I. POLICY

Language differences can sometimes inhibit or even prohibit individuals with limited English proficiency), or those with certain disabilities, from gaining meaningful access to, or an understanding of important rights, obligations and services. It is therefore the policy of this Department to take all reasonable steps to ensure timely and equal access to all individuals, regardless of national origin, primary language, or their disability (Title VI of the Civil Rights Act of 1964, § 601, 42 United States Code 2000d, 28 CFR 35.160).

The Department and/or a member will not discriminate or deny any individual access to services, rights, or programs, based upon a person’s disabilities or inability to communicate—in English or at all.

Further, service animals play an important role in helping to overcome the limitations often faced by people with disabilities. The Davis Police Department recognizes this need and is committed to making reasonable modifications to its policies, practices, and procedures in accordance with Title II of the Americans with Disabilities Act of 1990 (ADA) to permit the use of service animals that are individually trained to assist a person with a disability.

II. DEFINITIONS

A. Definitions

1. Auxiliary aids - These are used to communicate with people who are deaf, hard of hearing or have impaired speech. They include, but are not limited to, the use of gestures or visual aids to supplement oral communication; use of a notepad and pen or pencil to exchange written notes; use of a computer or typewriter; use of an assistive listening system or device to amplify sound; use of a teletypewriter (TTY), videophones (video relay service or VRS); or use of a qualified interpreter.

2. Deaf or hard of hearing - An individual who has or is regarded as having substantially limited hearing with or without assistance.

3. Limited English Proficient (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.

4. LEP 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.

5. LEP Translation - The replacement of written text from one language (source language) into an equivalent written text (target language).

6. Service Animal- The ADA defines a Service animal means any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purposes of this definition. The work or tasks performed by a service animal must be directly related to the individual’s disability. Examples of work or tasks include, but are not limited to, assisting individuals who are blind or have low vision with navigation and other tasks, alerting individuals who are deaf or hard of hearing to the presence of people or sounds, providing non-violent protection or rescue work, pulling a wheelchair, assisting an individual during a seizure, alerting individuals to the presence of allergens, retrieving items such as medicine or the telephone, providing physical support and assistance with balance and stability to individuals with mobility disabilities, and helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors. The crime deterrent effects of an animal's presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks for the purposes of this definition. (28 CFR 35.104 & Healthy and Safety Code § 113903)

7. Qualified ADA interpreter - A person who is able to interpret effectively, accurately and impartially, both receptively and expressively, using any necessary specialized vocabulary. Qualified interpreters include oral interpreters, translators, sign language interpreters and intermediary interpreters.

8. Qualified bilingual member - A member of the Davis Police Department, designated by the Department, who has the ability to communicate fluently, directly and accurately in both English and another language. Bilingual members may be fluent enough to communicate in a non-English language but may not be sufficiently fluent to interpret or translate from one language into another.

III. LIMITED ENGLISH PROFICIENT

A. Limited English Proficient (LEP)

Since there are many languages department personnel could encounter, the Department will utilize the four-factor analysis outlined in the Department of Justice LEP Guidance to Federal Financial Assistance Recipients in determining which measures will provide reasonable and meaningful access to various rights, obligations, services and programs to those with LEP. It is recognized that law enforcement contacts and circumstances will vary considerably. This analysis therefore, must remain flexible and requires an ongoing balance of the following four factors:
1. The number or proportion of LEP individuals eligible to be served or likely to be encountered by department personnel or who may benefit from programs or services within the Department’s jurisdiction or a particular geographic area.

2. The frequency with which LEP individuals are likely to come in contact with department personnel, programs or services.

3. The nature and importance of the contact, program, information or service provided.

4. The cost of providing LEP assistance and the resources available.

As indicated, the intent of this analysis is to provide a balance that reasonably ensures meaningful access by LEP individuals to critical services while not imposing undue burdens on the Department or on department personnel. Using this analysis, we have determined that in most cases the Language Line Services should be able to provide meaningful interpretation and translation services.

While members of the Davis Police Department will not discriminate against or deny any individual access to services, rights or programs based upon national origin or any other protected interest or right, the above analysis will be utilized to determine the availability and level of assistance provided to any LEP individual or group.

B. Use of Bilingual Members as Interpreter or Translator

1. Members called upon to interpret, translate, or provide other language assistance, will be trained annually on language skills competency (including specialized terminology) and ethical considerations.

2. The Davis Police Department personnel identified as bilingual who are willing to act as authorized interpreters will have their language skills assessed by a professional interpreter using a structured assessment tool established by the Department. Those members found proficient in interpreting into and from the target language will be placed on the Authorized Interpreters 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 phraseology used by the LEP person; and understand and adhere to the interpreter role without deviating into other roles such as counselor or legal advisor.

3. Those persons who have been placed on the Authorized Interpreter List must receive refresher training annually or they will be removed from the list. Professional standards shall be responsible for coordinating the annual refresher training and will maintain a record of training that the interpreters have received.

C. Language Services to Persons with LEP

1. Members will utilize all reasonably available tools, such as language identification cards (attached to this policy), when attempting to determine an LEP individual’s primary language in an effort to avoid misidentifying that language.

2. Members will make every reasonable effort to provide meaningful and timely assistance to LEP individuals through a variety of services, where available. LEP individuals may elect to accept interpreter services offered by the Department at no cost or choose to provide their own interpreter services at their own expense.
3. The Department will determine the most frequently used and critical forms and guidelines and translate these documents into the languages most likely to be requested. The Department will arrange to make these translated forms available to departmental personnel and other appropriate individuals.

4. Prior to selecting an interpreter, members shall consider the nature of the event prompting the need for translation. Confidential matters or strained family relations may preclude the use of certain translators. Children should not be relied on to translate except in emergency or in non-critical situations.

5. **Language Line Services** (LLS) is a private interpretation service and can be accessed by any member to provide interpretation to persons with LEP. To use the service, members in the field or station should use a language card to assist in determining which language the translator needs to speak. Then, the employee should call 1-877-261-6608, provide Client ID # 101143 and Personal Code 911, and follow the service directions. Language Line Services can also be used to assist LEP persons in the translation of City or Department forms.

6. The Davis Police Department contracts with LLS to provide 911 LEP services. Therefore, dispatchers who receive a call through the 911 phone line and determine that LEP services are necessary, should call 1-800-523-1786, provide Client ID # 901560, and follow the directions of the service.

7. If an Authorized Interpreter or LLS is unable to provide services in the needed language, which is highly unlikely in most circumstances, members can contact non-certified Department or other City Staff, International House of Davis at 753-5007, or UC Davis staff to seek assistance. There are inherent limitations in using untrained community members and caution should be used to insure services are properly provided.

**IV. COMMUNICATIONS WITH PERSONS WITH DISABILITIES**

A. **Americans with Disabilities Act (ADA)**

   Because the nature of any law enforcement contact may vary substantially from one situation to the next, members of this department should consider all information reasonably available to them when determining how to communicate with an individual with a disability, including those who are deaf or hard of hearing, have impaired speech or vision, or are blind. Members should carefully balance all known factors in an effort to reasonably ensure people who are disabled have equal access to services, programs and activities. These factors may include, but are not limited to:

   1. Members should not always assume that effective communication is being achieved. The fact that an individual appears to be nodding in agreement does not always mean they completely understands the message. When there is any doubt, members should ask the individual to communicate back or otherwise demonstrate their understanding.

   2. The nature of the disability (e.g., deafness or blindness vs. hard of hearing or low vision).

   3. The nature of the law enforcement contact (e.g., emergency vs. non-emergency, custodial vs. consensual contact).

   4. The availability of auxiliary aids. The fact that a particular aid is not available does not eliminate the obligation to reasonably ensure access. However, in an emergency, availability may factor into the type of aid used.
B. Initial and Immediate Considerations

Recognizing that various law enforcement encounters may be potentially volatile and/or emotionally charged, members should remain alert to the possibility of communication problems. Members should exercise special care in the use of all gestures, and verbal and written communication to minimize initial confusion and misunderstanding when dealing with any individual with known or suspected disabilities.

1. Non-Emergency Situations

   In a non-emergency situation, when a member knows or suspects an individual requires assistance to effectively communicate, the member shall identify the individual’s choice of auxiliary aid or service. The individual’s preferred communication method must be honored unless another effective method of communication exists under the circumstances (28 CFR 35.160).

   Factors to consider when determining whether an alternative method is effective include:

   - The methods of communication usually used by the individual.
   - The nature, length and complexity of the communication involved.
   - The context of the communication.

2. Emergency Situations

   In emergency situations involving an imminent threat to the safety or welfare of any person, members may use whatever auxiliary aids and services that reasonably appear effective under the circumstances. This may include, for example, exchanging written notes or using the services of a person who knows sign language but is not a qualified interpreter, even if the person who is deaf or hard of hearing would prefer a qualified sign language interpreter or another appropriate auxiliary aid or service. Once the emergency has ended, the continued method of communication should be reconsidered. The member should inquire as to the individual’s preference and give primary consideration to that preference.

   If an individual who is deaf, hard of hearing or has impaired speech must be handcuffed while in the custody of the Davis Police Department, consideration should be given, safety permitting, to placing the handcuffs in the front of the body to facilitate communication using sign language or writing.

3. Examples of methods that may be sufficient for transactions, such as checking a license or giving directions to a location or for urgent situations such as responding to a violent crime in progress, may, depending on the circumstances, include such simple things as:

   - Hand gestures or visual aids with an individual who is deaf, hard of hearing or has impaired speech.
   - Exchange of written notes or communications.
   - Verbal communication with an individual who can speech-read (lip-reading) by facing the individual and speaking slowly and clearly.
   - Use of computer, word processing, personal communication device or similar device to exchange texts or notes.
• Slowly and clearly speaking or reading simple terms to individuals who have a visual or mental impairment.

Members should be aware that these techniques may not provide effective communication as required by law and this policy depending on the circumstances.

C. Types of Assistance Available

1. Members shall never refuse to assist an individual with disabilities who is requesting assistance. The Department will not charge anyone to receive auxiliary aids, nor shall they require anyone to furnish their own auxiliary aid or service as a condition for receiving assistance. The Department will make every reasonable effort to provide equal access and timely assistance to individuals who are disabled through a variety of services.

2. A person who is disabled may choose to accept department-provided auxiliary aids or services or they may choose to provide their own.

3. Department-provided auxiliary aids or services may include, but are not limited to, the assistance methods described in this policy.

4. The Department may develop audio recordings to assist people who are blind or have a visual impairment with accessing important information. If such a recording is not available, members may read aloud from the appropriate form, for example a personnel complaint form, or provide forms with enlarged print.

D. Qualified Interpreters

1. A qualified interpreter may be needed in lengthy or complex transactions (e.g., interviewing a victim, witness, suspect or arrestee), if the individual to be interviewed normally relies on sign language or speech-reading to understand what others are saying. The qualified interpreter should not be a person with an interest in the case or investigation involving the disabled individual. A person providing interpretation services may be required to establish the accuracy and trustworthiness of the interpretation in a court proceeding.

Qualified interpreters should be:

a. Available within a reasonable amount of time but in no event longer than one hour if requested.

b. Experienced in providing interpretation services related to law enforcement matters.

c. Familiar with the use of VRS and/or video remote interpreting services.

d. Certified in either American Sign Language (ASL) or Signed English (SE).

e. Able to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.

f. Knowledgeable of the ethical issues involved when providing interpreter services.

NorCal Communications Services is a private interpretation service and can be accessed by any member to provide interpretation to persons who are deaf or hard of hearing. Members can call 1-800-504-3009, or 1-916-349-7525, or 1-209-474-8996 and arrange for services (see attached sheets for further information).
2. Members should request a qualified interpreter at the earliest reasonable opportunity, and generally not more than 15 minutes after a request for an interpreter has been made or it is reasonably apparent that an interpreter is needed. No individual who is disabled shall be required to provide his/her own interpreter (28 CFR 35.160).

3. While family or friends may offer to assist with interpretation, members should carefully consider the circumstances before relying on such individuals. The nature of the contact and relationship between the individual with the disability and the person offering services must be carefully considered (e.g., victim/suspect).

Children shall not be relied upon except in emergency or critical situations when there is no qualified interpreter reasonably available.

Adults may be relied upon when (28 CFR 35.160):

   a. There is an emergency or critical situation and there is no qualified interpreter reasonably available.
   
   b. The person with the disability requests that the adult interpret or facilitate communication and the adult agrees to provide such assistance, and reliance on that adult for such assistance is reasonable under the circumstances.

4. TDD

   In situations where an individual without a disability would have access to a telephone (e.g., booking or attorney contacts), members must also provide those who are deaf, hard of hearing or have impaired speech the opportunity to place calls using an available TTY (also known as a telecommunications device for deaf people, or TDD). Members shall provide additional time, as needed, for effective communication due to the slower nature of TTY and TDD communications.

   The Department will accept all TTY or TDD calls placed by those who are deaf or hard of hearing and received via a telecommunications relay service (28 CFR 35.162). Dispatch has TDD capability (See Davis PD PP 5.14-C)

   Note that relay services translate verbatim, so the conversation must be conducted as if speaking directly to the caller.

V. SERVICE ANIMALS

A. Use of Service Animals - Some service animals may be readily identifiable. However, many do not have a distinctive symbol, harness or collar. Service animals are not pets and may be trained by an individual or organization to assist people with disabilities.

   The following examples are only some of the ways service animals may be used to provide assistance:

   1. Guiding people who are blind or have low vision.
   2. Alerting people who are deaf or hard of hearing.
   3. Retrieving or picking up items, opening doors or flipping switches for people who have limited use of their hands, arms or legs.
   4. Pulling wheelchairs.
5. Providing physical support and assisting with stability and balance.

6. Doing work or performing tasks for persons with traumatic brain injury, intellectual disabilities or psychiatric disabilities, such as reminding a person with depression to take medication.

7. Alerting a person with anxiety to the onset of panic attacks, providing tactile stimulation to calm a person with post-traumatic stress disorder, assisting people with schizophrenia to distinguish between hallucinations and reality, and helping people with traumatic brain injury to locate misplaced items or follow daily routines.

B. Member Responsibilities

Service animals that are assisting individuals with disabilities are permitted in all public facilities and areas where the general public is allowed. Department members are expected to treat individuals with service animals with the same courtesy and respect that the Davis Police Department affords to all members of the public.

1. If an animal exhibits vicious behavior, poses a direct threat to the health of others or unreasonably disrupts or interferes with normal business operations, an officer may direct the owner to remove the animal from the premises. Barking alone is not a threat nor does a direct threat exist if the person takes prompt, effective action to control the animal. Each incident must be considered individually and past incidents alone are not cause for excluding a service animal. Removal of a service animal may not be used as a reason to refuse service to an individual with disabilities. Members are expected to provide all services as are reasonably available to an individual with the disability.

2. If it is apparent or if an officer is aware the animal is a service animal, the owner should not be asked any questions as to the status of the animal. If it is unclear whether an animal meets the definition of a service animal, the officer should ask the individual only the following questions:

   - Is the animal required because of a disability?
   - What task or service has the service animal been trained to perform?

   If the individual explains that the animal is required because of a disability and has been trained to work or perform at least one task, the animal meets the definition of a service animal and no further questions as to the animal’s status should be asked. The person should not be further questioned about his/her disabilities nor should the person be asked to provide any license, certification or identification card for the service animal.

3. Service animals are not pets. Department members should not interfere with the important work performed by a service animal by talking to, petting or otherwise initiating contact with a service animal.

4. When handling calls of a complaint regarding a service animal, members of this department should remain neutral and should be prepared to explain the ADA requirements concerning service animals to the concerned parties. Businesses are required to allow service animals to accompany their owner into all areas that other customers or members of the public are allowed.

5. Absent a violation of law independent of the ADA, officers should take no enforcement action beyond keeping the peace. Individuals who believe they have been discriminated
against as a result of a disability should be referred to the Civil Rights Division of the U.S. Department of Justice.

6. Individuals who are arrested and are assisted by service animals should be permitted to make arrangements for the care of such animals prior to transport.

VI. GENERAL GUIDELINES

A. Field Enforcement and Investigations

1. Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts which may involve LEP or disabled individuals. The scope and nature of these activities and contacts will inevitably vary. Department personnel must assess each situation to determine the need and availability for translation services to all involved individuals and utilize the methods outlined in this policy to provide appropriate language or other assistance.

2. Although not every situation can be addressed in this policy, it is important that department personnel are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action taken with an individual. It would, for example, be meaningless to request consent to search if the person requesting is unable to effectively communicate with an LEP or disabled individual.

3. In any situation where the translation of an interview may contain information that might be used in a criminal trial, it is important to take certain steps to improve the chances of admissibility. This includes interviews conducted during an investigation with victims, witnesses, and suspects. In such situations, audio recordings of the interviews should be made when reasonably possible. Identifying and contact information for the interpreter (e.g., name, address) should be documented so that the person can be subpoenaed for trial if necessary.

B. Bookings and Custodial Interrogation

1. In an effort to ensure the rights of individuals are protected during arrest and custodial interrogation, this department places a high priority on providing competent interpretation during such situations. It is further recognized that miscommunication during custodial interrogations may have a substantial impact on the evidence presented in any related criminal prosecution. Members providing interpretation services or translated forms in these situations will have competence in interpretation/translation and make reasonable efforts to accurately interpret/translate all communications with individuals. If a competent interpreter/translator is not immediately available, the LLS or other qualified translators may be used.

2. In order to ensure that translations during criminal investigations are documented accurately and admissible as evidence, audio recordings of interrogations, victim interviews and witness interviews should be used whenever reasonably possible.

3. Members providing interpretation or translation services shall also be aware of the inherent communication impediments to gathering information from the individual throughout the booking process or any other situation in which an individual is within the control of department personnel. Medical screening questions are commonly used to elicit information on individual’s medical needs, suicidal inclinations, presence of contagious
diseases, potential illness, resulting symptoms upon withdrawal from certain medications, or the need to segregate the arrestee from other prisoners, therefore it is important for members to make every reasonable effort to provide effective language services in these situations. LLS should be used.

C. Documentation

The use of interpreter or translation services shall be documented in any applicable report, CAD entry, or notice-to-appear following any contact, detention, or arrest. The identity of the translator or interpreter shall be included in the documentation for later reference, if needed.

D. Training

In an effort to ensure that all members are properly trained, the Department will provide periodic training about departmental LEP policies and procedures, including how to access department-authorized, telephonic and in-person interpreters and other available resources. LEP training will be provided for new employees and refresher training will be provided at least once every two years thereafter.

E. Coordination

1. The Records & Communications Manager will serve as the LEP and ADA Coordinator and will ensure that the Authorized Interpreters List is kept current.

2. The 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.

3. The Coordinator will also be responsible for annually reviewing all new documents issued by the Davis Police Department to assess whether they should be considered vital documents and be translated.

Darren Pytel
Police Chief

Created 8/03

Revised
5/05
03/10: information added.
08/14 ADA and service dog requirements added
11/17 Service animal definition updated
08/18 R&C manager serve as LEP and ADA coordinator
05/19

Reviewed 2/08, 10/11, 03/16, 12/17
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<tr>
<th>Language</th>
<th>Translation</th>
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<tbody>
<tr>
<td>Arabic</td>
<td>املأ هذا المربع إذا كنت تقرأ أو تتحدث العربية.</td>
</tr>
<tr>
<td>Armenian</td>
<td>Այս խաչը բերեք, եթե կանգնած էք լուսաբանում, բերեք այս խաչը, եթե կանգնած էք Հայերեն.</td>
</tr>
<tr>
<td>Bengali</td>
<td>যদি আপনি বাংলা পড়তে বা বলতে চান তবে এই বাক্সে মাক দিন।</td>
</tr>
<tr>
<td>Cambodian</td>
<td>មានបញ្ហាដែរកៀម័ព្ទនេះ吗？ សួរដោយជាមួយការជួបគោល។ អ្នក ។</td>
</tr>
<tr>
<td>Chamorro</td>
<td>Matka i kahhon komu un taitai pat un sang i Chamorro.</td>
</tr>
<tr>
<td>Chinese</td>
<td>如果您具有中文閱讀和會話能力，請在本空格內標上×記號。</td>
</tr>
<tr>
<td>Creole</td>
<td>Make kazye sa a si ou li oswa ou pale kreyòl ayisyen.</td>
</tr>
<tr>
<td>Croatian (Serbo-Croatian)</td>
<td>Označite ovaj kvadratič ako čitate ili govorite hrvatski jezik.</td>
</tr>
<tr>
<td>Czech</td>
<td>Zaškrtněte tuto kolonku, pokud čtete a hovoříte česky.</td>
</tr>
<tr>
<td>Dutch</td>
<td>Kruis dit vakje aan als u Nederlands kunt lezen of spreken.</td>
</tr>
<tr>
<td>English</td>
<td>Mark this box if you read or speak English.</td>
</tr>
<tr>
<td>Farsi</td>
<td>اگر خواندن ونوشتند فارسی بپرداختین، این مربع را علامت بگذارید.</td>
</tr>
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</table>

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<table>
<thead>
<tr>
<th>Language</th>
<th>Text</th>
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</thead>
<tbody>
<tr>
<td>French</td>
<td>Cocher ici si vous lisez ou parlez le français.</td>
</tr>
<tr>
<td>German</td>
<td>Kreuzen Sie dieses Kästchen an, wenn Sie Deutsch lesen oder sprechen.</td>
</tr>
<tr>
<td>Greek</td>
<td>Σημειώστε αυτό το πλαίσιο αν διαβάζετε ή μιλάτε Ελληνικά.</td>
</tr>
<tr>
<td>Hindi</td>
<td>अगर आप हिंदी बोलते या पढ़ सकते हों तो इस गोले पर चिह्न लगाएँ।</td>
</tr>
<tr>
<td>Hmong</td>
<td>Kos lub voj no yog koj paub twm thiab hais lus Hmoob.</td>
</tr>
<tr>
<td>Hungarian</td>
<td>Jelölje meg ezt a kockát, ha megérti vagy beszéli a magyar nyelvet.</td>
</tr>
<tr>
<td>Ilocano</td>
<td>Markaam daytoy nga kahon no makabasa wenno makasaoka iti Ilocano.</td>
</tr>
<tr>
<td>Italian</td>
<td>Marchi questa casella se legge o parla italiano.</td>
</tr>
<tr>
<td>Japanese</td>
<td>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。</td>
</tr>
<tr>
<td>Korean</td>
<td>한국어를 읽거나 말할 수 있으면 이 칸에 표시하십시오.</td>
</tr>
<tr>
<td>Laotian</td>
<td>ຂໍ yıll່ຄວາມາgien ທ່ານ/ນາງກ່ອນ ທ່ານ/ນາງກ່ອນ ທ່ານ/ນາງກ່ອນ  speak in laotian.</td>
</tr>
<tr>
<td>Polish</td>
<td>Zaznacz tę kratkę jeżeli czyta Pan/Pani lub mówi po polsku.</td>
</tr>
<tr>
<td>Portuguese</td>
<td>Assinale este quadrado se você lê ou fala Português.</td>
</tr>
</tbody>
</table>