

# SOUTH PORTLAND POLICE DEPARTMENT

## STANDARD OPERATING PROCEDURES

<b>Subject:</b>	Interacting with Limited English Proficient Persons: Access to Interpreters and Translation	<b>Policy #</b>	4-41-N
<b>Effective Date:</b>	March 30, 2016	<b>Review:</b>	Annually
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### I. PURPOSE:

To provide guidance for and effective communications by South Portland Police Department personnel during interactions with persons with limited English proficiency.

### II. POLICY:

It is the policy of this agency to ensure that a consistently high level of service is provided to all community members, including those with limited English proficiency. The South Portland Police Department serves a diverse community, consisting of people from various national origins for whom English is not their primary language. The department shall seek to meet and follow the recommendations of the related standards included in Title VI of the Civil Rights Act, Executive order 13166, Department of Justice Guidance Policy and 28 USC, Section 1827. The provision of those services, however, shall not take precedence during exigent circumstances and priority law enforcement functions, including but not limited to the protection of life and property, the need to apprehend criminals, and / or secure a scene or evidence. Establishing *safety* and *control* will remain paramount and should always be the first priority in any situation.

### III. DEFINITIONS:

- A. **Bilingual:** The ability to speak two languages fluently and communicate directly and accurately in both English and another language.
- B. **Direct Communication:** Monolingual communication in a language other than English (e.g., Spanish to Spanish) between a bilingual department employee or representative and a LEP individual.
- C. **Limited English Proficient (LEP) Person:** Individuals for whom English is not their primary language, and who has a limited ability to read, write, speak, or understand English. LEP individuals may be competent in certain types of communication modes (e.g., speaking or understanding), but still LEP in other modes (e.g., reading or writing). LEP status may also be context specific; an individual may have sufficient English language skills to communicate basic information such as name and address, but may not have sufficient skills to communicate detailed information such as medical information, eyewitness accounts, or information elicited in an interrogation.
- D. **Interpretation:** The act of listening to a communication in one language and orally converting it into another language while retaining the same meaning. Interpretation deals with oral or signed speech.
  - 1. **Consecutive interpretation:** Message conveyance with a time lag. The interpreter waits for the question or statement to be finished before interpreting into the target language. Used generally for Q & A scenarios, interrogations, or testimony. Consecutive interpretation is considered more accurate than simultaneous because the entire context is clear before the language conversion process begins.
  - 2. **Simultaneous interpretation:** Message conveyance with no time lag. Interpreter renders a second language version at the same time as listening to the original. Can be provided in whisper format for one listener, or more commonly, provided with electronic equipment (interpreter microphone and listener headsets).
  - 3. **Sight translation:** The reading of a written text from the source into the target language. Generally, the interpreter has not had time to study the text but has made a cursory review.

4. **Summary interpretation:** Also known as occasional interpretation, this is where the interpreter listens more than he or she talks, later deciding what and how to summarize.

E. **Primary Language:** The language in which an individual most effectively communicates.

F. **Translation:** The replacement of a written text from one language (source language) into an equivalent written text in another language (target language). Translation requires special knowledge and skills.

#### IV. PROCEDURES:

##### A. LEP Contact / Interpreter Services:

1. Accuracy is crucial when dealing with LEP persons because the inability to communicate oftentimes creates a more emotional, confused or fearful situation. As with English speaking persons, the dynamic of each interaction with a LEP person can change very quickly. Officer safety should remain paramount and contacts or tactical interactions with LEP persons shall be handled in the same manner as every other interaction with English speaking residents. With the intention of increasing safety and understanding by LEP persons, officers are encouraged to use short, simple phrases (e.g., "Police, Get Down") during tactical interactions, as appropriate.
2. Department members will take reasonable steps to provide language assistance services to LEP individuals, as deemed necessary, appropriate, or as requested by the LEP individual. In order to ensure effective communication, employees should make every effort to determine the person's primary language and dialect through self-identification, using the I-Speak form (Appendix), the poster in the lobby, and / or other similar resource materials on the Intranet or Internet.
3. The employee should then evaluate the nature of interpreter services required, based on the scenario encountered, and determine the level of priority and need. Communication that is necessary within the next hour, or necessary for follow up investigation, will be considered urgent. The higher the risk, impact, or importance of the scenario, the higher the standards of interpreting and translating must be:
  - a. Employees shall utilize interpreter services when a LEP person is under arrest or in custody and cannot utilize English sufficient to comprehend their circumstances, understand their rights, or form a voluntary, knowing, and intelligent waiver of those rights (e.g., Miranda warnings and Implied Consent must be given with complete accuracy in the foreign language). Verbal Miranda warnings, waivers, and interrogations in a foreign language or through an interpreter should be recorded to defend against legal challenges.
  - b. Interpreter services are also highly recommended when obtaining statements from LEP individuals involved in criminal investigations (e.g., victims or witnesses), or those seeking to complete a citizen complaint.
  - c. The Shift Commander must be notified whenever there is a question about the necessity, or whenever interpreter services are deemed necessary. If interpreter services are needed during an urgent or emergency situation, the request may be approved at the discretion of the Shift Commander, regardless of the time of day or day of the week. If the Shift Commander determines that the need for interpreter services is not urgent *and* is after normal business hours, the Shift Commander may delay the request.
4. If interpreter services will be required, employees will then need to determine whether personal contact with an interpreter is necessary or whether remote interpretation may be adequate.
  - a. In-person interpreters may be preferred for lengthy interactions and interactions with significant potential consequences to the LEP person, such as interviews or interrogations. Dispatch will maintain contact information for qualified interpreter services.
  - b. Remote telephone interpretation services are most appropriate for brief encounters, situations in which no qualified in-person is available, while awaiting a qualified in-person interpreter, and during phone conversations with an LEP person. Dispatch will maintain contact information for a

- contracted language line, available remotely, for interpreter services. Dispatch will contact or facilitate contact with the remote language line service.
- c. Summary interpretation causes crucial information in interviews or interrogations to be excluded and is therefore not allowed for legal or quasi-legal purposes.
  5. Unless during an exigent circumstances in which there is a danger of death or serious physical harm, employees should not use family members, neighbors, friends, acquaintances, bystanders, and children as interpreters, particularly for communications involving a criminal investigation (e.g., interviews of witnesses, victims, and potential suspects), crisis negotiations, or other sensitive situations. Such interpretation could result in breach of confidentiality, a conflict of interest, inadequate or inaccurate interpretation, or an adverse impact on admissibility of evidence in any related criminal matter. Direct communication with victims, witnesses and suspects should be recorded. Even when an officer able to directly communicate with a LEP individual is available, qualified interpreters are still recommended for formal investigations, particularly those involving serious offenses.
  6. Not everyone who claims to be bilingual has the language skills for all uses, and the ability to engage in basic conversation in a foreign language is generally not sufficient for law enforcement purposes. Language courses or skills learned in law enforcement or the military may not be sufficient for law enforcement purposes if the training was limited to basic communication to get directions or have simple interactions. A bilingual person used to interpret an interrogation should possess native-like fluency in both languages, including the ability to use varied vocabulary from street slang and the knowledge of relevant specialized vocabulary involving weapons, drugs, medical, and legal terms.
  7. Employees should communicate through interpreters using the first person (i.e., “please tell me your name and address,” rather than “please ask him his name and address”). It is the employee’s job to develop and ask the questions. A professional interpreter must remain neutral and cannot interject an opinion or offer advice not related to language expertise.

**B. Translation of Vital Documents and Transcripts of Audio and Video Tapes:**

1. A professional translation service is recommended; the skills and expertise for translation of vital documents are different from those of interpretation. The translation must be accurate, maintain the same language level, concepts, and elements of vital information as the original document. Dispatch will maintain a contact listing of translators.
2. Automated translation tools such as *Babelfish* or *Altavista* are not recommended. Automatic translation programs cannot recognize idiomatic language usage, have limitations even for simple sentences, and are effective only in conjunction with a human translator for post-editing.
3. Transcripts to be introduced into evidence must contain every element of the original conversation, including background noise, hesitations, nuances, overlaps of the speakers, and pronunciation errors to provide an accurate version of what was said. Translators must be prepared to testify about their work product.

By Order Of:

Timothy B. Sheehan  
Chief of Police

# What language do you speak?

- 1  ضم علامة فم، هذا المریم إنا كنت تقرأ أو تتحدث العربية.
- 2  Մարդու՝ եմք նշում կատարելք այս բառակազմում, կթի խոսում կամ կարդում եք Հայերեն:
- 3  যদি আপনি বাংলা পড়েন বা বলেন তা হলে এই বাক্সে দাগ দিন।
- 4  လူ့စာပေအတွက် ဖတ်ရှုခြင်း၊ ပြောဆိုခြင်း၊ ဖတ်ရှုခြင်း၊ ဖတ်ရှုခြင်း၊ ဖတ်ရှုခြင်း
- 5  Motka i kahhon ya yangin ûntûngnu' manaitai pat ûntûngnu' kumentos
- 6  如果你能读中文或讲中文，请选择此框。
- 7  如果你能讀中文或講中文，請選擇此框。
- 8  Označite ovaj kvadratić ako čitate ili govorite hrvatski jezik.
- 9  Zaškrtněte tuto kolonku, pokud čtete a hovoříte česky.
- 10  Kruis dit vakje aan als u Nederlands kunt lezen of spreken.
- 11  Mark this box if you read or speak English.
- 12  اگر خواندن و نوشتن فارسی بلد هستید، این مربع را علامت بزنید.
- 13  Cocher ici si vous lisez ou parlez le français.
- 14  Kreuzen Sie dieses Kästchen an, wenn Sie Deutsch lesen oder sprechen.
- 15  Σημειώστε αυτό το πλαίσιο αν διαβάζετε ή μιλάτε Ελληνικά.
- 16  Make kazye sa a si ou li oswa ou pale kreyòl ayisyen.
- 17  अगर आप हिन्दी बोलते या पढ़ सकते हैं तो इस बक्स पर चिह्न लगाएँ।
- 18  Kos lub voj no yog koj paub twm thiab hais lus Hmoob.
- 19  Jelölje meg ezt a kockát, ha megérti vagy beszéli a magyar nyelvet.
- 20  Markaam daytoy nga kahon no makabasa wenno makasaoka iti Ilocano.
- 21  Marchi questa casella se legge o parla italiano.
- 22  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。
- 23  한국어를 읽거나 말할 수 있으면 이 칸에 표시하십시오.
- 24  ໄຫ້ໝາຍໃສ່ຄ່ອງນີ້ ຖ້າທ່ານອ່ານຫຼືປາກົດພາສາລາວ.
- 25  Prosimy o zaznaczenie tego kwadratu, jeżeli posługuje się Pan/Pani językiem polskim.
- 26  Assinale este quadrado se você lê ou fala português.
- 27  Însemnați această căsuță dacă citiți sau vorbiți românește.
- 28  Поставьте этот квадратик, если вы читаете или говорите по-русски.
- 29  Обележите ovaj kvadratiћ уколико читате или говорите српски језик.
- 30  Označte tento štvorček, ak viete čítať alebo hovoriť po slovensky.
- 31  Marque esta casilla si lee o habla español.
- 32  Markahan itong kwadrado kung kayo ay marunong magbasa o magsalita ng Tagalog.
- 33  Թվում է ձեր քաղաքը կարդալու կամ խոսելու լեզուն ինչպես է լինի.
- 34  Maaka 'i he puha ni kapau 'oku ke lau pe lea fakatonga.
- 35  Відмітьте цю клітинку, якщо ви читаете або говорите українською мовою.
- 36  اگر آپ اردو پڑھتے یا بولتے ہیں تو اس خانے میں نشان لگائیں۔
- 37  Xin đánh dấu vào ô này nếu quý vị biết đọc và nói được Việt Ngữ.
- 38  במצייכנט דעם קעסטל אויב איר לייענט אדער רעדט אידיש.

List of Languages			
1. Arabic	2. Armenian	3. Bengali	4. Cambodian
5. Chamorro	6. Simplified Chinese	7. Traditional Chinese	
8. Croatian	9. Czech	10. Dutch	11. English
12. Farsi	13. French	14. German	15. Greek
16. Haitian	17. Hindi	18. Hmong	19. Hungarian
20. Ilocano	21. Italian	22. Japanese	23. Korean
24. Laotian	25. Polish	26. Portuguese	27. Romanian
28. Russian	29. Serbian	30. Slovak	31. Spanish
32. Tagalog	33. Thai	34. Tongan	35. Ukrainian
36. Urdu	37. Vietnamese	38. Yiddish	