The purpose of this policy is to document established guidelines, consistent with Title VI of the Civil Rights Act of 1964 and the Omnibus Crime Control and Safe Streets Act of 1968 for personnel to follow when providing services to, or interacting with, individuals with Limited English Proficiency (LEP). In addition, this policy establishes guidelines to ensure compliance with the Title VI “Safe Harbor” provision when determining document translation needs.

The Volusia County Sheriff's Office recognizes the importance of effective and accurate communication between its personnel and the community it serves. 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, suspects, and community members can present the Volusia County Sheriff's Office with safety, evidentiary, and ethical challenges. Ensuring maximum communication ability between law enforcement and all segments of the community serves the interests of both.

It shall be the policy of the Volusia County Sheriff's Office to take reasonable steps to provide timely, meaningful access to LEP persons to the full law enforcement services and benefits it provides. The VCSO shall provide free of charge language assistance services to LEP individuals whom they encounter or whenever an LEP individual requests language assistance services. Further, it shall be the policy of the Volusia County Sheriff's Office to inform and train its personnel on the various language assistance resources that are available in order to assist them in providing services to LEP persons.

All bilingual/multilingual members of the Volusia County Sheriff's Office who are called upon to provide such interpretive services based on their respective secondary language(s) skills will provide such services as requested.

**Bilingual** - Refers to the ability to use two languages proficiently.

**Multilingual** – Refers to the ability to use more than two languages proficiently.

**Interpretation** – The act of listening to communication in one language (source language) and orally converting it to another language (target language) while retaining the same meaning.

**Language Access Plan Coordinator (LAPC) –** The designated agency coordinator responsible for coordinating and implementing all aspects of the agency’s Language Access Plan. Unless otherwise designated by the Sheriff, the Law Enforcement Services Division Executive Officer shall function in this capacity.

**Language Assistance Services** – Oral and written language services needed to assist LEP individuals to communicate effectively with staff, and to provide LEP individuals with meaningful access to, and an equal opportunity to participate fully in the services, activities, or other programs administered by the agency.

**Limited English Proficiency (LEP)** – An individual whose primary language is not English and who has a limited ability to read, write, speak, or understand English. NOTE: LEP individuals may be competent in certain types of
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.

**Primary Language** - An individual's native tongue, or the language in which an individual most effectively communicates. NOTE: Personnel should avoid assumptions about an individual's primary language and make every effort to ascertain the primary language to ensure effective communication.

**Qualified Interpreter or Translator** – An in-house or contracted translator or interpreter who has demonstrated his or her competence to interpret or translate through court certification or is authorized to do so by contract with the Sheriff’s Office or by approval of the Administrative Services Director. A qualified interpreter is defined as one who is able to effectively, accurately, and impartially interpret, both receptively and expressively, using any necessary specialized vocabulary. Family members and/or acquaintances are not considered qualified interpreter, except on a temporary basis in exigent circumstances.

**Sight Translation** – Oral rendering of written text into spoken language by an interpreter without change in meaning based on a visual review of the original text or document.

**Translation** – The replacement of the written text from one language (source language) into an equivalent written text in another language (target language).

**Vital Document** – Paper or electronic written material that contains information that is critical for accessing the Agency’s programs or activities, or is required by law.

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**PROCEDURE**

**VCSO LANGUAGE ASSISTANCE: IDENTIFYING & NOTIFYING LEP INDIVIDUALS**

1.15.1 Employees will take reasonable measures to assist LEP persons. Those employees who have the potential for direct contact/interaction with LEP persons during the delivery of VCSO services should first attempt to identify the primary language of the LEP person. Use of language identification cards (e.g. “Language Identification Flashcard” available on intranet Agency Forms) invites LEP persons to identify their language needs to personnel.

1.15.2 Signage: A notice shall be posted in all locations with a public reception/lobby in the most commonly spoken languages stating that interpreters are available free of charge to LEP individuals. Notification of the availability of translated forms and documents will also be posted. 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.

1.15.3 Commanders with direct public access areas within their command shall ensure that the signage is posted and visible to the general public.

**CIVILIAN CALLS TO 9-1-1 (COMMUNICATION CALL CENTER)**

**EMERGENCY CALLS TO 9-1-1**

1.15.4 When a call taker receives an emergency call and determines that the caller is a LEP person, the call taker shall inform the LEP caller to the best of their ability, that he or she will find an interpreter and keep the caller on the line. If a qualified interpreter is available in the call center, the interpreter shall then follow the standard operating procedures for all emergency calls for service.

1.15.5 If no one is available in the call center for interpretation, the call taker will immediately use the existing 9-1-1 Language Line interpretation services in accordance with established procedures. Once a three-way call is established between the call taker, the LEP caller, and the interpreter, the call taker shall follow standard operating procedures used for all emergency calls for service.

1.15.6 The call taker shall note in the call that the caller is LEP and their language spoken; when practical, notify the supervisor to ensure that a qualified bilingual deputy responds, if available.

**NON-EMERGENCY CALLS TO 9-1-1**

1.15.7 For 9-1-1 calls that are determined to be non-emergency in nature, the call taker will survey the call center for an interpreter to assist the LEP caller.

1.15.8 If there are no interpreters available in the call center, the call taker will use the existing 9-1-1 Language Line interpretation services and establish a three-way call to determine the nature of the call. The dispatcher will then follow established protocol to have an interpreter respond to the scene to assist the LEP person.
1.15.9 If there are no interpreters available within the district of the LEP caller, the call taker will notify the Watch Commander to assign a qualified bilingual officer regardless of district to the call, after notifying the deputy’s supervisor of the need for an interpreter. The call taker will note in the call that the caller is a LEP person and their respective primary language for tracking purposes.

1.15.10 As a last resort, if there are no interpreters available to dispatch after a diligent review of personnel and the Watch Commander has been notified, the dispatcher will then contact the contracted Language Line interpretation service directly to assist the deputy on scene with the call.

1.15.11 The communications supervisor shall ensure the call is properly logged for tracking purposes whether the call is an emergency or not. (Refer to the section on page 6: Recording Data on Services Utilized)

<table>
<thead>
<tr>
<th>VCSO PERSONNEL REQUESTING INTERPRETATION SERVICES FOR LEP PERSONS</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.15.12 Communications will maintain a list of all qualified bilingual/multilingual resources including in-house employees, language line, surrounding agencies' resources, local business/community resources, and a list of free-lance interpreters utilized by the Courts in the 7th Circuit.</td>
</tr>
</tbody>
</table>

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<tr>
<th>RESPONDING PERSONNEL</th>
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</thead>
<tbody>
<tr>
<td>1.15.13 Personnel in the field in need of interpretation services will attempt to identify the LEP individual’s primary language. The Language ID Flashcard is available on the agency intranet under Agency Forms/Secondary Language Access and shall be posted in each facility’s public reception area. The deputy will advise Communications of the need for an interpreter whether on an emergency or non-emergency call.</td>
</tr>
<tr>
<td>1.15.14 Use of in-house assets and/or any available bilingual on-call personnel will first be attempted. If there are no interpreters available, then the deputy will contact the supervisor for approval to use a contracted interpreter (via language line or in-person). Supervisors are given liberal authority to approve the use of the interpretation services to facilitate communication in the field.</td>
</tr>
<tr>
<td>1.15.15 Upon supervisory approval, the deputy will contact Communications for assistance. The communications supervisor will then call the Language Line, or qualified interpreter, with the nature of the assistance required and notify the officer of the estimated time of arrival. The communications supervisor will ensure proper tracking of this request.</td>
</tr>
<tr>
<td>1.15.16 In exigent circumstances, personnel are to use the most reliable temporary interpreter available, including family, friends, etc. in order to obtain timely assistance. Examples of such circumstances may include the need to obtain descriptive information on a fleeing suspect or identifying information of an injured person. However, once the emergency/exigent circumstance has passed, all personnel will revert back to the general guidelines provided herein.</td>
</tr>
<tr>
<td>1.15.17 In other than exigent circumstances, 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, personnel should not use minor children to provide interpreter services.</td>
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<tr>
<th>CONTRACTED IN-PERSON INTERPRETATION SERVICES</th>
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<tbody>
<tr>
<td>1.15.18 Contracted in-person interpretation services shall be available to all personnel when interacting with LEP individuals. Communications will be the central conduit for connecting personnel in the field to an appropriate interpreter.</td>
</tr>
<tr>
<td>1.15.19 Personnel who believe they need this service while conducting an investigation will consult with their immediate supervisor. If the supervisor concurs, the deputy/investigator will contact the communications supervisor and provide the communications supervisor with the investigator/deputy name, DID, contact phone number, supervisor’s name and the language of the LEP person and exact location where the interpreter is expected.</td>
</tr>
<tr>
<td>1.15.20 The Communications supervisor will contact the contracted interpreter and relay all information. These services are for non-emergency investigations and are in addition to the current emergency 911 Language Line interpreter services for emergency services.</td>
</tr>
<tr>
<td>1.15.21 The Communications supervisor will obtain an estimated time of arrival for the interpreter before ending the call and notify the deputy/investigator. The in-person interpreter should be on location no more than two-hours (2hrs) from the time of notification.</td>
</tr>
</tbody>
</table>
UPON ARRIVAL OF CONTRACTED IN-PERSON INTERPRETERS

1.15.22 Upon the arrival of the interpreter, the deputy/investigator will examine the interpreter’s employee identification and record the interpreter’s name and company affiliation on the investigative report along with the interpreter’s arrival and departure times.

1.15.23 Agency personnel will ask all questions through the interpreter. All language interpreter services will adhere to established confidentiality clauses.

1.15.24 Under no circumstances will an interpreter independently question or converse with a LEP individual. The interpreter’s role is strictly to serve as a neutral third party, taking care not to insert his or her perspective into the communication between the parties.

1.15.25 If the deputy/investigator believes that there is any conflict of interest/bias, the deputy shall consult with their immediate supervisor. The supervisor will decide if another interpreter is warranted. If this should occur, the officer’s supervisor will advise the communications supervisor to have another interpreter respond and submit a memorandum to the agency’s Language Access Plan Coordinator (LAPC) and make a note via the Watch Commanders Report on the intranet.

INTERROGATION, INTERVIEWS, AND COMPLAINTS

CRIMINAL INTERROGATIONS AND CRIME WITNESS INTERVIEWS

1.15.26 These scenarios potentially involve statements with evidentiary value upon which a witness may be impeached in court. As such, accuracy is a priority. Moreover, failure to protect the rights of LEP individuals during arrests and interrogations presents risks to the integrity of the investigation. Personnel must recognize that miscommunication during interrogations or witness interviews may have a substantial impact on the evidence presented in any related criminal prosecution.

1.15.27 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.

1.15.28 This interrogation, or taking of a formal statement, will be recorded and preserved as case evidence. Use of the contracted Language Line resources or in-person interpreters approved through the Circuit Court, as coordinated through Central Communications, will be utilized for this purpose. In-house interpreters will NOT be utilized during criminal interrogations and crime witness interviews.

1.15.29 A copy of the recorded interpretation will be secured from Central Communications by the respective investigator and submitted to Evidence as part of the case file.

MIRANDA WARNINGS

1.15.30 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 a qualified interpreter, either via Language Line, or in-person contracted interpreters.

COMPLAINT PROCEDURES FOR LEP PERSONS

1.15.31 Any LEP individual who wishes to file a complaint with the Sheriff’s Office regarding language access, or the discharge of law enforcement duties, shall be provided with the secondary language complaint form. If the secondary language is not one in which documents have been translated, the LEP person will be provided with contracted in-person interpretive service or a VCSO authorized in-house interpreter not involved in the complaint to assist in completing the forms and throughout the process to ensure a complete understanding.

ACCESSING DOCUMENT TRANSLATION SERVICES

IDENTIFICATION AND TRANSLATION OF VITAL DOCUMENTS

1.15.32 The LAPC will be responsible for classifying all agency forms and documents as vital or non-vital, and determining into what languages the vital documents should be translated. This determination will be based in part on demonstrated need/volume of the particular secondary language of LEP persons and will be in accordance with the DOJ Guidelines ensuring adherence to Title VI, “Safe Harbor” mandates.

1.15.33 The classification of a document as “vital” depends upon the importance of the information or service involved and the consequence to the LEP person if the information in question is not provided accurately or in a timely manner.
1.15.34 Documents classified as "vital" fall into two broad categories:

A. Specific communication regarding a case or matter between an individual and the respective Division/Section, and

B. Documents primarily geared towards a broader audience or the public in general.

1.15.35 The determination of what documents are considered "vital" is left to the discretion of the LAPC. In addition, the respective Division Commander or designated POC for a particular case will consult with the LAPC.

1.15.36 If a document is lengthy and contains both vital and non-vital information, other forms of providing meaningful access may be used. For example, providing a sight translation by a qualified interpreter of certain vital documents may be acceptable under some circumstances.

REQUESTS BY OTHER UNITS FOR DOCUMENT TRANSLATION:

1.15.37 Although the LAPC functions as the conduit for document translation, all personnel shall have access to this service through the following procedures:

A. **Commanding Officers**: Should a Commanding Officer identify a need for a specific document or form to be translated within his/her area of command, a memorandum shall be forwarded to the LAPC. The respective Section POC, in consultation with the respective Commanding Officer is responsible for determining how the contents of a case/ matter-specific vital document is conveyed to an LEP individual.

B. **Translation of Investigative Documents**: Should an investigator need a note, letter, or other document translated for an investigation, a memorandum will be forwarded to the Investigative Services Commander, or respective District Commander, with a copy of the original note, letter or other document to be translated.

### IN-HOUSE INTERPRETIVE RESOURCES & SERVICES

1.15.38 The VCSO will continue in its attempts to recruit bilingual employees.

1.15.39 A searchable on-line list of all bilingual/ multilingual employees will be maintained in the on-call resource section of the intranet and maintained by Central Communications. This list will provide:

A. Respective non-English languages

B. General level of proficiency in both oral and written interpretive ability, as determined by established testing/ assessment procedures. (The VCSO will work with the local Colleges, Universities (e.g. Rollins) to provide tools to measure proficiency needed for qualified interpreters)

C. Assignment, shifts and contact information.

1.15.40 As much as is operationally practicable, bilingual capabilities and area language assistance needs of the community will be considered in determining assignments and dispatching.

### COMPETENCY OF QUALIFIED INTERPRETERS

1.15.41 VCSO personnel identified as bilingual who are willing to act as VCSO authorized in-house interpreters, will have their language skills assessed, using a structured assessment tool and shall be reviewed by qualified professional interpreters as selected by the LAPC.

1.15.42 For contracted interpretation services, the VCSO will utilize qualified interpreters from the list of interpreters provided by the local Court Interpretive Services Liaison.

1.15.43 The LAPC will monitor the agency’s use of authorized agency interpreters to ensure that adequate and qualified services are maintained.

1.15.44 The VCSO continually strives to develop in-house secondary language resources by hiring personnel with specific language skills.

### RECORDING DATA ON SERVICES UTILIZED

1.15.45 In addition to reports on services utilized through Language Line, VCSO personnel will track all contacts, both emergency and non-emergency, with LEP persons for which assistance is requested/ needed.

1.15.46 The information tracked will include:

A. Nature of the call
B. Language requested

C. Source of assistance provided, e.g. in-house bilingual personnel, language line, contracted qualified interpreter.

D. Length of time in-house bilingual personnel spent with the LEP individual and any costs associated with contracted interpreters.

E. Type of assistance provided, e.g. Call-taker, in the field face-to-face, walk-up at District, Central Records, Operations, etc.

1.15.47 Information will be tracked via the agency’s automated Records Management System (RMS) and will be included in the agency’s monthly administrative reports; this data will be summarized in the annual report and submitted to the LAPC and Command Staff for annual review and identification of any additional modifications or actions that may be necessary to accommodate shifting/emerging language service needs as they arise. The department will provide personnel with specific instruction on how to document LEP contacts in RMS.

1.15.48 Utilizing the administrative reporting system will enable command staff to track and respond to individual Districts and service areas independently and identify specific geographic areas of populations with specific LEP service needs.

POINT OF CONTACT

1.15.49 Each District Commander, or his designee, will function as the point of contact to ensure agency LEP services are being provided and tracked, and to oversee the training and utilization of bilingual personnel within their District.

REVIEWING & ASSESSING LEP SERVICE NEEDS

1.15.50 Assessing language service needs begins with the four-factor analysis:

A. The number or proportion of LEP persons encountered within the jurisdiction, district, etc, including seasonal, tourism or other variations;

B. The frequency of contact with LEP individuals;

C. The nature and importance of the various types of encounters with LEP persons;

D. The resources available to the agency and costs associated with providing language services.

1.15.51 While all law enforcement activities are important, the purpose of the analysis allows the agency to first prioritize the types of language services identified and to ensure that appropriate language assistance resources are promptly available when and where most needed.

1.15.52 The VCSO has a designated Language Access Plan Coordinator (LAPC) responsible for facilitating and implementing all aspects of the agency’s Language Access Plan. The LAPC works with other points of contact throughout the agency to ensure that the basic framework of the agency’s LEP language assistance services provide meaningful access to LEP persons. The LAPC also provides recommendations for modifications to the plan as needed.

1.15.53 The LAPC will be responsible for:

A. Collecting individual school census data from the school board.

B. Assessing all available demographic/census data (i.e. Volusia County Growth Management, District School Board, US Census, etc.),

C. Reviewing language access services utilization data tracked by the agency (RMS and administrative reporting system),

D. Consulting with community-based organizations, as well as local institutions of higher learning to assist in determining changing and emerging needs.

E. Compiling all information annually for Command Staff’s review, planning and direction.

COMMUNITY ENGAGEMENT AND OUTREACH

1.15.54 Providing meaningful access to LEP individuals will also be considered in existing and future community events, services and outreach and will be included in education initiatives within VCSO.
1.15.55 Districts are encouraged to consult with entities representing LEP interests within their respective jurisdictions including community groups, non-profit organizations and other community partners to obtain feedback on access and quality of LEP services provided by the VCSO.

1.15.56 As part of these outreach initiatives, the Districts will maintain a list of community-based organizations, non-governmental organizations and other community partners with whom the Sheriff’s Office regularly interacts that also work with LEP populations. These resources can provide important input and assist in identifying populations for which outreach is needed and who would benefit from the Sheriff’s Office programs and activities.

1.15.57 District Commanders are responsible for ensuring that community-based organizations and other community partners are provided with information on VCSO LEP language services.

1.15.58 The LAPC will monitor the agency’s website for areas that require LEP language services and pertinent information translation selections.

**TRAINING**

1.15.59 To minimize to the extent practicable, LEP as a barrier to accessing agency programs, services, or activities, all VCSO personnel shall receive training in LEP services and steps to provide LEP persons with meaningful access.

1.15.60 This training will consist of documented roll call training for all personnel. Training aids will include this directive and the DVD, “Breaking Down the Language Barrier”.

1.15.61 Training will be provided during orientation, FTEP, or other applicable academic phase, as required by the job position.

1.15.62 The Training Section will provide periodic refresher training through documented on-line roll call training. A variety of resources will be utilized to help personnel understand how and when to access and provide language assistance, e.g. resource lists, signs, instructions to cover various types of encounters such as traffic stops, arrests, custodial interrogations, witness interviews, temporary detention, requests for public records, etc.

1.15.63 Periodically, the VCSO may offer or make available to agency personnel opportunities to learn secondary languages that impact services to LEP persons as a result of local demographic changes. These needs will be identified through annual needs assessment and review of tracked services provided. Proficiency will be measured through certified means consistent with the guidelines set forth through the 7th Judicial Circuit.

**ATTACHMENTS**

Attachment A: Language ID Flashcard

Drafted by: 6760/ 2314
Drafted on: 08/29/11; 09/27/11; 03/27/12; 07/11/13; 04/22/14; 07-21-2014

Approved: 01-01-17

Michael J. Chitwood
Sheriff, Volusia County
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
☐ Cocher ici si vous lisez ou parlez ie français.

☐ Kreuzen Sie dieses Kästchen an, wenn Sie Deutsch lesen oder sprechen.

☐ Σημειώστε αυτό το πλαίσιο αν διαβάζετε ή μιλάτε Ελληνικά.

☐ Make kazye sa a si ou li oswa ou pale kreyòl ayisyen.

☐ अगर आप हिंदी बोलते या पढ़ सकते हों तो इस बक्स पर चिह्न लगाएं।

☐ Kos lub voj no yog koj paub twm thiab hais lus Hmoob.

☐ Jelölje meg ezt a kockát, ha megérti vagy beszéli a magyar nyelvet.

☐ Markaam daytoy nga kahon no makabasa wenno makasaoka iti Ilocano.

☐ Marchi questa casella se legge o parla italiano.

☐ 日本語を読みたり、話せる場合はここに印を付けてください。

☐ 한국어를 읽거나 말할 수 있으면 이칸에 표시하십시오.

☐ నీవు హిందీ భాషాశాఖ భాషాను పరిష్కరించి లేకపోయినా ఈ హాంగా ఇంచండి.

☐ Prosimy o zaznaczenie tego kwadratu, jeżeli posługuje się Pan/Pani językiem polskim.
Assinale este quadrado se você lê ou fala português.

26. Portuguese

Însemnați această casuță dacă citiți sau vorbiți românescă.

27. Romanian

Пометьте этот квадратик, если вы читаете или говорите по-русски.

28. Russian

Обележите ова квадратић уколико чitate или говорите српски језик.

29. Serbian

Označte tento švorcok, ak viete čítať alebo hovoriť po slovensky.

30. Slovak

Marque esta casilla si lee o habla español.

31. Spanish

Markahan itong kwadrado kung kayo ay marunong magbasa o magsalita ng Tagalog.

32. Tagalog

ให้ความรู้_Validating_ในช่องที่ท่านจงทำการเป็นภาษาไทย.

33. Thai

Maaka 'i he puha ni kapau 'oku ke lau pe lea fakatonga.

34. Tongan

Відмітьте цю клітинку, якщо ви читаєте або говорите українською мовою.

35. Ukrainian

آرآپ اردوی کیتَ جا یا اے کے پر اس نہیں نقش کیا گیا ہے۔

36. Urdu

Xin đánh dấu vào ô này nếu quý vị biết đọc và nói được Việt Ngữ.

37. Vietnamese

协会会员 您是 希望 为 我们 学会 的 会员 吗？ 欢迎 加入 协会 活动 参加 交流

38. Yiddish