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AGENDA REPORT

TO: Sabrina B. Landreth
City Administrator

FROM: Ian Appleyard
Director of Human
Resources Management

SUBJECT: Supplemental Report to Equal Access
Annual Compliance Report

DATE: October 14, 2019

City Administrator Approval:

Date:

10/22/19

RECOMMENDATION

Staff Recommends That The City Council Receive The Equal Access Annual Compliance Report.

REASON FOR SUPPLEMENTAL

At the October 8, 2019 Finance & Management Committee, staff was asked to provide information on language accessibility in the emergency dispatch units of the Oakland Police and Fire Departments. This Supplemental Report is prepared in response to this request and provides additional information to the Equal Access to Services Annual Compliance Report for Fiscal Year 2018-19. (

Both Oakland Police Department (OPD) and Oakland Fire Department (OFD) operate emergency dispatch units, see details below.

1. Oakland Police Department (OPD)

1.1 Language Access Services

Table 1: Oakland Police Department	FTE	Spanish	Chinese	Other
Communications Dispatchers	67	10	2	1
Communications Operators	3	0	0	0
Communications Supervisor	7	0	1	0
Total	77	10	3	1
Percentage of Total		13%	4%	1%

Staffing in the OPD Communications Division is comprised of dispatchers who speak Spanish, Cantonese, Mandarin and Vietnamese. When these staff members are not present, Voiance Language Services is available to all staff. Voiance Language Services provides 24/7 language interpretations over the phone for common languages, including Spanish, Mandarin and Cantonese. This option is utilized most frequently at the 9-1-1 Communications Center when non-English speakers reach out for assistance over the phone. In addition, the OPD utilizes an

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November 5, 2019

internal system called Telestaff to assist with locating employees who speak specific languages to assist with translation, which enables the department to deploy translation resources to calls for service. The Telestaff database holds personnel data, which can be queried to locate employees who have the needed language skills.

1.2 Language Access Training

Training Bulletin VIII-R (**Attachment A**) sets forth the department's policy and procedures to inform personnel of the need to provide language access services when encountering a Limited English Proficient (LEP) person. The OPD is committed to providing language assistance services to individuals who are LEP as part of the department's community policing philosophy. OPD takes all reasonable steps to ensure there is timely and accurate communication available to all individuals, regardless of their primary language. Training Bulletin VIII-R also addresses the use of an interpreter in situations such as police contacts, Miranda admonitions, follow-up investigative interviews, formal interviews, consent searches, search warrants, offense reports and translated documents. Additionally, Training Bulletin VIII-R provides guidelines in determining the type of interpreter needed, depending on the circumstances of the incident.

In addition, OPD offers an extensive thirty-eight-week training program that teaches elements of crimes, how to interview callers, and how to process calls for service. During training, staff are taught to use translation services to accommodate non or limited English speaking clients.

1.3 Other Efforts to Increase Bilingual Staff

OPD attends community events on a regular basis to advertise and provide educational material. Other outreach strategies used by the department includes, but are not limited to the following:

- Attend the Chinatown Lunar Festival
- Attend the Cinco de Mayo Festival
- Attend the Diversity Employment Day Career Fair & Roundtable
- Attend Laney College Career Fair (ethnic diversity 13% Hispanic/Latino and 27% Asian)
- Attend Fresno State University Recruit the 99 Job Fair (ethnic diversity 49.3% Hispanic/Latino and 14.3% Asian)
- Attend Cal Berkeley Social Impact Career Fair (ethnic diversity 14.7% Hispanic/Latino and 35.4% Asian)
- Attend Sacramento State University American Criminal Justice Association Career Day (ethnic diversity 30.2% Hispanic/Latino and 20.9% Asian)
- Attend Merritt College Law Enforcement Day Career Fair (ethnic diversity 29% Hispanic/Latino and 17% Asian)
- Enlist Chinese Police Officers and Spanish Police Officers Associations to participate in recruitment efforts
- Produce, maintain and distribute department recruitment posters in Chinese and Spanish to each area of the city using Community Resource Officers (CROs) and Neighborhood Services Coordinators (NSCs) to promote job opportunities

- Attend various career events and job fairs with local faith-based communities to increase awareness and improve participation from Oakland residents

2. Oakland Fire Department (OFD)

2.1 Language Access Services

Table 2: Oakland Fire Department	FTE	Spanish	Chinese	Other
Communications Dispatchers	18	4	0	0
Communications Supervisor	5	0	0	0
Total	23	4	0	0
Percentage of Total		17%	0%	0%

California Governor's Office of Emergency Services (CalOES) provides language services 24/7 through Voiance to the Fire Dispatch Center. The service is contracted and provided to all Public Safety Answering Points in the State of California. If the Fire Dispatch Center does not have bilingual staff available for the language requested, Voiance is contacted for translation services. Voiance operates 24/7 to ensure service coverage.

OFD currently has four (4) bilingual dispatchers. All four (4) provide Spanish translation services on-demand. Two (2) dispatchers work the graveyard shift and two (2) dispatchers work the day shift. Swing shift has no bilingual dispatchers currently assigned but may work trade or overtime when there is a staffing vacancy. Whenever there is a Spanish speaking dispatcher available, they are asked to take calls with Spanish speakers immediately after any non-bilingual dispatcher receives the call. When there are no Spanish dispatchers available or they receive a call of a different language, they try to convey to the reporting party to hold on the line while we conference in a language line translator to the call, if there are no apparent scene safety issues and the call was given to them as a request for medical, upon receiving the call, staff dispatch it immediately as an unknown medical with a fire unit and an ambulance while simultaneously securing a translator on the line.

2.2 Language Access Training

In regards to training, customer service is the key element and technique used to ascertain the language needed to assist the calling party. Department policy requires that when the dispatch unit receives language line calls for medical emergencies, they dispatch as a 32B4 (Unknown medical with a language barrier requiring translation services) call type, with an OFD unit and an ambulance while attempting to secure a translator on the line. New dispatchers are provided with the communication procedure manual with policies and directives. Section 962 of the manual provides guidance on using language line services. (**Attachment B**)

2.3. Other Efforts to Increase Bilingual Staff

Job Announcements specifically highlight the need for bilingual applicants. A Fire Communications Dispatcher recruitment with selective certification for language (Chinese) was conducted in Fiscal Year 2018-2019. Only one bilingual candidate was certified to the department. The candidate was interviewed, a conditional offer was made; however, the offer was declined. OFD will utilize bilingual staff and over-the-phone interpretation services to ensure all residents have equal access to services. OFD will continue posting recruitment ads in local newspapers that specifically announce bilingual applicants are highly desired.

3. Voiance Language Services

Both Police and Fire departments utilize Voiance Language Services for 9-1-1 interpretations as part of the California Governor's Office of Emergency Services. The service is contracted and provided to all Public Safety Answering Points in the State of California. Additional information is provided here on Voiance Language Services based on information provided by the company.

Voiance provides telephone interpretation and written translation to various public service agencies. These include major federal departments and agencies, state and local public safety agencies including 9-1-1, law enforcement, fire and EMS, health and human services, education, and many others. Voiance prioritizes connections for emergency calls. 99% communication system availability to ensure emergency calls are picked up swiftly. The company provides seven (7) large scale interpreter contact centers with 24/7 operation to ensure night and weekend coverage. 9-1-1 interpretation is one of the most demanding forms of interpretation. Voiance has dedicated significant amounts of time to train interpreters for 9-1-1 conversations.

In addition to 120-hours of initial training, dedicated 9-1-1 interpreters receive ongoing training and skills development, including: (i) Obtaining address information from Limited English Proficient callers, when asked by the call taker; (ii) following a dispatcher's lead in the tone, intensity, and urgency of a call; (iii) interpreting pre-arrival instructions, including CPR; (iv) Mitigating cross-cultural communication barriers. Voiance interpreting services training covers various topics, including: medical emergencies and ambulatory situations; unknown address that needs to be obtained; speaking with children; identifying deceased persons and completing missing persons reports; non-English callers with impaired mental states (intoxication, mental illness, etc.); domestic violence and other violent crimes; accidents (vehicular or otherwise); stolen property (burglary, reporting stolen goods).

ACTION REQUESTED OF THE CITY COUNCIL

Staff Recommends That the City Council Receive The Report Regarding the Annual Equal Access to Services Ordinance.

For questions regarding this report, please contact May Tam, Program Analyst III, at (510) 238-3112.

Respectfully submitted,



IAN APPLEYARD
Director of Human Resources

Reviewed by:
Greg Preece, Human Resources Manager

Prepared by:
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Equal Access Program of Human Resources

Attachments (2):

- A: OPD Training Bulletin VIII-R
- B: OFD Communications Procedure Manual Section 962

TRAINING**BULLETIN**

Effective Date:
18 Feb 10

Index Number: VIII-R
Alpha Index: Language Access

Evaluation Coordinator: PTT Commander
Automatic Revision Cycle: 3 Years

"Department Training Bulletins shall be used to advise members of current police techniques and procedures and shall constitute official policy."

LANGUAGE ACCESS

The purpose of this Training Bulletin is to set forth Department policy and procedure to inform Department personnel of the need to provide language access services when encountering a Limited English Proficient (LEP) person which are consistent with federal, state and local law.

Personnel are reminded not to sacrifice officer safety or put the public at risk for the sake of providing language services to an LEP individual.

BACKGROUND

Language barriers impede effective and accurate communication in a variety of ways. Language barriers can often times inhibit or even prohibit individuals with limited English proficiency from accessing and/or understanding important rights, obligations, and services, or from communicating accurately and efficiently in different situations. Hampered communication with limited English proficient victims, witnesses, suspects, and community members can jeopardize safety and create evidentiary and investigative challenges.

OPD recognizes the importance of effective and accurate communication between its personnel and the diverse community it serves.

DEFINITIONS AND TERMINOLOGY

- **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.

- **Interpretation Services**

Over-the-phone interpretation services are available 24 hours a day, 7 days a week and can be arranged directly or through the Communications Section. OPD has a contract with a service provider to provide telephonic interpretation assistance in most languages.

- **Limited English Proficiency (LEP) Person**

Individuals whose primary language is not English and who have a limited ability to read, write, speak, or understand English.



 Language Access, Index Number VIII-R

- **Primary Language**

The language in which an individual is most effectively able to communicate.

- **Selectively Certified Bilingual**

Department personnel who have identified themselves as “bilingual” and have demonstrated, through a formal testing procedure, certified by the Department of Human Resources Management, competency to communicate in the source language by demonstrating the ability to listen to a communication in one language (source language) and orally convert it to another language (target language) while retaining the same meaning.

Additionally, the Personnel Section maintains a complete list of Selectively Certified Bilingual personnel (members and employees).

- **Self-Identified Bilingual**

Department personnel who have identified themselves as having limited basic language skills and conversational comprehension and can engage an LEP person in a “conversational” manner.

NOTE: The Daily Detail generated by the Automated Scheduling and Staffing Management System (TeleStaff) is capable of listing bilingual members (Selectively Certified Bilingual and Self-Identified Bilingual).

- **Translation**

The replacement of written text from one language (source language) into an equivalent written text into another language (target language) while keeping the context and meaning the same.

POLICY

The Department shall provide language assistance services to LEP persons when performing law enforcement functions, upon request, or as a part of the Department’s community policing philosophy.

OPD shall take reasonable steps to ensure timely and accurate communication and access to all individuals regardless of primary language.

IDENTIFICATION OF PRIMARY LANGUAGE

Personnel need to determine whether the individual can speak and understand the English language during the initial contact with an individual. This may be accomplished by simply asking the person. In the event the individual has difficulty speaking or understanding the question, personnel shall take appropriate steps to advise the LEP person that language assistance services (interpreters) are available free of charge to LEP persons if assistance is requested or required.

- A Language Identification Card (TF-3331) (Appendix) is available to Department personnel to facilitate in the identification of the primary language in order to provide the appropriate interpretation services to LEP individual.



Personnel need only display the Language Identification Card to the LEP person so the person can identify the language they speak prior to calling a qualified bilingual member, contract, or professional interpretation service.

- In the event the LEP person does not appear able to read or understand the language identification card, the member may call the contracted telephonic interpretation service for assistance.

USES FOR AN INTERPRETER

Personnel may need to utilize the services of an interpreter for incidents involving vehicular/pedestrian traffic stops, preparing offense reports, taking statements, to provide verbal and written assistance in the Miranda admonition process, serving warrants and restraining orders, crowd/traffic control, and for obtaining permission for a consent search. Failure to use an interpreter may jeopardize an investigation and result in a violation of civil rights.

- **Police Contacts**

In the event a member encounters an LEP person during a police contact (e.g., traffic enforcement stop, detention, or arrest) members must consider utilizing the services of an interpreter to explain the purpose, action, and/or resolution of the police contact.

- **Miranda**

The Miranda admonition shall be provided to an LEP suspect in his/her primary language before any questioning when there is any doubt that the suspect does not understand English. A qualified interpreter must be present during the Miranda admonition to protect the integrity of the investigation and prosecution.

- **Follow-Up Investigative Interviews**

The member needs to consider seeking the assistance of an interpreter to conduct follow-up investigative interviews if an LEP person requests an interpreter or is experiencing difficulty communicating with the member.

- **Formal Interviews**

Effective communication and accuracy of victim and witness statements is a priority in criminal investigations. Failure to protect the rights of LEP individuals during arrests and custodial interviews may present a risk to the integrity of the investigation and prosecution.

Personnel need to consider seeking the assistance of an appropriately qualified interpreter when admonishing suspects, taking formal statements, conducting any formal victim/suspect interviews, and/or completing required forms or reports involving a victim and/or suspect which may potentially be of evidentiary value.

If unavailable, personnel may seek qualified assistance from another law enforcement agency, when practical.



 Language Access, Index Number VIII-R

- **Consent Searches / Search Warrants**

Members need to consider seeking the assistance of an interpreter prior to conducting a consensual search or executing a search warrant of an LEP person and/or their property if requested by the LEP person or when an LEP person is experiencing difficulty communicating with the member or understanding the procedure.

- **Offense Reports Requirements**

Whenever an offense report is prepared regarding an incident involving an LEP person, the offense report shall identify the primary language spoken by the LEP individual, the person who provided the interpretation/translation and the manner in which interpretation/translation services were provided.

- **Translated Documents**

Transcribing audio and written documents submitted by LEP individual(s) into English must be considered when such evidence is essential to continue the investigation and/or prosecution of a criminal case or an internal investigation, or when directed by the Chief of Police, a magistrate, or other competent authority.

DETERMINING THE TYPE OF INTERPRETER NEEDED

Personnel need to determine the type of interpreter needed depending on the circumstances of the incident while taking into consideration issues, such as, the gravity of the incident, officer/public safety, cost, time factor, and the need to protect the integrity of the investigation and prosecution. Each class of interpreter has advantages and disadvantages. Some of the pros and cons include, but are not limited to, the following:

- **Selectively Certified Bilingual Personnel**
 - Pros
 - Trained in law enforcement and procedures
 - No cost
 - Readily accessible – 24/7
 - Language skills have been tested
 - Available for future testimony
 - Cons
 - Availability subject to scheduling
 - Limitation of available languages
 - May have verbal but not written skills
- **Self-Identified Bilingual Interpreter**
 - Pros
 - Readily accessible – 24/7
 - Time Saver
 - No cost
 - More reliable than family member, etc.
 - Less biased than family member, etc.
 - More familiar with laws and procedures
 - Available for future testimony



- Cons
 - Availability subject to scheduling
 - Language skills may not be recognized by courts (to protect the integrity of the investigation and prosecution)
 - May have verbal but not written skills
 - May be limited to basic conversational comprehension
 - Limitation of available languages
- Telephone Interpreter
 - Pros
 - Readily accessible – 24/7 through Communications Section
 - Extensive directory of interpreters
 - No cost
 - Reliable
 - Extensive access to different dialects
 - Cons
 - Trained in law enforcement and procedures
 - Can be time consuming to interpret via phone
 - Not available for translation services
 - Not available for future testimony
- Family members, neighbors, friends, volunteers, bystanders or children
 - Pros
 - Time saver
 - Pre-established rapport
 - No cost
 - Cons
 - Not necessarily reliable
 - Unknown competency with English language
 - Biased
 - May be unavailable for future testimony
 - Maturity of interpreter or privacy of interpretation may not be suitable or practical
- Court Certified Interpreter
 - Pros
 - Recognized by the courts
 - Protects the integrity of the investigation and prosecution
 - Highest level of language competency for a foreign language
 - Cons
 - Not readily accessible - appointment needed
 - Cost

APPENDIX
Language Identification Card (TF-3331)
Exemplar

India, Pakistan, and Southwest Asia

Table listing languages from India, Pakistan, and Southwest Asia such as Bengali, Bhojpuri, Gujarati, Hindi, Malayalam, Nepali, Punjabi, Sinhalese, Tamil, and Urdu.

Africa

Table listing languages from Africa such as Amharic, Arabic, Bambara, French, Hausa, Italian, Portuguese, Portuguese Creole, Somali, Swahili, Tigrinya, Wolof, and Yoruba.

Middle East

Table listing languages from the Middle East such as Arabic, Armenian, Assyrian, Dari, Farsi, Hebrew, Kurdish, Pashto, and Turkish.

Asia

Table listing languages from Asia such as Burmese, Cambodian, Hmong, Indonesian, Japanese, Korean, Laotian, Malay, Mien, Thai, and Vietnamese.

Asia

Table listing Chinese dialects such as Cantonese, Chaoshow, Fokienese, Mandarin, Shanghai, Taiwanese, and Toishanese.

Europe

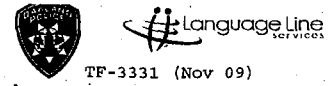
Table listing European languages such as Albanian, Armenian, Basque, Bulgarian, Catalan, Croatian, Czech, Danish, Dutch, Estonian, Finnish, French, German, Greek, and Hungarian.

Pacific Islands

Table listing Pacific Island languages such as Aklanon, Fijian, Ilocano, Indonesian, Malay, Samoan, Tagalog, and Tongan.

North America, South America, and Caribbean

Table listing languages from North America, South America, and the Caribbean such as French, Haitian Creole, Navajo, and Portuguese.



Language Identification Card

As a Language Line Services customer you have access to over-the-phone interpretation 24 hours a day, 7 days a week. Use this Language Identification Card in a face-to-face situation, to determine which language a person speaks. The Language ID Card lists the languages most frequently encountered in North America, grouped by the geographical region where they are commonly spoken.

- To use the Language ID Card efficiently, locate the geographical region where you believe the non-English speaker may be from. (Pacific Islands, Europe, etc.)
Show the person the languages listed for that region. The message underneath each language says: "Point to your language. An interpreter will be called."

Please note: Listing of languages within this card does not guarantee availability of interpreters in these languages. Language Line Services interpreters from English into more than 140 languages, only the most requested languages are listed here. This list is subject to change based upon demand.

COMMUNICATIONS PROCEDURE MANUAL Oakland Fire Department	
Chapter Title: Emergency Medical Dispatch Program	Section No.: 962
Section Title: Using A Translator	Effective: June 2009

962. Using a Translator

Oakland Fire Communications has the capability of utilizing a translation service that will provide assistance in over 100 languages. When warranted, the EMD shall use the translation service to determine the nature of a request for service. Account # 901114 via the preprogram line

- A. For medical calls requiring the use of a translation service, the EMD shall create a CAD event using the Automated Number Information / Automated Location Information (ANI/ALI) as the phone number and location of the emergency unless more correct information can be ascertained.
- B. The EMD shall inform the caller, via the translator, that help is being sent, and then continue with the caller interrogation. The EMD shall use the translation services to verify the location of the emergency, verify the phone number the RP is calling from, and ask the Case Entry questions and Key Questions from the most appropriate chief complaint protocol.
- C. The EMD shall adjust the response determinant code accordingly.
- D. PDI/DLS and PAI shall be provided to callers via the translator when appropriate, possible and necessary.

COMMUNICATIONS PROCEDURE MANUAL Oakland Fire Department	
Chapter Title: Emergency Medical Dispatch Program	Section No.: 962
Section Title: Translation Services for MPDS	Effective: June 2009

962

Translation Services for MPDS

Oakland Fire Communications has the resources to provide translation services in a variety of languages via use of the AT&T language line. Account # 901114 via the preprogram line.