



LIMITED ENGLISH PROFICIENCY



ISSUE DATE:	31 May 2012	EFFECTIVE DATE:	31 May 2012
RESCINDS:	Version dated 23 February 2012		
INDEX CATEGORY:	Human Rights and Community Partnerships		

I. PURPOSE

This directive:

- A. delineates the procedures to become a [Department-authorized interpreter](#).
- B. outlines the guidelines and procedures for responding to incidents involving persons with [Limited English Proficiency](#) (LEP).

II. BACKGROUND LEGISLATION

- A. White House Executive Order 13166, "Improving Access to Services for Persons with [Limited English Proficiency](#)," charges each agency which receives Federal financial assistance to develop and implement a system by which LEP persons can meaningfully access those services consistent with, and without unduly burdening, the fundamental mission of the agency.
- B. Select verbatim text from Title VI of the 1964 Civil Rights Act

No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

NOTE: Different treatment due to a person's ability to speak, read, write, or understand English may be a type of national-origin discrimination.

III. DEPARTMENT-AUTHORIZED INTERPRETERS

The Department will develop a testing and certification procedure for [Department-authorized interpreters](#). This process will include a verification of the [interpreter's](#) language skills through a practical exam and certification process. Until this certification process is developed and implemented, the following procedures will remain in effect.

- A. Department members who have language skills and wish to be used as a Department-authorized interpreter will:
 - 1. complete a Personnel Change Notice (CPD-11.611) in duplicate.
 - 2. check the box labeled "Language Skills" to indicate the member's acquired language skills.
 - 3. indicate in the "Remarks Section" of the Personnel Change Notice the language other than English the member has the ability to use and whether the member understands, speaks, writes, and/or reads the second language.
 - 4. submit the original Personnel Change Notice to the Director, Human Resources Division.
 - 5. submit the duplicate copy of the Personnel Change Notice to their unit commanding officer.
- B. Unit commanding officers who receive a Personnel Change Notice indicating an acquired language skill will ensure the submitting member's unit personnel file is updated with the language skill information.

- C. The Director, Human Resources Division, will ensure:
1. the submitting member's personnel file is updated with the appropriate language skill information when a Personnel Change Notice is received indicating a newly acquired language skill.
 2. the Department-Authorized Interpreters List is maintained and supplied to:
 - a. the Crime Prevention and Information Center (CPIC).
 - b. all unit commanding officers.

NOTE: The list provided to unit commanding officers need only identify the Department-authorized interpreters assigned to the commanding officer's unit.

- D. The Commander, Deployment Operations Section, will ensure Department members assigned to the CPIC:
1. maintain a current list of Department-authorized interpreters.
 2. provide Department members with the name/contact information of Department-authorized interpreters for the requested language.

IV. RESPONSIBILITIES

- A. The Deputy Chief, Education and Training Division, will establish and maintain training programs (e.g. Streaming Video, e-Learning curriculum) to:
1. verify the language skills of [Department-authorized interpreters](#) through a certification process, including practical exams and annual recertification.
 2. train Department members on the Department's [LEP](#) policy and its implementation, including the use of Department-authorized interpreters.
- B. The Managing Deputy Director, Public Safety Information Technology, will ensure that the Department LEP policy is prominently displayed on the Department's public website.
- C. The Commander, Inspections Division, will establish a monitoring program to ensure Department-wide compliance with the LEP policy, including the:
1. implementation of the policy;
 2. certification, assignment, and use of Department-authorized interpreters; and
 3. necessity of translating Department forms, publications, and distribution materials.
- D. Unit commanding officers:
1. will ensure the current Department-Authorized Interpreters List identifying unit members is provided to each station supervisor / designated unit supervisor.
 2. responsible for a Department facility will ensure the appropriate [Language Assistance Notice](#) (CPD-21.126) is prominently displayed in a public area of the facility.

NOTE: The display of the Language Assistance Notice will be Department facility specific and include written text translated into the three most predominant languages used within the facility's immediate surrounding communities.

V. PROCEDURES

- A. Department members will use only [Department-authorized interpreters](#) for all incidents involving a person with [Limited English Proficiency](#) (LEP) except in the following situations:
1. when exigent circumstances exist that are not reasonably foreseeable and immediate [interpretation](#) is required to protect the safety of individuals present or prevent the loss of property.
 2. when a Department service is requested by a person with LEP which is informational in nature, non-confrontational, and does not require an emergency response.

NOTE:

Under these circumstances, Department members may use non authorized members or non-Department members for [interpretation](#). Family members and friends will not be permitted to interpret for an LEP individual during a criminal investigation or unless the conversation is non-confrontational in nature and only requires obtaining basic information.

- B. Department members will document use of an [interpreter](#) in any report completed for the incident and record the interpreter's name and, if the interpreter is not Department-authorized, the reason they were used.
- C. When a Department member encounters a person with LEP who requires an interpreter to effectively communicate during the course of an investigation or while providing another Department service, the member will:

1. determine the [primary language](#) understood by the individual.

NOTE: The [Language Identification Card](#) can be used to determine the primary language.

2. notify their supervisor who will determine if a unit member has the ability to serve as an interpreter.
 3. if an interpreter is unavailable at the unit level, contact the OEMC zone dispatcher to request an interpreter from the district of occurrence or a neighboring district.
 4. if an interpreter is unavailable from the district of occurrence or a neighboring district, contact the CPIC to request an interpreter.
 5. if an interpreter is unavailable from the CPIC, contact the *Alternate Response Section (ARS) to request interpretation services* from an approved independent contractor.
- D. In addition to the procedures listed above, when a Department member interrogates or arrests a person with LEP who requires an interpreter to effectively communicate, the member will:

1. continue to follow the established procedures outlined in the Department directives entitled "**Interrogations: Field and Custodial**" and "**Processing Persons Under Department Control**."
2. delay the interrogation or processing of the arrest until the arrival of the Department-authorized interpreter.
3. meet with the interpreter before the interrogation process begins to familiarize them with questions that may be asked of the accused.
4. use the interpreter to conduct the interrogation or arrest processing. The Department member conducting the interrogation or arrest processing will:
 - a. present the Advisement of Rights (CPD-11.482) to the arrestee in their primary language, when available, or orally translated through a Department-authorized interpreter.

- b. inform the arrestee that the requested interpreter is provided by the Department free of charge.
 - c. speak clearly to the arrestee in a normal tone and avoid expediting the interrogation in a manner which will not identify all of the details of the incident being investigated or allow for an accurate interpretation.
 - d. inform the interpreter to maintain all interpreted and assignment related information confidential, and that they will not be permitted to counsel, advise, or include their personal opinion while interpreting for an arrestee.
- E. Department members investigating complaints against the Department or Department members involving LEP individuals will:
 - 1. continue to follow the established procedures outlined in the Department directive entitled "**Complaint and Disciplinary Procedures.**"
 - 2. present all required documentation to the complainant in their primary language, when available, or orally translated through a Department-authorized interpreter.
- F. It is the responsibility of the Department member investigating the incident to develop and ask any questions to obtain the required information. The Department-authorized interpreter will provide an accurate and impartial interpretation.
- G. Department members serving as a Department-authorized interpreter assigned to provide interpretation or [translation](#) services for an incident will:
 - 1. respond to the incident without unnecessary delay.
 - 2. identify themselves by name and rank to the individual requesting interpretation services.
 - 3. provide an accurate and impartial interpretation and/or translation.
 - 4. be compensated consistent with the member's collective bargaining agreement.
- H. Supervisors notified of an incident involving a person with LEP will:
 - 1. refer to the unit's Department-Authorized Interpreter List to ascertain if an interpreter is available at the unit level.
 - 2. assign an available, Department-authorized interpreter under their command to serve as an interpreter for the incident.

NOTE: If a unit member is not available to serve as an interpreter, the notified supervisor will ensure the CPIC is notified to provide the appropriate interpretation services.

 - 3. ensure the individual is provided with appropriate interpretation services for the duration of the incident.
- I. When notified by a Department member that interpretation and/or translation services are required for an incident, the designated member of the CPIC will arrange for the appropriate language services by:
 - 1. referring to the Department-Authorized Interpreter List to ascertain which interpreters are available within the Department, and
 - 2. assigning an available, Department-authorized interpreter to respond to the incident and serve as an interpreter.
- J. When notified by a Department member that interpretation and/or translation services are required for an incident, the designated member of the ARS will request the appropriate language services from an approved independent contractor.

VI. MULTI-LANGUAGE DEPARTMENT MATERIALS

- A. Department members who identify Department forms that would be beneficial to have translated into a language other than English will make this request to the Research and Development Division consistent with the procedures outlined in the Department directive entitled "**Forms Management System.**"
- B. Various Department forms are available to Department members to use in situations involving a person with LEP. Department members will refer to the Departments Intranet for all available translated Department forms.
- C. Department members who identify Department distribution materials (e.g., pamphlet, flyers, brochures) that would be beneficial to have translated into a language other than English will make this request consistent with the procedures outlined in the Department directive entitled "**Department Publications.**"

(Items indicated by *italics/double underline* were revised or added.)

Authenticated by: JKH

Garry F. McCarthy
Superintendent of Police

12-053 MWK

PHONE BOOK ENTRIES:

- 1. **Alternate Response Section**
2111 West Lexington
PAX 4031

GLOSSARY TERMS:

- 1. **Department-authorized Interpreter**
A Department member identified on a Department-Authorized Interpreter List.
- 2. **Limited English Proficiency (LEP)**
Designates an individual whose primary language is not English and who may have a limited ability to read, write, speak, or understand English. LEP designations are context specific and individuals may have sufficient English proficiency to function in certain types of communication (e.g., speaking, understanding) but lack the skills to function in other situations (e.g., reading, writing).
- 3. **Interpreter**
A person who is fluent in English and a second language (including American Sign Language) and has the ability to use the two languages proficiently, accurately, and impartially for the purposes of interpretation and/or translation.

4. **Language Assistance Notice - CPD-21.126 (9/08)**

A multi-language sign displayed in the public area of Department facilities that informs members of the public:

- A. of the Department's commitment to provide equitable service to all individuals encountered regardless of their ability to speak, read, write, or understand English, and
- B. that interpreters will be provided by the Department free of charge.

5. **Interpretation**

The act of listening to or reading a communication in one language and orally converting it to another language while retaining the same meaning.

6. **Primary Language**

An individual's native tongue or language in which they most effectively communicate.

7. **Language Identification Card - CPD-21.125**

A card, available in print and via the Department Intranet, used to assist Department members in identifying an individual's primary language.

8. **Translation**

The replacement of written text from one language to equivalent written text of another language.