

ATTACHMENT A

KNOXVILLE POLICE DEPARTMENT

GENERAL ORDER

TOPIC: Limited English Proficiency	NUMBER: TBA
TITLE: Limited English Proficiency Assistance Plan	EFFECTIVE DATE: Draft
CROSS REFERENCE:	PAGES: TBA

PURPOSE:

The Knoxville Police Department recognizes the importance of effective and accurate communication between its personnel and the community that they serve. Language barriers can impede effective and accurate communication in a variety of ways. Language barriers can sometime 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 MPD 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 General Order 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 departmental personnel to follow when providing services to, or interacting with, individuals who are LEP.

) This directive shall consist of the following numbered sections:

- I. Policy
- II. Definitions
- III. Procedures for Accessing Interpretation Services
- IV. Interrogation, Interviews, and Complaints
- V. Notifying the Public About Language Services
- VI. Training
- VII. Monitoring and Updating Language Assistance Efforts
- VIII. LEP Assistance Plan Review

I. POLICY

It is the policy of the Knoxville Police Department to take reasonable steps to provide timely, meaningful access to LEP persons to the services and benefits the department provides in all police department conducted programs or activities. All department personnel shall provide free language assistance services to LEP individuals whom they encounter or whenever an LEP individual requests language assistance services. Department personnel will inform members of the public that language assistance services are available free of charge to LEP persons and that department or contract personnel will provide these services to them.

II. DEFINITIONS

- A. Primary Language means an individual's native tongue or the language in which an individual most effectively communicates. Knoxville Police Department personnel should avoid assumptions about an individual's primary language. Department personnel should make every effort to ascertain an individual's primary language to ensure effective communication.
- B. Limited English Proficiency 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. Knoxville Police Department Authorized Interpreter (KPDAI) is a bilingual department employee who has been tested and authorized to interpret for others in certain situations.
- G. KPDAI List is a delineation of department personnel who are bilingual and are authorized to act as interpreters. The Personnel Unit will create and maintain the list and provide it to designated contact locations, including the Knox County Emergency Communications District.

III. PROCEDURES FOR ACCESSING INTERPRETATION SERVICES

- A. Procedures for Requesting Interpretation Services
 - 1. Responding Employee Responsibilities: Department personnel in the field in need of interpretation services will attempt to identify the LEP individual's primary language through the use of language ID cards and request a KPDAI or other LEP resources through the Knox County Emergency Communications District.
 - 2. Exigent Circumstances: Knoxville Police Department personnel are expected to follow the general procedures outlined in this general order; however exigent circumstances may require some deviations. In such situations, personnel are to use the most reliable, temporary interpreter available, such as bilingual department personnel. However, once an exigency has passed, all personnel are expected to revert to the general procedures in this general order.
 - 3. Family, Friends and Bystanders: In other than exigent circumstances, department personnel should make every effort to only use family, friends, or bystanders for interpreting in very informal, non-confrontational situations, and only to obtain basic information at the request of the LEP individual. Barring exigent circumstances, personnel should not use minor children to provide interpreter services.

4. Police Radio Responsibilities: Upon request for interpretive assistance, the Knox County Emergency Communications District (KCECD) will consult the KPDAI List to determine if an KPDAI is available to respond. If no KPDAI is available, the KCECD will contact the telephonic interpretation service provided by telephonic service.
5. Conflict of Interest/Bias of Interpreter: If the member believes that there is any conflict of interest with the assigned interpreter, bias, or any other reason why the interpreter should be recused, the member shall consult with the highest-ranking supervisor on location and the supervisor will decide if another interpreter is warranted.

NOTE:

It is the member's responsibility to develop and ask all applicable questions. 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 their perspective into the communication between the parties.

IV. 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 process. The member 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's or witness' legal rights could be adversely impacted. Because of the dual role a member must have when conducting interrogations and acting as an interpreter, only KPDAIs who are not connected to the investigation are to be used as interpreters during interrogations. When a KPDAI is not available or not

appropriate, the member can contact the KCECD for other LEP resources.

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 in 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 a KPDAI or if none is available, other LEP services.

- B. Complaint Procedures for LEP Persons: Any LEP individual who wishes to file a complaint with the Knoxville Police Department regarding language access, or the discharge of departmental duties, shall be provided assistance in their primary language by a KPDAI, or if none is available, by other LEP services. The Internal Affairs Unit will provide written notice of the disposition of any LEP complaint in the complainant's primary language.

V. NOTIFYING THE PUBLIC ABOUT LANGUAGE SERVICES

- A. Signage: At each Knoxville Police Department 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 department shall also maintain translated written forms and documents for LEP individuals and post a notice of the availability of each translated form at every entry point or lobby. In the case of illiteracy or languages in which written materials have not been translated, such forms and documents will be read to LEP individuals in their primary language through an available KPDAI or other LEP service.
- B. Management Services Division Commander: The Management Services Division Commander shall ensure that the signage is posted and visible to the general public. In addition, a LEP resource and contact recording binder will be available at each departmental public contact location. All contacts with LEP citizens shall be recorded on the log for future assessment needs.

VI. TRAINING

- A. LEP Policies: The Knoxville Police Department, through the Training Unit, will provide periodic training to personnel about LEP policies, including how to access authorized, telephonic and in-person interpreters. The Department shall conduct such training for new recruits, and then at either in-service training or roll call training for officers at least every two years.
- B. Department Authorized Interpreters
1. Assessment: Department personnel identified as bilingual who are willing to act as KPDAI's will have their language skills assessed by Civil Service using a structured assessment tool to be placed on the KPDAI List.
 2. Training: All personnel placed on the KPDAI list must have successfully completed the prescribed interpreter training provided by Civil Service. To successfully complete interpreter training, an interpreter must:
 - a. Demonstrate proficiency in and ability to communicate information accurately in both English and in the target language;
 - b. Have knowledge in both languages of any specialized terms or concepts peculiar to the Knoxville Police Department and of any particularized vocabulary and phraseology used by the LEP person; and
 - c. Understand and adhere to the interpreter role without deviating into other roles such as counselor or legal advisor.
 3. Refresher Training: Those employees who have been placed on the KPDAI List must receive refresher training annually or they will be removed from the List. The Training Unit shall coordinate the annual refresher training and maintain a record of training that interpreters have received.

VII. MONITORING AND UPDATING LANGUAGE ASSISTANCE EFFORTS

- A. LEP Coordinator: The Administrative Lieutenant, or designee, is the Knoxville Police Department LEP Coordinator responsible for coordinating and implementing all aspects of the department's services to LEP individuals.
- B. Community Review: The Administrative Lieutenant, or designee, shall assess demographic data, including LEP student populations within the school districts serviced by the Knoxville Police Department, 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. Translated Documents: The Administrative Lieutenant, or designee, will be responsible for annually reviewing all documents issued by the department to assess whether they should be translated and determining into what languages vital documents should be translated.
- D. Collection of LEP Contact Data: The Administrative Lieutenant, or designee, will be responsible for collecting departmental LEP contacts. This data may be collected through the NetRMS Crime Reporting system, citizen and building visitor contact logs, billing statements submitted by the contracted telephonic service, the KPDAI's, and other in-person service providers.
- E. Tracking and Analysis of LEP Data: The Administrative Lieutenant, or designee, or designee shall be responsible for assessing demographic data, reviewing contracted language access services utilization data, and consulting with community-based organizations to ensure that the Knoxville Police Department is providing meaningful access to LEP persons in all department conducted programs or activities.
- F. Record Keeping: The LEP Coordinator will be responsible for maintaining all records and files on community review, documents translated by the department, LEP contact data, and analyses done of LEP data.

VIII. LEP Assistance Plan Review

The Accreditation Unit will ensure that this LEP Assistance Plan is reviewed annually and updated as necessary, or more often as required by the Chief of Police or designee.

Chief of Police



Washington, D.C. 20531

CERTIFIED-RETURN RECEIPT REQUESTED

January 3, 2008

Chief Sterling P. Owen, IV
Knoxville Police Department
P.O. Box 3610
Knoxville, Tennessee 37927

Dear Chief Owen:

In January 2006 the U.S. Department of Justice (DOJ), Office of Justice Programs (OJP), Office for Civil Rights (OCR), notified you that the Knoxville Police Department (KPD), as a recipient of Federal financial assistance, had been selected for a civil rights compliance review in accordance with Title VI of the Civil Rights Act of 1964 (Title VI) and the Omnibus Crime Control and Safe Streets Act of 1968 (Safe Streets Act) and their implementing regulations. The focus of the compliance review was the KPD's provision of language access services to limited English proficient persons (LEP). As you also know, the OCR conducted the on-site phase of the review in August 2006 and in August 2007 we provided you with a draft copy of our compliance review report that contained recommendations for compliance in accordance with DOJ's published guidance entitled, *Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons*, 67 Fed. Reg. 41,455 (2002) (DOJ Guidance).

Over the past few months, the KPD has diligently worked to develop and implement our proposed recommendations to include the development of a LEP policy and language assistance plan (LAP). As a result of these efforts, in November 2007, you submitted a copy of the KPD's final draft LEP policy and LAP which was contained in one comprehensive document. We have thoroughly reviewed this document and conclude that it substantially conforms to the standards set forth in the DOJ Guidance. Therefore, upon receipt of the signed final versions of the LEP Policy and LAP, we will administratively close the compliance review and notify you accordingly. Although we have concluded that the draft LEP Policy and LAP substantially conforms to the standards of the DOJ Guidance, we offer the following suggestions that you may want to consider incorporating into the final version:

- (1) Please attach an appendix to the LAP which contains an itemized list of all vital documents that are currently translated into a language other than English;
- (2) Section VII(A)- Specifically identify the LEP Coordinator by name and contact information;
- (3) Section VII- Specifically identify the current LEP population located in the KPD's service area and the language(s) spoken by the identified LEP population. Please note that this data should be updated annually in accordance with the KPD's directives contained in Section VIII; and

- (4) Section VII- Specifically state that upon the KPD conducting annual monitoring of the LEP population, the KPD will then update the LAP with any noted changes in the LEP population as well as the language(s) spoken by the identified LEP persons.
- (5) The KPD uses the phrase "LEP services," when referring to language assistance services other than interpreter services. For purposes of clarity, we recommend the KPD replace the phrase "LEP services" with language assistance services.

Thank you for your continued assistance during the course of this review. If you have any questions regarding this matter, please contact Attorney Tammy Mabey at 202-616-6484 or via e-mail at Tamara.Mabey@usdoj.gov.

Sincerely,



Michael L. Alston
Director
Office for Civil Rights