



DEPARTMENTAL REGULATIONS  
CONCORD POLICE DEPARTMENT  
7/2015

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Chief of Police

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**LANGUAGE ACCESS SERVICES FOR LIMITED ENGLISH PROFICIENT (LEP)  
PERSONS**

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**A. POLICY STATEMENT**

It is the policy of the Concord Police Department to take reasonable steps to ensure timely and accurate communication and access to all individuals regardless of national origin or primary language (Title VI of the Civil Rights Act of 1964 Sec. 601, 42 USC 2000d). When performing law enforcement functions, Department personnel will provide free language assistance to LEP individuals whom they encounter or whenever a LEP person requests language assistance services. The Concord Police Department recognizes the importance of effective and accurate communication between its members and the diverse community it serves. It is the policy of this department to inform members of the public that language assistance services are available free of charge to LEP persons and that the Department will provide these services to them as part of the Department's community policing and enforcement efforts.

**B. GENERAL**

The purpose of this plan is to establish language access procedures, consistent with federal, state and local law, for Concord Police Department personnel to follow when encountering a limited English proficient (LEP) person. This plan also defines the importance of effective and accurate communication between Concord Police Department personnel and the community they serve. Language barriers can impede such effective and accurate communication in a variety of ways. Language barriers can sometimes inhibit or even prohibit individuals with limited English proficiency from accessing and/or understanding important rights, obligations, and services, or from communicating accurately and efficiently in different situations. Hampered communication with limited English proficient victims, witnesses, suspects, and community members can jeopardize safety and create evidentiary and investigative challenges.

**C. DEFINITIONS**

1. **PRIMARY LANGUAGE:** The language in which an individual is most effectively able to communicate.
2. **LIMITED ENGLISH PROFICIENCY (LEP) PERSON:** Individuals whose primary language is not English and who have a limited ability to read, write, speak, or understand English. LEP designations are context-specific: and individual may possess sufficient English Language skills to function in one setting, but may find these skills are insufficient in other situations. Additionally, LEP individuals may be competent in certain types of communication (e.g. speaking or understanding), but still LEP for other purposes (e.g. reading or writing).
3. **INTERPRETATION:** 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.
4. **TRANSLATION:** The replacement of written text from one language (source language) into an equivalent written text into another language (target language).
5. **QUALIFIED BILINGUAL MEMBER:** For purposes of this procedure, Department personnel who identify themselves as “bilingual” must demonstrate, through a procedure which has been established by the City or Department, competency to communicate in the source language by demonstrating the ability to listen to a communication in one language (source language) and orally convert it to another language (target language) while retaining the same meaning.
6. **QUALIFIED CIVILIAN INTERPRETER:** A Qualified Civilian Interpreter is an individual who has been certified by the City or other designated qualifying agency. A Qualified Civilian Interpreter may be an employee of another city department or an outside agency contracted to provide language interpretation services to the Department. The Department will contract with outside agencies to provide in person as well as telephonic interpretation services.
7. **BILINGUAL ADVOCATE:** A Bilingual Advocate is an individual who assists victims by conducting services in one language and is not necessarily a conduit or neutral party. A bilingual advocate may or may not be a victim advocate, such as a person designated as a domestic violence victim advocate. A bilingual advocate may not have the skills to interpret, or be protected by privilege.
8. **EXIGENT CIRCUMSTANCES:** Exigent circumstances are defined as situations that require deviation from procedures, such as a threat to life, safety, or property, a fleeing suspect, or the potential loss or destruction of evidence. (e.g., physical loss of property, witness or victim).
9. **VITAL DOCUMENT:** A document will be considered vital and need to be translated if it contains information critical for obtaining access to court or it is required by law. Some examples of vital documents that courts may need to

translate to ensure that LEP individuals are provided meaningful access can include applications, court forms, consent or complaint forms, notices of rights, and letters or notices that require a response.

#### **D. PROCEDURES**

1. When applicable, personnel should inform LEP individuals of available free interpretation and translation services and arrange for same when requested or when the member believes that the service will improve gathering or providing accurate information.
2. Police building public access shall have signs posted in the primary LEP language common to the City of Concord at an access point or lobby stating that interpreters are available free of charge to LEP individuals.
3. Personnel should not make assumptions about a person's primary language based upon country of origin, as the person may speak another language other than the primary language of that country.
4. When known, Dispatch should inform personnel of the language needed.
5. Qualified Bilingual personnel responding to requests for language assistance should confer with the responding officer whether continuing information gathering will be done 1) through interpretation where the Qualified Bilingual personnel is a conduit or 2) the Qualified Bilingual personnel will proceed in one language.

#### **E. LANGUAGE IDENTIFICATION**

1. Department personnel will be provided a language identification card to aid in the identification of the primary language spoken by the LEP individual.
2. Department personnel should display the language identification card to the LEP person so the person can identify the language they speak prior to calling a qualified bilingual member, or professional interpretation service. Personnel should then request the appropriate interpreter.
3. If the LEP person does not appear able to read or understand the language identification card, the Department member should call the professional interpretation service and advise the service of the situation. With assistance from the language service interpreter, members should attempt to ascertain the LEP individual's language in order to obtain a suitable interpreter.
4. In an emergency and with Officer's discretion, language can also be identified by asking a neighbor or neutral individual.

## **F. FOUR FACTOR ANALYSIS**

1. The Four Factor Analysis is used to determine how the Department will determine measures that will provide reasonable and meaningful access to various rights, obligations, services, and programs to others. Given that law enforcement contacts and circumstances will vary considerably, the analysis must remain flexible and requires ongoing balances of the following four factors:
  01. The number or proportion of LEP individuals eligible to be served or likely to be encountered by Department personnel or who may benefit from programs or services within the Department's jurisdiction or a particular geographic area;
  02. The frequency with which LEP individuals are likely to come in contact with department personnel, programs or services;
  03. The nature and importance of the contact, program, information or service provided;
  04. The cost of providing LEP assistance and the resources available.
2. The Department and the Language Access Plan Coordinator should periodically evaluate the plan that ensures meaningful access by LEP individual to critical services while not imposing undue burdens on the Department on department personnel.

## **G. TYPES OF LEP ASSISTANCE AVAILABLE**

1. The Department will post information in the Community Service Desk and Records Counter areas informing walk-ins that free interpretation is provided.
2. **QUALIFIED BILINGUAL MEMBERS**
  01. Qualified Bilingual personnel utilized for LEP services will comply with the established bilingual testing process. Officers and non-sworn personnel must have demonstrated, through Department procedures, a level of competence to ascertain whether his/her language skills are best suited to interpretation, monolingual communications, or translations.
3. **TELEPHONE INTERPRETER SERVICES**
  01. Officers will have Language Line access on cellphones and desk phones.
  02. Dial (800) 523-1786
  03. Enter the PIN: 901133

04. Press the applicable number for the required language (an automated operator will list all options)
05. You will be on hold while they contact an interpreter. This usually does not take very long, depending on the language needed.
06. Request the language needed for interpretation. You will be connected to an interpreter within seconds. If you do not know which language to request, say "Help" and you will be automatically transferred to a representative trained to help in language identification.
07. Record the interpreter ID number
08. Brief the Interpreter. When the interpreter gets on the line, state your name, the name of the agency and the client's name, summarize the purpose of the call, what you wish to accomplish and give any special instructions.
09. When using the Language Line, officers should be aware of confidentiality, privacy, and extraneous noise when using the speaker phone capability.

#### 4. COMMUNITY VOLUNTEERS

01. Community volunteers should be screened for neutrality and for language skill and should be used if Qualified Bilingual Members or Qualified Civilian Interpreters are not available. Community volunteers will include other community organizations and bilingual individuals who are not qualified civilian interpreters or qualified members.

#### 5. USE OF FAMILY MEMBERS AND CHILDREN AS INTERPRETERS

01. Department personnel should generally not use family members, neighbors, friends, volunteers, bystanders or children to interpret for a LEP person unless exigent circumstances exist and a more reliable interpreter is not available, especially for communications involving witnesses, victim and potential suspects, or in investigations, collection of evidence, negotiations or other sensitive situations.
02. If an exigent circumstance requires Department personnel to use family members, neighbors, friends, volunteers, bystanders or children for initial language assistance, the member shall seek the assistance of a Qualified Bilingual Member, Qualified Civilian Interpreter, or other professional interpreter to confirm or supplement the initial translation or interpretation as soon as practical. Beyond emergency and exigent circumstances, Officers should avoid using family members and children to act as interpreters.

## 6. THIRD PARTY BILINGUAL INDIVIDUALS RENDERING ASSISTANCE

01. When neither a Qualified Bilingual Member or Qualified Civilian Interpreter is available, Department personnel may be forced to use a third party available at the scene. It is best practice to assess 1) their neutrality and 2) language skill. Examples of qualifying questions include:
  1. “How do you know the witness/victim/party here?”
  2. “How did you learn English/target language”

## H. ORDER OF PREFERENCE

1. Personnel should provide oral interpretation services to LEP persons they encounter in the following order of preference, unless deviations are needed to respond to exigent circumstances:
  01. Direct Communication by Qualified Bilingual Personnel: The preferred method of providing services to LEP persons is through the use of Qualified Bilingual Department personnel. Qualified Bilingual personnel may conduct services in monolingual communication or be asked to interpret. When interpreting, Qualified Bilingual personnel should adhere to interpreter principles as strictly as possible.
  02. Use of Qualified Civilian Interpreter: When Qualified Bilingual personnel are unavailable, personnel should use a Qualified Civilian Interpreter who has been certified by the city of Concord or a professional interpreter to provide in-person interpretation services.
  03. Use of Bilingual Advocate: Bilingual advocates can also assist in providing monolingual services for victims and Department personnel. Department personnel also have the option of using Department bilingual advocates trained in interpretation to provide interpretation services. Personnel should be aware that using a bilingual advocate may compromise interpreter ethics such as neutrality.
  04. Telephone Interpreter: When qualified interpreters are not available to provide service in-person, Department personnel may utilize Language Line or the professional language service provider or Qualified Civilian Interpreter to provide interpretation services by telephone.
    1. Officers should take reasonable steps to insure the qualified interpreter does not know any of the parties.

## I. CUSTODIAL INTERROGATIONS, WITNESS INTERVIEWS AND BOOKINGS

1. Qualified Bilingual personnel or a Qualified Civilian Interpreter should be used for custodial interrogation or taking of a formal statement where the suspect's legal rights could be adversely impacted. The preferred method for interviewing a LEP individual is direct communication. When Qualified Bilingual personnel are not available to directly communicate with a LEP individual, a Qualified Civilian Interpreter should be provided, if available. The following procedures should be utilized in custodial interrogations:
  01. Contact Qualified Bilingual personnel or a Qualified Civilian Interpreter to appear in person, unless unavailable, impractical, or exigent circumstance(s) exist. In these instances the use of an interpreter via telephone is an acceptable alternative.
  02. Miranda admonitions and other written forms and notices should be provided to the suspect in his or her primary language when available. In the case of forms that have not been translated into the LEP person's primary language and in the case of illiteracy, forms should be read to the individual by Qualified Bilingual personnel or a Qualified Civilian Interpreter, in his or her primary language.

#### **J. LEP CONTACT SITUATIONS AND REPORTING**

1. Whenever any member of this department is required to complete a report or other official document and interpretation or translation services are provided to a LEP individual, the report should include:
  01. Language needed for interpretation
  02. Name of the interpreter or ID number if using Language Line
  03. Type of oral services provided
  04. Relationship to the LEP individual
  05. Qualifying questions asked

#### **K. LANGUAGE ACCESS MONITORING AND TRAINING**

1. The Language Access Coordinator is responsible for serving as the Department's LEP coordinator. The Coordinator's duties include, but are not limited to:
  01. Track and analyze needs of LEP population served by the Department
  02. Monitor compliance with federal, state and local ordinances

03. Coordinating language access training
04. Ensuring Bilingual Members are screened for language skill
05. Coordinate interpreter training for qualified bilingual members and employees
06. Coordinate telephonic and 3<sup>rd</sup> party interpreter services
07. Update language access plan to include updated contacts, resources, and procedures

## APPENDIX B

### INTERPRETER CODE OF CONDUCT

- I. Confidentiality: All information gained by the interpreter in the course of her/his duties should remain confidential and is considered part of an investigation. This information shall not be communicated, published or in any way divulged to any organization or person, other than the organization or person engaging the services of the Interpreter.
- II. Accuracy and Completeness: The interpreter should render, to the best of her/his ability, a complete and accurate interpretation. The rendition should sound natural in the target language, and there should be no distortion of the original message through addition or omission, explanation or paraphrasing. The interpreter should not add to what is said nor provide personal explanation. Guessing should be avoided. Interpreters who do not hear or understand what a speaker has said should seek clarification.
- III. Non-Judgment and Impartiality: The interpreter should be impartial and unbiased and shall refrain from conduct that may give an appearance of bias. She/he should not allow personal biases to interfere with her/his duties nor add commentary. Ideally, the interpreter should confine him/herself to the role of interpreting and should generally consider herself or himself a "conduit," passing accurately interpreted/translated information from one language to another.
- IV. Conflict of Interest: The interpreter should disclose any real or perceived conflict of interest. She/he shall not take personal advantage, financial or otherwise, of information obtained in the course of her/his work. If there is a conflict of interest, then another interpreter should be utilized.
- V. Disqualification and Impediments: The interpreter should, at all times, assess her/his ability to maintain the highest standards for professional interpretation. She/he shall convey any reservations about her/his ability to successfully complete the assignment. The interpreter should decline any assignment she/he believes to be beyond her/his technical knowledge or linguistic ability.
- VI. Personal Courtesy: The interpreter should maintain a professional demeanor, be courteous and use the tone of voice appropriate to the situation. The Interpreter should defer to instructions from Department personnel.
- VII. Personal Development: The interpreter should strive to continue to improve her/his skills and knowledge through activities such as training or education and interaction with colleagues and specialists in related fields.
- VIII. Accurate Representation of Credentials: Interpreters and translators shall accurately represent their certifications, accreditations, training and pertinent experience.

- IX. High Standards of Conduct: The interpreter shall maintain professional conduct at all times. The interpreter should speak in a clear voice, while maintaining professional decorum and objectivity.