

Hamden Police Department General Orders

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Section: General Operating Procedures

Rescinds: No Previous Versions

Title: Interpretive Services

Approved By: Police Commission

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PURPOSE

The Hamden Police Department 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 Hamden Police Department 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 policy 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 for departmental personnel to follow when providing services to, or interacting with, individuals have LEP.

POLICY

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

Hamden Police Department General Orders

DEFINITIONS

Bilingual: refers to the ability to use two languages proficiently.

Hamden Police Department Authorized Interpreter (HPDAI): is a bilingual Hamden Police Department employee who has been authorized to interpret for others in certain situations.

HPDAI List: is an accounting of Hamden Police Department personnel who are bilingual and are authorized to act as volunteer interpreters. The Training Division will create and maintain the list and provide it to Communications Supervisor.

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.

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.

Primary Language: means an individual's native tongue or the language in which an individual most effectively communicates. Hamden Police Department 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. Hamden Police Department personnel should make every effort to ascertain an individual's primary language to ensure effective communication.

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

Language Assistance Coordinator: The person appointed by the Chief of Police to serve as the HPD LAC (Language Assistance Coordinator).

Hamden Police Department General Orders

PROCEDURES

A. Civilian Emergency Calls to 9-1-1

1. 9-1-1 Communications with LEP Callers: When a 9-1-1 Central Communications Technician receives a call and determines that the caller is LEP, the Central Communications Technician 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 communications center for an available and appropriate HPDAI to respond. If a HPDAI is available, the original Central Communications Technician will immediately transfer the LEP caller to the HPDAI. The HPDAI shall follow the standard operating procedures for all 9-1-1 calls.

If no available and appropriate HPDAIs are present, the Central Communications Technician will contact the contracted telephonic interpretation service directly via speed dial. Once a three-way call is established between the Central Communications Technician, the LEP caller, and the interpreter, the Central Communications Technician shall follow the standard operating procedures used for all 9-1-1 calls.

- a. NOTE: The Central Communications Technician will note in CAD comments 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 Hamden Police Department personnel. Dispatchers will make every effort to dispatch a bilingual officer to the assignment, if available.
- b. NOTE: The Hamden Police Department will take reasonable steps to develop in-house language capacity in the Communications center by hiring personnel with specific language skills. Using the assessment process described in section E below, Hamden Police Department will determine its Communications center staffing needs, and will work with the Personnel Department to recruit and hire qualified bilingual staff.

B. Hamden Police Department Personnel Requesting Interpretation Services:

1. Responding Hamden Police Department Personnel Responsibilities: Hamden Police Department personnel in the field, who are 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

Hamden Police Department

General Orders

communications center.

- a. NOTE 1 – Exigent Circumstances: Hamden Police Department personnel are expected to follow the general procedures outlined in this Policy; however exigent circumstances may require some deviations. In such situations, personnel are to use the most reliable, temporary interpreter available, such as bilingual Hamden Police Department 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 Policy.
- b. NOTE 2 – Hamden Police Department 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, Hamden Police Department personnel should not use minor children to provide interpreter services.

2. Central Communications Responsibilities: The Desk Officer will refer to the HPDAI List to determine if a HPDAI is available to respond to the assignment. If no HPDAI is available to respond, Desk Officer personnel will immediately determine if a HPDAI is available in Central Communications to assist. If no HPDAI is available, Central Communications personnel will contact the telephonic interpretation service provider.

C. Contracted In-Person Interpretation Services: Contracted in-person interpretation services shall be available to all Hamden Police Department personnel when interacting with LEP individuals. Police issued cell phones will be the central conduit for connecting personnel in the field to an appropriate interpreter. While this service is available to all Hamden Police Department 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: Hamden Police Department personnel who believe they need this service will consult with the highest-ranking supervisor on location. If the supervisor concurs, the supervisor will contact Central Communications. The calling supervisor will provide Central Communications Personnel with the investigative officer's name, badge number, phone number, and exact location where the interpreter is expected. The use of this service will be noted in CAD comments.

Hamden Police Department General Orders

2. Central Communications Responsibilities: A Central Communications Technician will contact the contracted in-person interpreter service and relay all information. The Central Communications Technician will obtain an estimated time of arrival (ETA) for the interpreter before ending the call and notifying the officer/investigator. The in-person interpreter should arrive 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, Hamden Police Department personnel will ask all pertinent questions through the interpreter.
 - a. NOTE: It is the Hamden Police Department 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 department LEP Coordinator identified in Section E below.

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. Hamden Police Department 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 HPDAI may have when conducting interrogations and acting as an interpreter,

Hamden Police Department General Orders

HPDAIs are not to be used as interpreters during interrogations. Hence, the contracted in-person interpretation service shall be utilized, as outlined in Section C. above.

1. 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 Hamden Police Department regarding language access, or the discharge of Hamden Police Department's duties, shall be provided with translated Ethics and Integrity Unit (EIU) complaint forms. The assigned EIU investigator shall utilize the contracted in-person interpretation services (see Section C. above) when conducting any interviews of LEP complainants or witnesses. The EIU will provide written notice of the disposition of any LEP complaint in the complainant's primary language.

1. NOTE: In the event formal disciplinary charges result from a LEP complaint, the HPD LAC will insure that a contracted in-person interpreter is available for any scheduled hearings.

C. Procedures for Accessing Document Translation Services

1. Identification and Translation of Vital Documents: The Chief of Police will appoint a language assistance coordinator with guidance from the Department of Justice. The LAC shall be responsible for classifying all documents as vital or non-vital, and determine into what languages the vital documents should be translated. The LAC will assess demographic data, review contracted language access services utilization data, and consult with community-based organizations. The LAP will be responsible for having the documents translated and distributed to LEP communities. The LAP will serve as the central repository of all translated documents and make them available to Hamden Police Department personnel and members of the public on request.

2. Requests by Other Units for Document Translation: Although the LAP shall be the central conduit for document translation, all Hamden Police Department personnel shall have access to this service through the following procedures:

Hamden Police Department General Orders

- a. **Commanding Officers:** Should a Commanding Officer identify a need for a specific document to be translated, a memorandum will be forwarded to the LAC. The LAC will review the request. The LAC will confirm that no similar document has already been translated, and then process the request through the appropriate vendor.
- b. **Translation of Investigative Documents:** Should an investigator need a note, letter, or other document translated for an investigation, a memorandum will be forwarded to LAC, 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.

D. Notifying the Public About The Hamden Police Department's Language Services

- 1. **Signage:** At each Hamden Police Department 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 Hamden Police Department shall also maintain translated written forms and documents for LEP individuals. Notification of the availability of translated forms and documents will be posted in the front lobby of Hamden Police Department headquarters 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.

E. Training: Language Assistance Policy and Interpreter Skills

- 1. **LEP Policies:** The Hamden Police Department will provide periodic training to personnel about the department's LEP policies, including how to access Hamden Police Department-authorized, telephonic and in-person interpreters. The Hamden Police Department 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 Policy.

Hamden Police Department General Orders

2. Competency of Interpreters:

- a. **Assessment:** The Hamden Police Department personnel identified as bilingual who are willing to act as HPDAI's will have their language skills assessed by a professional interpreter using a structured assessment tool. Through its contract for in-person interpretation services, the LAC will establish qualifications for the professional interpreters. LAC will be responsible for approving the structured assessment tool. Those found proficient in interpreting target language will be placed conditionally on the HPDAI List. The language assessment for Hamden Police Department personnel hired as bilingual shall be waived if the employee chooses to act as a HPDAI. These employees will automatically be placed conditionally on the HPDAI List.
- b. **Training:** All personnel conditionally placed on the HPDAI 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 HPDAI List. To complete interpreter training successfully, an interpreter must demonstrate proficiency in communicating information accurately in both English and in the target language; have knowledge in both languages of any specialized terms or concepts peculiar to the Hamden Police Department and of any particularized vocabulary and phraseology used by the LEP person; and understand and adhere to the interpreter's role without deviating into other roles such as counselor or legal advisor.
- c. **Refresher Course for HPDAIs:** Those persons who have been unconditionally placed on the HPDAI List must receive refresher training annually or they will be removed from the HPDAI List. The Training Division shall be responsible for coordinating the annual refresher training and will maintain a record of the training that the interpreters have received.

F. Monitoring and Updating Language Assistance Efforts

1. **LEP Coordinator:** The Chief of Police will appoint a LEP Coordinator who is responsible for coordinating and implementing all aspects of the Hamden Police Department's services to LEP individuals.
2. **Community Review:** LAC 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

Hamden Police Department General Orders

- into which vital documents should be translated.
3. Documents: LAC will be responsible for annually reviewing all new documents issued by the Hamden Police Department to assess whether they should be considered vital documents and be translated.
 4. Collection of LEP Contact Data: The supervisor in charge of Central Communications will be responsible for collecting Hamden Police Department LEP contacts. This data may be collected through the review of incidents, CAD comments (HPDAI usage) and billing statements submitted by the contracted telephonic and in-person service providers.
 - a. Tracking and Analysis of LEP Data: The LAC shall be responsible for assessing demographic data, reviewing contracted language access services utilization data, and consulting with community based organizations to ensure that the Hamden Police Department is providing meaningful access to LEP persons to the services and benefits the Hamden Police Department provides in all Hamden Police Department-conducted programs or activities. This assessment and consultation shall be conducted in coordination with LAC.
 - b. Complaint or Incident Reports :
 - i. Officer Responsibilities: If during the course of handling an assignment where an interpreter is required and the responding officer either utilized his or her bilingual skills, the services of a HPDAI, an in-person interpreter, or the telephonic interpreter service, the letters "LEP" in large bold letters shall be inserted in CAD comments.
 - ii. The LAC should review all CAD comments with the letters LEP in them. This will be done for review and tracking purposes.