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CENTER CITY POLICE DEPARTMENT

DIRECTIVE: LIMITED ENGLISH PROFICIENCY GUIDELINES

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I. PURPOSE

The Center City Police Department (CCPD) recognizes the importance of effective and accurate communication between its personnel and the community that they serve. 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 the CCPD with safety, evidentiary, and ethical challenges. Ensuring maximum communication ability between law enforcement and all segments of the community serves the interests of both.

The purpose of this Directive is to establish effective guidelines, consistent with Title VI of the Civil Rights Act of 1964 and the Omnibus Crime Control and Safe Streets Act of 1968, and the Mayor's Executive Order of January 1, 2006, for departmental personnel to follow when providing services to, or interacting with, individuals who are LEP.

II. POLICY

The CCPD's policy is to take reasonable steps to provide timely, meaningful access to LEP persons to the services and benefits the CCPD provides in all CCPD-conducted programs or activities. All CCPD personnel shall provide free language assistance services to LEP individuals whom they encounter or whenever an LEP individual requests language assistance services. The CCPD personnel will inform members of the public that language assistance services are available free of charge to LEP persons and that CCPD personnel will provide these services to them.

III. DEFINITIONS

- A. Primary Language means an individual's native tongue or the language in which an individual most effectively communicates. The CCPD personnel should avoid

assumptions about an individual's primary language. For example, not all individuals from Central America speak Spanish fluently. Instead, some Central Americans may claim an indigenous language as their native tongue. The CCPD personnel should make every effort to ascertain an individual's primary language to ensure effective communication.

- B. Limited English Proficiency designates individuals whose primary language is not English and who have a limited ability to read, write, speak, or understand English. LEP individuals may be competent in certain types of communication (e.g., speaking or understanding), but still be LEP for other purposes (e.g., reading or writing). Similarly, LEP designations are context-specific: an individual may possess sufficient English language skills to function in one setting, but these skills may be insufficient in other situations.
- C. 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.
- D. Translation is the replacement of written text from one language (source language) into an equivalent written text in another language (target language).
- E. Bilingual refers to the ability to use two languages proficiently.
- F. CCPD Authorized Interpreter (CCPDAI) is a bilingual CCPD employee who has been authorized to interpret for others in certain situations.
- G. CCPDAI List is an accounting of CCPD personnel who are bilingual and are authorized to act as volunteer interpreters. The Training Bureau will create and maintain the list and provide it to Police Radio Room Operations.

IV. PROCEDURES FOR ACCESSING INTERPRETATION SERVICES

- A. Civilian Emergency Calls to 9-1-1
 - 1. 9-1-1 Communications with LEP Callers: When a 9-1-1 call-taker receives a call and determines that the caller is LEP, the call-taker shall inform the LEP caller that he or she will be placed "on hold." If the language is known, the call taker shall immediately survey the Radio Room for an available and appropriate CCPDAI to respond. If a CCPDAI is available, the original call-taker will immediately transfer the LEP caller to the CCPDAI. The CCPDAI shall follow the standard operating procedures for all 9-1-1 calls.

If no available and appropriate CCPDAIs are present, the call-taker will contact the contracted telephonic interpretation service directly via speed-dial. Once a three-way call is established between the call-taker, the LEP

caller, and the interpreter, the call-taker shall follow the standard operating procedures used for all 9-1-1 calls.

NOTE:

The call-taker will note in information sent to dispatch that the 9-1-1 caller is an LEP individual and indicate the language, so that this information is provided to responding CCPD personnel. Dispatchers will make every effort to dispatch a bilingual officer to the assignment, if available.

NOTE:

The CCPD will take reasonable steps to develop in-house language capacity in the Radio Room by hiring personnel with specific language skills. Using the assessment process described in Part VIII below, CCPD will determine its Radio Room staffing needs, and will work with the Personnel Department to recruit and hire qualified bilingual staff.

B. CCPD Personnel Requesting Interpretation Services:

1. Responding CCPD Personnel Responsibilities: CCPD personnel in the field in need of interpretation services will attempt to identify the LEP individual's primary language through the use of the language identification card and immediately contact the Operations Desk of Police Radio at 000-0000.

NOTE 1 – Exigent Circumstances:

The CCPD personnel are expected to follow the general procedures outlined in this Directive; however exigent circumstances may require some deviations. In such situations, personnel are to use the most reliable, temporary interpreter available, such as bilingual CCPD personnel. Examples may include the need to obtain descriptive information on a fleeing suspect, or identifying information of an injured person. However, once an exigency has passed, all personnel are expected to revert to the general procedures in this Directive.

NOTE 2 – Family, Friends and Bystanders:

In other than exigent circumstances, CCPD personnel should only use family, friends or bystanders for interpreting in very informal, non-confrontational contexts, and only to obtain basic information at the request of the LEP individual. Using family, friends, or bystanders to interpret could result in a breach of confidentiality, a conflict of interest, or an inadequate interpretation. Barring exigent circumstances, CCPD personnel should not use minor children to provide interpreter services.

2. Police Radio Responsibilities: The Operations Desk personnel will consult the CCPDAI List to determine if a CCPDAI is available to

respond to the assignment. If no CCPDAI is available to respond, the Operations Desk personnel will immediately determine if a CCPDAI is available in the radio room to assist. If no CCPDAI is available, the Operations Desk personnel will contact the telephonic interpretation service provider.

- C. Contracted In-Person Interpretation Services: Contracted in-person interpretation services shall be available to all CCPD personnel when interacting with LEP individuals. Police Radio will be the central conduit for connecting personnel in the field to an appropriate interpreter. While this service is available to all CCPD personnel, it is best suited for investigative units operating under non-emergency situations, such as witness interviews and criminal interrogations.
1. Accessing Contracted In-Person Interpreters: CCPD personnel who believe they need this service will consult with the highest-ranking supervisor on location. If the supervisor concurs, the supervisor will contact the Radio Room Operations Desk Supervisor at 000-0000. The calling supervisor will provide the Radio Room Supervisor with the investigative officer's name, badge number, phone number, and exact location where the interpreter is expected (*i.e.*, the numerical address with room or floor numbers, not just "Homicide" or "East Division"). The use of this service will be noted on the district/unit's Daily Complaint Summary (0-00).
 2. Radio Room Supervisor Responsibilities: The Radio Room Supervisor will contact the contracted in-person interpreter service, relay all information, and provide the assigned access codes. The supervisor will obtain an estimated time of arrival (ETA) for the interpreter before ending the call and notify the officer/investigator. The in-person interpreter should be on location no more than two hours from the time of notification.
 3. Upon Arrival of Contracted In-Person Interpreter: Upon the arrival of the interpreter, the officer/investigator will examine the interpreter's employee identification. The officer/investigator shall record the interpreter's name and company affiliation on the investigative report along with the interpreter's arrival and departure times. Once the interpreter is prepared, CCPD personnel will ask all questions through the interpreter.

NOTE:

It is CCPD personnel's responsibility to develop and ask any questions. Under no circumstances will an interpreter independently question a LEP individual. The interpreter's role is to serve as a neutral third party, taking care not to insert his or her perspective into the communication between the parties.

4. Conflict of Interest/Bias of Interpreter: If the officer/investigator believes that there is any conflict of interest with the assigned interpreter, bias, or any other reason why the interpreter should be recused, the officer/investigator shall consult with the highest ranking supervisor on location and the supervisor will decide if another interpreter is warranted. If this should occur, the supervisor will forward a memorandum to the departmental LEP Coordinator identified in Part IX below and will make a note on the district/unit's Daily Complaint Summary (00-00).

V. INTERROGATION, INTERVIEWS, AND COMPLAINTS

- A. Criminal Interrogations and Crime Witness Interviews: These scenarios potentially involve statements with evidentiary value upon which a witness may be impeached in court. As such, accuracy is a priority. Moreover, a failure to protect the rights of LEP individuals during arrests and interrogations presents risks to the integrity of the investigation. The CCPD personnel must recognize that miscommunication during the interrogations or crime witness interviews may have a substantial impact on the evidence presented in any related criminal prosecution. A qualified interpreter shall be used for any interrogation or taking of a formal statement where the suspect or witness' legal rights could be adversely impacted. **Because of the dual role a CCPDAI may have when conducting interrogations and acting as an interpreter, CCPDAIs are not to be used as interpreters during interrogations.** Hence, the contracted in-person interpretation service shall be utilized, as outlined in Part IV.C. above.

NOTE:

Miranda warnings, and all other vital written materials, will be available to the suspect or witness in his or her primary language. In the case of a language into which forms have not been translated and in the case of illiteracy, forms will be read to the suspect or witness in his or her primary language using the contracted interpretation services.

- B. Complaint Procedures for LEP Persons: Any LEP individual who wishes to file a complaint with the CCPD regarding language access, or the discharge of CCPD's duties, shall be provided with translated Internal Affairs Bureau (IAB) complaint forms. The assigned IAB investigator shall utilize the contracted in-person interpretation services (see Part IV.C. above) when conducting any interviews of LEP complainants or witnesses. The IAB will provide written notice of the disposition of any LEP complaint in the complainant's primary language.

NOTE:

In the event formal disciplinary charges result from a LEP complaint, the Department Advocate will insure that a contracted in-person interpreter is available for any scheduled hearings.

VI. PROCEDURES FOR ACCESSING DOCUMENT TRANSLATION SERVICES

- A. Identification and Translation of Vital Documents: The Commanding Officer of the Research and Planning Unit (R&P), with assistance from the Global Center City project in the Managing Director's Office and guidance from the Department of Justice, shall be responsible for classifying all documents as vital or non-vital, and determining into what languages the vital documents should be translated. The R&P will assess demographic data, review contracted language access services utilization data, and consult with community-based organizations to inform these decisions. The Commanding Officer of R&P will be responsible for having the documents translated and distributed to LEP communities. The R&P will serve as the central repository of all translated documents and make them available to CCPD personnel and members of the public on request.
- B. Requests by Other Units for Document Translation: Although R&P shall be the central conduit for document translation, all CCPD personnel shall have access to this service through the following procedures:
1. Commanding Officers: Should a Commanding Officer identify a need for a specific document to be translated, a memorandum will be forwarded to the Commanding Officer of R&P. The R&P will review the request against the requirements listed in VI.A., confirm that no similar document has already been translated, and then process the request through the appropriate vendor.
 2. Translation of Investigative Documents: Should an investigator need a note, letter, or other document translated for an investigation, a memorandum will be forwarded to the Commanding Officer of R&P, approved by the investigator's highest ranking supervisor available, with a *copy* of the original note, letter or other document to be translated. The request should indicate if the translation is needed immediately; otherwise, the request should specify the date required.

VII. NOTIFYING THE PUBLIC ABOUT CCPD'S LANGUAGE SERVICES

- A. Signage: At each CCPD building entry point or lobby, signage shall be posted in the most commonly spoken languages stating that interpreters are available free of charge to LEP individuals. The CCPD shall also maintain translated written forms and documents for LEP individuals. A list of these documents and forms along with the available languages is attached as APPENDIX I. Notification of the availability of translated forms and documents will be posted in the public lobby of CCPD Headquarters, districts, units and detention facilities to inform LEP persons about which forms are translated. In the case of illiteracy or languages into which written materials have not been translated, such forms and documents will be read to LEP individuals in their primary languages.

- B. Commanding Officer Responsibilities: The commanding officer of all districts and units with direct public access shall insure that the signage is posted and visible to the general public.

VIII. TRAINING: LANGUAGE ASSISTANCE POLICY AND INTERPRETER SKILLS

- A. LEP Policies: The CCPD will provide periodic training to personnel about CCPD's LEP policies, including how to access CCPD-authorized, telephonic and in-person interpreters. The CCPD shall conduct such training for new recruits, at in-service training, and at roll call for officers at least every two years. Training shall initially be conducted within 180 days of the effective date of this Directive.
- B. Competency of Interpreters:
 - 1. Assessment: The CCPD personnel identified as bilingual who are willing to act as CCPDAIs will have their language skills assessed by a professional interpreter using a structured assessment tool. Through its contract for in-person interpretation services, the Global Center City project in the Managing Director's Office will establish qualifications for the professional interpreters. The Global Center City project in the Managing Director's Office will be responsible for approving the structured assessment tool. Those found proficient in interpreting into and from target language will be placed conditionally on the CCPDAI List. The language assessment for CCPD personnel hired as bilingual shall be waived if the employee chooses to act as a CCPDAI. These employees will automatically be placed conditionally on the CCPDAI List.
 - 2. Training: All personnel conditionally placed on the CCPDAI List must successfully complete the prescribed interpreter training within one year. After successful completion of interpreter training, the individual will be unconditionally placed on the CCPDAI List. To complete interpreter training successfully, an interpreter must demonstrate proficiency in and ability to communicate information accurately in both English and in the target language; have knowledge in both languages of any specialized terms or concepts peculiar to the CCPD and of any particularized vocabulary and phraseology used by the LEP person; and understand and adhere to the interpreter role without deviating into other roles such as counselor or legal advisor.
 - 3. Refresher Course for CCPDAIs: Those persons who have been unconditionally placed on the CCPDAI List must receive refresher training annually or they will be removed from the CCPDAI List. The Training Bureau shall be responsible for coordinating the annual refresher training and will maintain a record of training that the interpreters have received.

IX. MONITORING AND UPDATING LANGUAGE ASSISTANCE EFFORTS

- A. LEP Coordinator: The Chief of Police will appoint a LEP Coordinator who is responsible for coordinating and implementing all aspects of the CCPD's services to LEP individuals.
- B. Community Review: The Commanding Officer of R&P shall assess demographic data, review contracted language access services utilization data, and consult with community-based organizations annually in order to determine if there are additional languages into which vital documents should be translated.
- C. Documents: The Commanding Officer of R&P will be responsible for annually reviewing all new documents issued by the CCPD to assess whether they should be considered vital documents and be translated.
- D. Collection of LEP Contact Data: The Commanding Officer of Police Radio will be responsible for collecting CCPD LEP contacts. This data may be collected through the review of radio desk logs (CCPDAI usage) and billing statements submitted by the contracted telephonic and in-person service providers.
 1. Tracking and Analysis of LEP Data: The Commissioner or his designee shall be responsible for assessing demographic data, reviewing contracted language access services utilization data, and consulting with community-based organizations to ensure that the CCPD is providing meaningful access to LEP persons to the services and benefits the CCPD provides in all CCPD-conducted programs or activities. This assessment and consultation shall be conducted in coordination with R&P.
 2. Complaint or Incident Reports (00-00):
 - a. Officer Responsibilities: If during the course of handling an assignment where a 00-00 is required and the responding officer either utilized his or her bilingual skills, the services of a CCPDAI, an in-person interpreter, or the telephonic interpreter service, the letters "LEP" in large bold letters shall be inserted in the lower section of the 00-00.
 - b. Operations Room Supervisor (ORS) Responsibilities: The ORS shall submit the pink copy of all 00-00 Reports with the letters "LEP" in the lower section to the Commanding Officer of R&P for review and tracking.