

**TOPEKA POLICE DEPARTMENT POLICY AND PROCEDURE MANUAL  
LIMITED ENGLISH PROFICIENCY AND DEAF/HARD OF HEARING**

**SUBJECT: Limited English Proficiency and Deaf/Hard of Hearing**

**4.73**

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**TOTAL PAGES:** 5

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#### **4.73.1 PURPOSE**

The purpose of this plan is to ensure the Topeka Police Department provides meaningful access to agency information and services to victims, suspects and other constituents who are deaf, hard of hearing, or speech impaired or whose primary language is other than English. The plan is also consistent with federal requirements.

#### **4.73.2 DEFINITIONS**

*Deaf, Hard of Hearing or Speech Impaired:* A person who has difficulty hearing cannot detect sound and may communicate using sign language.

*Effective Communication:* The individual is able to receive information about and understand the services available to him or her. Further, the individual must be able to communicate his or her situation to the service provider.

*Interpretation:* The oral or signed transfer of a message from one language into another.

*Limited English Proficient (LEP):* A person, who is not able to speak, read, write or understand the English language well enough to allow him or her to interact effectively with service providers.

*Meaningful Access:* The standard of access required of federally funded entities to comply with Title VI's language access requirements which includes the availability of free language assistance that results in accurate and effective communication.

*Office for Civil Rights (OCR):* The civil rights enforcement agency of the U.S. Department of Health and Human Services. OCR Region VII is the regional office that enforces Title VI in Kansas for health and human services agencies and providers.

*Primary Language:* Primary languages are the languages other than English that are most commonly spoken.

*Translation:* The written transfer of a message from one language into another language.

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### **4.73.3 LANGUAGE ACCESS PLAN**

A. Constituents covered by the plan. This plan was developed to serve:

1. Victims of crime, sexual and domestic violence;
2. Advocates, administrative staff, directors, board members and volunteers of the Topeka Police Department;
3. Allied professionals (DCF, Law Enforcement, Attorneys, etc.), and
4. Other constituents (general public) who do not speak, hear, read, write or understand English or who do so on a limited basis.

B. Topeka Police Departments Commitment to Provide Meaningful Access

1. Topeka Police Department's primary focus is to provide support and safety to victims of crimes, domestic violence and sexual assault through direct services.
2. Therefore, the Topeka Police Department will develop and secure sustainable language resources as needed in oral, signed and written form so that no victim will be denied access to information or services.
3. Appropriate auxiliary aids and services will be provided, when necessary, to ensure effective communication with hard of hearing persons.
  - a. Auxiliary aids and services include qualified interpreters, note pads, written materials, assistive listening devices/systems and other effective methods of making aurally delivered materials available to hard of hearing individuals.
  - b. The hard of hearing individual should be given their choice of auxiliary aids and services and that choice should be honored whenever possible.
  - c. Hard of hearing adults and juveniles may be carrying special identification cards issued by public agencies. The card may bear a picture of the person, and notice on the reverse side of the right to an interpreter upon arrest, and prior to interrogation and taking statements.
  - d. SCECC and the front desk have TDD/TTY capabilities.
  - e. SCECC has contacts with the Kansas Commission on Deaf and Hard of Hearing to secure a sign language interpreter.

C. Arrests and Issuance of Traffic/Misdemeanor Citations

1. If an English speaking or hearing individual would have been issued a citation without having been questioned by an officer, then a suspect with LEP or deaf and hard of hearing in the same situation does not need to be provided with an interpreter.
2. However, if the officer is unable to convey to the violator the nature of the infraction, then the officer will attempt to call an interpreter/bilingual officer.

D. Establish Probable Cause

1. If an interview with an LEP or deaf/hard of hearing subject is necessary to establish probable cause to make an arrest, an interpreter must be provided.

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2. When the services of an interpreter are required to ensure effective communication, the interview must be postponed until the officer can make arrangements for an interpreter.
3. Contact SCECC to arrange for interpreters.

### **E. Miranda Rights**

1. KSA 75-4351 states that a qualified interpreter shall be appointed in the following cases for persons whose primary language is one other than English, or who is a deaf, hard of hearing or speech impaired person prior to any attempt to interrogate or take a statement from a person who is arrested for an alleged violation of a criminal law of the state or any city ordinance.

### **F. Investigations**

1. Investigators shall inform an LEP or deaf/hard of hearing arrestee, victim, or witness of the right to have an interpreter present before and during all communications.
2. If the person waives their right to an interpreter and is able to communicate effectively, then the interview may proceed.
3. If unable to communicate effectively by other means, the investigator shall request SCECC to notify an interpreter to be present prior to questioning or taking statements from subject.
4. Investigators shall meet with the interpreter at the designated place and communicate with subject through the interpreter. All identifying information on the interpreter must be included in some type of report (arrest report, officer's report, etc.).
5. All written questions and responses between and among officers and hard of hearing persons must be treated as evidence and handled accordingly.
6. A copy of the written questions and responses will be placed into the case file.
7. Reasons for not having an interpreter present include:
  - a. Extenuating circumstances do not permit a delay.
  - b. An interpreter cannot be located in a reasonable period of time;
  - c. Written communication is effective in conveying understanding of Miranda rights.

### **G. Notice of Right to Language Assistance**

1. KSA 75-4351 requires that interpreters be appointed for those persons whose primary language is other than English or deaf/hard of hearing prior to any attempt to interrogate or take a statement for an alleged violation of a criminal law of the state or any City ordinance.
2. Appropriate language access auxiliary aids and services will be provided, when necessary, to ensure effective communication.
  - a. Language access auxiliary aids and services include qualified interpreters, written materials, and other effective methods of making conversations and

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materials available. For purposes of this order, interpreter means a qualified/certified interpreter or service.

- b. With the exception of conducting a full interview/interrogation of a suspect, bilingual law enforcement personnel are authorized to act as interpreters until a certified interpreter can be located. For example, a bilingual officer may be utilized when there is the need to obtain descriptive information on a fleeing suspect, or to obtain identifying information of an injured person, or when a delay will create a legal problem regarding duration in a Terry Stop.
  3. Bilingual law enforcement personnel who wish to act as official interpreters must be certified.
  4. In non-emergency type situations, all personnel shall attempt to obtain the assistance of a certified interpreter.
- H. Topeka Police Department is committed to ensuring quality services to all victims. Therefore, the Topeka Police Department will compile and maintain the following resources so that victims will be informed of their right to free and timely interpreter services.
  1. Notice of Right to Language Assistance Flier: Topeka Police Department will have fliers titled "Notice of Right to Language Assistance" available.
  2. "I Speak" Cards: Topeka Police Department will display laminated business-sized cards that say in both English and the principal languages "I need a (the appropriate language) interpreter."
  3. Language Assistance Posters: Topeka Police Department will display posters in intake areas that read "Free interpreter services are available. Please ask for assistance." This statement will be repeated in the principle languages of the service area.
  4. TPD provides written translations of vital documents for each eligible LEP language groups:
    - a) That constitutes five percent or 1,000, whichever is less, of the population of persons eligible to be served or likely to be affected or encountered. Translations of other documents, if needed can be provided orally; or
    - b) If there are fewer than 50 persons in a language group that reaches the five percent trigger in a. the Subgrantee does not translate vital written materials but provides written notice in the primary language of the LEP language group of the right to receive competent oral translation of those written materials, free of cost.
  5. Other ways to provide notice to LEP individuals include:
    - a) Stating in outreach documents that language services are available. Announcements could be in brochures, booklets, and in outreach and recruitment information. These statements should be translated into the principle languages.
  6. Working with community-based organizations and other allies to inform citizens of Topeka Police Department's services, including the availability of language assistance services and interpreters.

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7. Topeka Police Department will distribute the LEP plan via Power DMS. All employees will electronically sign for and be accountable for the LEP plan.