

TRAINING



BULLETIN

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“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.



- **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.



- **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

