTS

- A. Criminal Interrogations and Crime Witness Interviews: These scenarios potentially involve statements with evidentiary value upon which a witness may be impeached in court. As such, accuracy is a priority. Moreover, a failure to protect the rights of LEP individuals during arrests and interrogations presents risks to the integrity of the investigation. The FCSO personnel must recognize that miscommunication during the interrogations or crime witness interviews may have a substantial impact on the evidence presented in any related criminal prosecution. A qualified interpreter shall be used for any interrogation or taking of a formal statement where the suspect or witness' legal rights could be adversely impacted. **Because of the dual role a FCSOAI may have when conducting interrogations and acting as an interpreter, FCSOAI's are not to be used as interpreters during interrogations.** Hence, the contracted in-person interpretation service shall be utilized, as outlined in Part IV.C. above.

NOTE:

Miranda warnings, and all other vital written materials, will be available to the suspect or witness in his or her primary language. In the case of a language into which forms have not been translated and in the case of illiteracy, forms will be read to the suspect or witness in his or her primary language using the contracted interpretation services.

- B. Complaint Procedures for LEP Persons: Any LEP individual, who wishes to file a complaint with the FCSO regarding language access, or the discharge of FCSO's duties, shall be provided with a translated Office of Professional Standards (OPS) complaint form. The assigned OPS investigator shall utilize the contracted in-person interpretation services (see Part V.A.ii. above) when conducting any interviews of LEP complainants or witnesses. The OPS Investigator will provide written notice of the disposition of any LEP complaint in the complainant's primary language.

NOTE:

In the event formal disciplinary charges result from a LEP complaint, the OPS Investigator will insure that a contracted in-person interpreter is available for any scheduled hearings.

VII. NOTIFYING THE PUBLIC ABOUT FCSO'S LANGUAGE SERVICES

- A. Signage: At each FCSO building entry point or lobby, signage shall be posted in the most commonly spoken languages stating that interpreters are available free of charge to LEP individuals. The FCSO shall also maintain translated written forms and documents for LEP individuals. Notification of the availability of translated forms and documents will be posted in the public lobby of the Fulton County Courthouse and the Fulton County Jail to inform LEP persons about which forms are translated. In the case of illiteracy or languages into which written materials have not been translated, such forms and documents will be read to LEP individuals in their primary languages.

VIII. TRAINING: LANGUAGE ASSISTANCE POLICY AND INTERPRETER SKILLS

- A. LEP Policies: The FCSO will provide periodic training to personnel about FCSO's LEP policies, including how to access FCSO-authorized, telephonic and in-person interpreters. The FCSO shall conduct such training for new recruits, at in-service training, and at roll call for deputies/officers at least every two years. Training shall initially be conducted within 180 days of the effective date of this Directive.
- B. Competency of Interpreters:
- i. Assessment: The FCSO personnel identified as bilingual who are willing to act as FCSOAI's will have their language skills assessed by a professional interpreter using a structured assessment tool. This professional will establish qualifications for the professional interpreters. Those found proficient in interpreting into and from target language will be placed conditionally on the FCSOAI List.
 - ii. Training: All personnel conditionally placed on the FCSOAI List must successfully complete the prescribed interpreter training within one year. After successful completion of interpreter training, the individual will be placed on the FCSOAI List. To complete interpreter training successfully, an interpreter must demonstrate proficiency in and ability to communicate information accurately in both English and in the target language; have knowledge in both languages of any specialized terms or concepts peculiar to the FCSO and of any particularized vocabulary and phraseology used by the LEP person; and understand and adhere to the interpreter's role as a neutral third party without deviating into other roles such as counselor or legal advisor. Interpreters will maintain professional confidentiality at all time.
 - iii. In-Service Training for FCSOAI's: Those persons who have been unconditionally placed on the FCSOAI List must receive in-service training annually or they will be removed from the FCSOAI List. The Training Section shall be responsible for coordinating the annual refresher training and will maintain a record of training that the interpreters have received.

IX. MONITORING AND UPDATING LANGUAGE ASSISTANCE EFFORTS

- A. LEP Coordinator: The Sheriff will appoint a LEP Coordinator who is responsible for coordinating and implementing all aspects of the FCSO's services to LEP individuals.
- B. Community Review: The LEP Coordinator shall assess demographic data, review contracted language access services utilization data, and consult with community-based organizations annually in order to determine if there are additional languages into which vital documents should be translated.
- C. Documents: The LEP Coordinator will be responsible for annually reviewing all new documents issued by the FCSO to assess whether they should be considered vital documents and be translated.

- D. Collection of LEP Contact Data: The LEP Coordinator will be responsible for collecting FCSO LEP contacts. This data may be collected through billing statements submitted by the contracted telephonic and in-person service providers, as well as incident reports from FCSO employees.