



SHERIFF'S OFFICE, COUNTY OF SUFFOLK, NY
 ACCREDITED LAW ENFORCEMENT AGENCY
 Errol D. Toulon, Jr., Ed.D., Sheriff



SHERIFF'S OFFICE DIRECTIVE

SCSO-239-2

DIRECTIVE NO. 18-001	DATE ISSUED 09/04/2018	DATE EFFECTIVE 09/04/2018	PAGE NUMBER 1 of 13
AUTHORITY Errol D. Toulon, Jr., Ed.D., Sheriff		SIGNATURE 	

VOLUME

2 – GENERAL DIRECTIVES

CHAPTER

2 – COMMUNICATIONS AND REPORTS

SECTION

470 – LANGUAGE ASSISTANCE SERVICES

I. HISTORY

N/A

II. APPLICABILITY

All Sheriff's Office personnel

III. PURPOSE

The purpose of this Directive is to establish guidelines for effective communication with individuals with Limited English Proficiency [LEP] and providing timely and meaningful access to Suffolk County Sheriff's Office services.

IV. POLICY.

It shall be the policy of the Sheriff's Office, County of Suffolk, N.Y. to take all reasonable measures to provide timely, meaningful access to individuals with LEP to the services and benefits the Sheriff's Office provides in all Office sponsored programs. All Sheriff's Office personnel shall provide free language assistance services to LEP individuals whom they encounter or whenever an LEP individual requests language assistance services. Sheriff's Office personnel will inform citizens that language assistance services are available free of charge to LEP persons and Office personnel will provide these services to such persons.

V. REFERENCES.

- A. Title II of the Americans with disabilities Act of 1990.
- B. Title VI of the Civil Rights Act of 1964.

VI. DEFINITIONS.

- A. **Bilingual**- shall mean the ability to use two languages proficiently.
- B. **Interpretation** - shall mean the act of listening to a communication in one language and orally converting it to another language while retaining the same meaning.
- C. **Language Access Coordinator [LAC]** - shall mean the administrator assigned by the Sheriff as the LEP Coordinator responsible for coordinating and implementing all aspects of the Sheriff Office services to LEP individuals.
- D. **Language Identification Charts (SCSO-349)** - shall mean charts written in several different languages which enable LEP individuals to identify their primary language by pointing at a language printed on a card.
- E. **LanguageLine Service** - shall mean the 24 hour per day, 7 days per week telephonic language interpretation service that provides access to interpreters with the ability to interpret and translate over 200 languages.
- F. **Limited English Proficiency** - shall mean 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.
- G. **Primary Language** - shall mean an individual's native tongue or the language in which an individual most effectively communicates. Sheriff's Office personnel should avoid assumptions about an individual's primary language. Sheriff's Office personnel should make every effort to ascertain an individual's primary language to ensure effective communication.
- H. **Sheriff's Office Authorized Interpreter [SAI]** - shall mean an employee of the Sheriff's Office, with a fluency in a language other than English, who is authorized to interpret for others.
- I. **Sheriff's Office Authorized Interpreter List [SAI List]** - shall mean a listing of Sheriff's Office employees who have level language proficiency and are authorized by the Sheriff to act as interpreters.
- J. **Sworn Officer** - shall mean a Correction Officer and/or a Deputy Sheriff.
- K. **Translation** - shall mean converting written text from one language into an equivalent written text in another language.

VII. RULES AND REGULATIONS.

Where no arrest has been made, a Sworn Officer shall not inquire as to an individual's immigration status.

VIII. ASSESSING THE LEP POPULATION AND LANGUAGE NEEDS.

- A. Employees of the Sheriff's Office including, but not limited to, Public Safety Dispatchers, Correction Officers, Deputy Sheriffs, Investigators, and civilian staff may come into contact with LEP individuals when working in the correctional facilities, responding to and investigating crimes, assisting the public over the phone and informal encounters. The Sheriff's Office documents these contacts through the use of incident reports, computer aided dispatch entries, depositions and statements, as well as other forms and reports required by Sheriff's Office protocol and by law.
- B. The following have been identified as the six most common languages spoken by LEP individuals within Suffolk County: *Spanish, Mandarin Chinese, Polish, Italian, Portuguese and Haitian Creole.*
- C. To ensure all residents are provided the same level of service, the Sheriff's Office will enhance and/or implement the following:
1. Signage shall be posted at all public entry points of Sheriff's Office buildings and facilities in the most commonly spoken languages stating that interpreters are available free of charge to LEP individuals who need to report a crime or for any other official business related to Sheriff's Office.
 2. The Sheriff's Office has identified the following documents as "vital documents." These documents will be included in an informational book, "Your Suffolk County Sheriff's Office," which will be available in the above six languages and maintained at all public Sheriff's buildings and facilities and on the Sheriff's Office website.
 - a. Advice of Rights (SCSO-172)
 - b. Alcohol/Drug Influence Report (SCSO-114)
 - c. Impound Multipurpose Letter (SCSO-215)
 - d. Permission to Search (SCSO-121)
 - e. Project Lifesaver Enrollment Application (SCSO-341)
 - f. Project Lifesaver Enrollment Application Instructions (SCSO-340)
 - g. Bail Request Form (SCSO CF-104)
 - h. Bail Procedure - Order of Protection (SCSO CF-105)
 - i. Correction Facility Visitor's Guide (SCSO CF-239)
 - j. Inmate Visitor Notice of Restrictions (SCSO CF-115)
 - k. Parental Acknowledgement Form
 - l. Inmate Handbook.

3. The Sheriff's Office will maintain Language Identification Charts at all public Sheriffs facilities and in all agency motor vehicles.
4. In the case of illiteracy or languages for which written materials have not been translated, Sheriff's Office forms and documents will be read to LEP individuals in their primary language by an SAI or through the Language Line Service.
5. Links will be available on the Sheriff's Office website in the six languages above.

IX. RESOURCES DESIGNATED FOR LANGUAGE ASSISTANCE SERVICES AND PUBLIC NOTIFICATION.

- A. The Language Access Program administered by the LAC.
- B. Special dual handset telephones or conference-enabled telephones for accessing the interpretation services of the Language Line are in points where Sheriff's Office personnel interact with the public or require detailed interaction with incarcerated individuals.
- C. Cell phones are assigned to Deputy Sheriff Supervisors with the Language Line number programmed to provide access to language interpretation services to Deputy Sheriffs in the field.
- D. Prominently displayed multi-language signs to advise LEP individuals of the availability of free interpretation services.
- E. The Sheriff's Office issues Language Identification Charts to all employees to assist in providing services to LEP individuals.
- F. The Sheriff's Office posts Language Identification Charts in publicly accessible Sheriff's Office facilities to assist in providing police services to LEP individuals.
- G. The Sheriff's Office posts various items on its website that are translated into foreign languages, including information regarding public/police encounters, crime prevention, and domestic violence.
- H. 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 SAI or the Language Line.

X. SHERIFF'S OFFICE AUTHORIZED INTERPRETERS.

- A. Requirements.
 1. Any Sheriff's Office employee requesting inclusion on the SAI List shall provide written notification to the Chief of Staff, using a Standard Report Form (SCSO-65S/CF-6S) to the employee's commanding officer, of the employee's self-identified proficiency in languages other than English.
 - a. The Chief of Staff shall maintain an inventory of all language skills identified by employees of the Sheriff's Office.

- b. The Chief of Staff shall notify the LAC of those employees requesting inclusion on the SAI Listing.
 2. Skill Assessments.
 - a. The LAC shall schedule, on an as needed basis, an interpreter skill assessment through the designated contract vendor for those employees seeking inclusion on the SAI List.
 - b. The interpreter skill assessment shall include, but is not limited to, the following criteria:
 - (1) Fluency in English and the tested language.
 - (2) Knowledge of basic law enforcement terminology.
 - (3) Accuracy of interpreting.
 - (4) Attentive listening.
 - (5) Information retention.
 - (6) Ability to follow instructions.
 - (7) Role of interpreter and ethical considerations.
 - c. Employees who successfully obtain interpreter certification shall be placed on the SAI List.
 - d. Employees who are unable to obtain interpreter certification shall advise the LAC and may schedule a language proficiency assessment.
 - (1) Employees who successfully obtain language proficiency certification shall be designated "Bilingual Deputy/Officer/Employee" for the language(s) tested.
 - (2) Employees who are unable to obtain language proficiency certification will be eligible to retest at the discretion of the LAC.
3. Biennial Reassessments - The LAC shall schedule all biennial reassessments for each employee on the SAI List and each "Bilingual Deputy/Officer/Employee."
 - a. An SAI who does not pass reassessment shall be removed from the SAI List.
 - b. A "Bilingual Deputy/Officer/Employee" who does not pass reassessment shall no longer be designated "Bilingual."
 - c. Employees who are unable to pass reassessment will be eligible to retest at the discretion of the LAC.

4. Translator Certification - An SAI seeking additional certification as a translator shall request an assessment be scheduled by the LAC.
 - a. The LAC shall schedule, on an as needed basis, a translator assessment through the designated contract vendor.
 - b. An SAI successfully completing the translator assessment shall be designated as "Translators" on the SAI List.
 - c. The LAC shall schedule biennial reassessments for each employee designated as a "Translator." Employees who do not pass reassessment shall have the "Translator" designation removed.

B. SAI List.

1. The LAC shall compile, maintain, revise and distribute the SAI List.
2. The LAC shall ensure a copy of the most recent SAI List is forwarded and maintained at the Communications Bureau where it shall be made available to any supervisor.

- C. An employee providing interpretation or translation service shall do so to the best of that employee's ability based on his/her level of proficiency. If at any time during the delivery of services, the employee determines that his/her level of proficiency is not sufficient to complete the service, the employee shall immediately seek the assistance of another interpreter/translator or contact their supervisor for assistance in obtaining an additional interpreter/translator.

XI. USE OF SHERIFF'S OFFICE AUTHORIZED INTERPRETERS.

- A. A SAI shall be used in any and all situations where clear and effective communication is necessary. Situations in which the presence of a SAI may be necessary include, but are not limited to:

1. Advice of Rights.
2. Jail Booking.
3. Arrest Processing.
4. Interviews.
5. Interrogations.
6. Reporting a Crime.
7. Statements.
8. Court mandated classes/meetings.

B. Exigent Circumstances.

1. Sheriff's Office employees are expected to follow the procedures below; however, exigent circumstances may require some deviations. In such situations, employees are to use the most reliable temporary interpreter available, such as:
 - a. Bilingual bystanders, including friends and family of the LEP individual.
 - (1) Employees of the Sheriff's Office utilizing these types of temporary interpreters shall first consider the chosen interpreter's apparent proficiency in both the source and target languages, and shall also consider any apparent bias, personal interest, or confidentiality issues raised by the use of a particular temporary interpreter.
 - (2) Employees of the Sheriff's Office utilizing these types of temporary interpreters are responsible for developing and asking all questions. Under no circumstances will a temporary interpreter be permitted to independently question a LEP individual.
 - (3) Employees of the Sheriff's Office shall evaluate the conduct of the temporary interpreter during the interpretation and be alert to sign of poor interpretation such as:
 - (a) When the interpreter's statements are considerably longer or shorter than those stated by the LEP individual.
 - (b) When the interpreter engages in multiple side conversations with either the LEP individual or the employee of the Sheriff's Office.
 - (c) When the LEP individual appears to get frustrated or opts to speak broken English despite the efforts of the interpreter.
 - (4) Employees of the Sheriff's Office that determine a particular temporary interpreter is performing poorly or is otherwise compromised shall discontinue the use of that interpreter.
2. Duration of Exigency - When the circumstances giving rise to the exigency have concluded, employees of the Sheriff's Office shall determine whether a continued need for interpretation services exists.
 - a. If no further interpretation is required, employees shall review the content of the interpretation for accuracy and sufficiency.
 - b. If the content provided by the temporary interpreter is incomplete, inaccurate or otherwise compromised, or if the need for interpretation services extends beyond the period of exigency, employees of the Sheriff's Office shall utilize the SAI List or the Language Line Service.
- C. Non-Exigent Circumstances - Sheriff's Office employees should avoid the use of family, friends, or bystanders for interpreting. Family, friends, and bystanders should be used in a very informal, non-confrontational context, and only to obtain basic information at the request of the LEP individual. Using family, friends, or bystanders

to interpret beyond obtaining basic information from the LEP person could result in a breach of confidentiality, a conflict of interest or inadequate interpretation. Barring exigent circumstances, employees shall not use minor children to provide interpreter services.

1. Sheriff's Office employees who are in need of interpretation services will attempt to identify the LEP individual's primary language, employing a Language Identification Chart if necessary, and will then request an appropriate SAI via their command or the Communications Bureau. If a SAI is unavailable, the employee will contact the Language Line Service.

XII. LANGUAGE LINE SERVICES.

A. All employees of the Sheriff's Office have access to the Language Line service 24 hours a day, seven days per week. Language Line provides interpretation services in more than 200 different languages. Dual handset telephones for use in communicating via the Language Line service have been installed in the following locations:

1. Main entrance to the Sheriff's Office facilities in Riverhead.
2. Staff Support entrance in the Yaphank facility.
3. Visiting entrance in both correctional facilities.
4. Classification Section in both correctional facilities
5. Booking Area in both correctional facilities.
6. Medical Unit in both correctional facilities.
7. Disciplinary Hearing Rooms in both Correctional Facilities.
8. Peconic Bay Medical Center Hospital Unit.
9. Headquarters Bureau.
10. District Court Bureau.
11. Enforcement Bureau.
12. Domestic Violence Bureau.
13. Criminal Investigations Bureau.

B. Language Line Service Procedures.

1. Obtain authorization from a Supervisor.
2. Dial 1-800-523-1786.

3. Enter on touch tone phone or provide the representative with:
 - a. Client Identification Number: 902092.
 - b. Organization Name: Suffolk County Sheriff's Office.
4. Select the language required:
 - a. Press "1" for Spanish.
 - b. Press "2" for all other languages and speak the name of the language at the prompt.
5. If assistance is required, press "0" or remain on the line to be connected with a representative.
6. An interpreter will be connected to the call.
7. Brief the interpreter in summary form. as to the nature of what information is attempting to be gathered or conveyed.
8. Add the LEP to the line.
9. Upon completion of use of the Language Line, state "end of call" to the interpreter.
10. Complete and submit an Interpretation Tracking form (SCSO-348) as per XVIII below.

XIII. CALLS FOR SERVICE INVOLVING LEP INDIVIDUALS.

- A. Attempt to ascertain the primary language of the LEP caller. To do so, the Dispatcher may contact the Language Line or a bilingual employee.
- B. The Dispatcher shall make every effort to dispatch a Spanish speaking Deputy Sheriff to the call for service when it appears the parties involved are LEP and Spanish speaking.
 1. In the case of emergencies, the first available Deputy shall be dispatched to the call. As soon as a Spanish speaking Deputy becomes available, that Deputy shall be sent to the call.
 2. Where no Spanish speaking Deputy is available or where the LEP parties speak a language other than Spanish, the responding Deputy will contact the Language Line service for telephonic interpretation assistance :from the field.

XIV. CRIMINAL INVESTIGATIONS INVOLVING LEP INDIVIDUALS.

- A. LEP subjects of any criminal investigation shall be interviewed and/or interrogated by a SAI (Sworn Officer only) or bilingual Sworn Officer. If no SAI (Sworn Officer only) or bilingual Sworn Officer is available, the Language Line shall be utilized.

- B. All investigatory procedures and forms/reports shall be explained to LEP individuals in the individual's primary language by a SAI (Sworn Officer only) or bilingual Sworn Officer. If no SAI (Sworn Officer only) or bilingual Sworn Officer is available, the Language Line shall be utilized.
- C. LEP Written Statements.
1. Shall be prepared in the LEP's primary language by a SAI (Sworn Officer only) or bilingual Sworn Officer.
 2. The LEP individual shall be directed to read the statement and the SAI (Sworn Officer only) or bilingual Sworn Officer taking the statement shall determine whether the LEP is able to understand the statement.
 - a. If the LEP individual is unable to understand the statement by reading it, the statement shall be read to him in their primary language by a SAI (Sworn Officer only) or bilingual Sworn Officer.
 3. The LEP individual will be requested to sign the written statement in the LEP individual's primary language only after signifying full comprehension and agreement.
 4. The Sworn Officer taking the statement shall attach an Affidavit attesting that each of the foregoing steps was followed.
- D. English Translation of LEP Written Statement.
1. The original written statement shall be translated by a Sheriff's Office Translator, SAI or bilingual employee.
 2. The translation shall be attached to the original written statement.
 3. The Sheriff's Office Translator, SAI or bilingual employee shall attach an Affidavit attesting that each of the foregoing steps was followed.
 4. The LEP individual shall not be requested to sign the English translation of the statement.
- E. Prosecution - The LEP individual's original statement, together with any English translation and accompanying Affidavit(s), shall be provided to the District Attorney's Office or relevant prosecuting agency.
- F. Non-compliance, in any particular matter, with the terms of this Directive shall not be, in and of itself, a basis for the suppression of any statements from use as evidence in a criminal proceeding. Such determinations shall continue to be made under applicable federal and state constitutional, statutory and case law.

XV. WRITTEN STATEMENTS FROM LEP COMPLAINANTS, VICTIMS AND WITNESSES.

- A. Whenever possible, the procedures enumerated in XIV. C. shall be followed when obtaining written statements from LEP complainants, victims and witnesses.
- B. If the statement cannot be written in the LEP individual's primary language:
 - 1. The statement shall be written in English and then orally translated to the LEP individual in his primary language by a SAI or bilingual employee.
 - 2. The LEP individual will be requested to sign the statement only after signifying full comprehension and agreement.
 - 3. The statement shall be accompanied by an Affidavit identifying the employee(s) who wrote the statement in English and then orally translated to the LEP individual in his/her primary language.
 - 4. If the case is referred for prosecution, both the written statement and Affidavit shall be provided to the District Attorney's Office or relevant prosecuting agency.

XVI. TRANSLATION SERVICES.

When correspondence is received by the Sheriff's Office in a language other than English, such correspondence shall be translated into English. The Sheriff's Office will forward and/or respond to all correspondence in a timely manner.

XVII. HEARING IMPAIRED SERVICES.

- A. Sheriff's Office employees shall remain cognizant of certain procedures that must be followed when employees come into contact with a hearing impaired individual, whether as a victim, witness, suspect, arrestee or inmate. Various types of communication aids, known as auxiliary aids are used to communicate with the hearing impaired. Auxiliary aids include gestures or visual aids to supplement oral communications, use of a notepad and writing instrument to exchange written notes and the use of a sign language interpreter.
- B. The type of aid can be determined by the hearing impaired individual's usual method of communication and the nature, importance and duration of the communication.
- C. In many circumstances, oral communication supplemented by gestures and visual aids, or an exchange of written notes will be an effective means of communicating with individuals who are hearing impaired. However, a qualified sign language interpreter may be required to communicate effectively with a hearing impaired individual, specifically when involved in a more in-depth investigation or interview.
- D. If an employee cannot determine what form of auxiliary aid is most appropriate, the assistance of a qualified sign language interpreter shall be requested.

- E. Sign Language Interpreter - The county has contracted Sign Talk, LLC Interpreter Service to obtain sign language interpreter services for deaf and hearing impaired Individuals. Sign language interpreters will respond to incident locations or to Sheriff's Office facilities to assist with communicating. Sheriff's Office employees can utilize this service 24 hours a day, seven days a week. The Sheriff's Office is not required to have any specific equipment available to utilize this service. Employees must first call SignTalk at 718-382-2020 and follow the voice prompts. Employees must then log onto their website at, <http://www.signtalk.org>, and complete the request for services on the website.

XVIII. REPORTING REQUIREMENTS.

Sheriff's Office employees using a SAI, Bilingual employee, translator or any of the contract interpretation services will complete an Interpretation Tracking form (SCSO-348) and submit such form to the LAC for entry into the Sheriff's Office tracking database.

XIX. MONITORING AND COMPLIANCE.

- A. The LAC shall be responsible for coordinating and implementing the Sheriff's Office's Language Access Plan. Such duties will include, but not be limited to:
1. Assessing demographic data, reviewing interpreter utilization data from contracted language access services and from the Interpretation Tracking form (SCSO-348) to determine the changing needs of the community. The Sheriff's Office shall be guided by the information collected to determine any changes and modifications should be made; what documents are designated as vital and the languages into which they should be translated. Examination of all available data and determination of the six most common non-English languages encountered within Suffolk County will guide the Sheriff's Office in assessing the need to translate Sheriff's Office documents into additional languages and/or the need for additional interpreter services.
 2. Consulting with community-based organizations annually in order to determine if there are additional languages into which vital documents should be translated.
 3. Reviewing new documents, forms and reports created by the Sheriff's Office and assessing the need for them to be translated into languages other than English.
 4. Maintaining the SAI List.
 5. The Internal Affairs Bureau will review and respond to all language access complaints. The Internal Affairs Bureau will also review all complaints received by the Sheriff's Office in a language other than English to determine if any underlying systemic issues exist.
 6. If an employee of Sheriff's Office believes a SAI, bilingual employee or translator is engaging in unethical behavior, to include adding or omitting words, phrases or context, which denies meaningful access to an LEP individual, such employee will immediately report such information to their immediate supervisor on a Standard

Report Form. Such correspondence will be forwarded through the immediate supervisor's chain of command to the Sheriff where a determination will be made with reference to such employee's designation as a SAI, bilingual employee or translator.

7. The LAC will represent the Sheriff's Office in its partnership with Latino community leaders and leaders from other communities with significant LEP populations to ensure effective implementation of the Sheriff's Office's Language Access Plan.

XX. TRAINING.

Initial and periodic refresher training on this Directive shall be provided to all Sworn Officers and civilian employees who have regular contact with the public.

XXI. ACCREDITATION STANDARD REFERENCE NUMBER(S).

- A. NYSLEAP - N/A.
- B. NYSSA CAP - N/ A.

XXII. INDEX.

Hearing Impaired Services 2-2/470

Limited English Proficiency:

Assessing the LEP Population and Language Needs 2-2/470

Calls for Service Involving LEP Individuals 2-2/470

Criminal Investigations Involving LEP Individuals 2-2/470

Language Line Services 2-2/470

Monitoring and Compliance 2-2/470

Reporting Requirements 2-2/470

Resources Designated for Language Assistance Services and Public Notification
2-2/470

Sheriff's Office Authorized Interpreters 2-2/470

Training 2-2/470

Translation Services 2-2/470

Use of Sheriff's Office Authorized Interpreters 2-2/470

Written Statements from LEP Complainants, Victims and Witnesses 2-2/470

END