

Steps for Obtaining Interpreters

By Leslye E. Orloff and Michael LaRiviere (August 21, 2016)¹²³

Language barriers can impede effective and accurate communication in a variety of ways. Language barriers can sometimes inhibit or even prohibit individuals with limited English proficiency (LEP) from accessing and/or understanding important rights, obligations, and services, or from communicating accurately and effectively in difficult situations. Hampered communication with LEP victims, witnesses, alleged perpetrators, and community members can present law enforcement officers with safety, evidentiary, and ethical challenges. Ensuring maximum communication ability between law enforcement and all segments of the community serves the interests of both. U.S. Department of Justice, Office of Justice Programs

DOJ Endorsed Approach

Officers who encounter persons who are limited English proficient (LEP) should obtain the help of an interpreter to understand the LEP person. To obtain a bilingual interpreter, law enforcement officers should obtain the assistance of –

1. *Bilingual Officers who have been approved by your jurisdiction to serve as interpreters*
2. *In-person Contracted Qualified Interpreters*
3. *Telephonic Interpreter Company Providing Qualified Interpreters*
4. *Community Resources can assist you in obtaining:*
 - *Contracted qualified interpreters or*
 - *Volunteers trained in interpretation who are qualified to interpret*

It is important for officers to understand the difference between interpreters and bilingual persons. While all interpreters are bilingual, a bilingual person is NOT necessarily an Interpreter. Definitions:

» **Bilingual Interpreter:** An interpreter is a trained professional in the activity of translating including the bilingual interpreters listed above.

» **Bilingual Person:** A bilingual person is a person who speaks two languages, but does not have experience or skills interpreting or translating from one language to another. A bilingual person may be family member, a friend, a fellow officer, or a bystander.

» **Interpretation** is 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.

» **Translation** is the replacement of written text from one language (source language) into equivalent written text in another language (target language).

In the Field

Officers in the field in need of interpretation services should attempt to identify the LEP individual's primary language through the use of a language identification card. After identifying the language of the

¹ © National Immigrant Women's Advocacy Project, American University Washington College of Law 2016

² Originally developed for The Albuquerque Police Department in collaboration with the Albuquerque Mayor's Sexual and Domestic Violence Taskforce

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LEP individual contact a supervisor or professional interpretation service to obtain the assistance of a bilingual interpreter.

Exigent Circumstances

An officer may request the assistance of a bilingual individual in emergency situations where waiting to obtain an interpreter would jeopardize the safety of the officer, the victim, other people, or would obstruct justice. Under these circumstances officer may need the temporary assistance of bilingual individuals in order to secure the crime scene and obtain emergency medical assistance for persons who are injured. Officers should seek the most reliable interpreter available and be aware that the person the officer chooses to interpret could be the perpetrator. This bilingual person may assist the officer in obtaining information limited to the key facts listed below --

When securing the scene it is OK to find out only KEY facts by using certain bilingual individuals temporarily.

| Exigent Circumstances | |
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| Examples of key facts needed to secure the scene include – | AVOID using as interpreters |
| <ul style="list-style-type: none"> - Identification of the suspect - Location of the suspect - Whether the suspect is armed - Whether there is a weapon in the scene - Whether anyone is injured | <ul style="list-style-type: none"> - The suspect - A family member of the suspect - A friend of the suspect - Children |

Once the emergency has passed, seek assistance from *professional* bilingual interpreters before questioning the LEP individual. Professional bilingual interpreters are:

- *Bilingual Officers who have been approved by your jurisdiction to serve as interpreters*
- *In-person Contracted Qualified Interpreters*
- *Telephonic Interpreter Company Providing Qualified Interpreters*
- *Community Resources can assist you in obtaining:*
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The Importance of Avoiding the Use of Children and the Perpetrator as Interpreters

National research in 2013⁴ surveyed immigrant and LEP crime victims experiences when they called the police for help. Survey participants were 722 programs from 50 U.S. jurisdictions, primarily: domestic violence and sexual assault programs (61%), legal services agencies (12%); government officials, law enforcement and prosecutors (9%); immigration attorneys (6%). This research collected data on 14, 314

⁴ Natalia Lee, Daniel J. Quinones, Nawal Ammar & Leslye E. Orloff, *National Survey of Service Providers on Police Response to Immigrant Crime Victims, U Visa Certification and Language Access*, (National Immigrant Women’s Advocacy Project, American University, Washington College of Law, April 16, 2013).

calls to the police with officers not obtaining qualified interpreters to communicate with LEP victims in 42.4% of reported cases.

Officers used the following bilingual persons as interpreters at the following rates:

- Children (24.3%);
- Friends and Neighbors (22.9%);
- Adult Relatives (17.8%);
- Bystanders (9.8%).
- ***The perpetrator was used an interpreter in 10.7% of the sexual assault cases, 8.1% of domestic violence cases and 4.8% of human trafficking cases.***

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| <p>Absent Exigent Circumstances Interpretation by Children Should be Specially Avoided Because:</p> <p><i>Could easily compromise Law Enforcement Goals – Undermine prosecution:</i></p> <ul style="list-style-type: none"> - Child can be a potential witness to the incident, particularly in domestic violence cases. - Statements and police reports interpreted by children are likely to be successfully challenged in court by the perpetrator. <p><i>Officers’ and Victim Safety Can be Compromised When Incorrect Information is Obtained Because:</i></p> <ul style="list-style-type: none"> - The child is not familiar with concepts and language that are essential to question persons who may be victims, witnesses, or suspects. - Child may not understand: who is the suspect; what the child is being asked; and/or the gravity of the situation. - The child may lie about the interpretation: at the suspect’s direction, to protect themselves and their abused parent or family member, or to protect the abusive parent. <p><i>Victim’s and Child Safety:</i></p> <ul style="list-style-type: none"> - Interpreting could put the child at risk from the suspect. - Putting the child in such a circumstance can be harmful to the child’s emotional development. - Interviewees are not likely to be forthcoming with officers if a child is interpreting, especially about sexual assault. |
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