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SUBJECT: LIMITED ENGLISH LANGUAGE PROFICIENCY (LEP)

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SUBJECT: LIMITED ENGLISH LANGUAGE PROFICIENCY (LEP)

1. PURPOSE

- A. 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 September 29, 2001, for departmental personnel to follow when providing services to, or interacting with, individuals who have limited English proficiency (LEP).

 - B. The Philadelphia Police Department recognizes the importance of effective and accurate communication between its employees and the community 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 Police Department with safety, evidentiary, and ethical challenges. Ensuring maximum communication ability between law enforcement and all segments of the community serves the interest of both.
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2. POLICY

- A. It is the policy of this Department to provide timely, meaningful access for LEP persons to the services and benefits that the Department provides. All police personnel shall provide free language assistance services to LEP individuals whom they encounter or whenever an LEP person requests language assistance services.

 - B. All police personnel will 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.
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3. DEFINITIONS

- A. Primary Language: An individual's native tongue or the language in which an individual most effectively communicates. Police personnel should avoid assumptions about an individual's primary language.

EXAMPLE: Not all individuals from Central America speak Spanish fluently. Instead, some Central Americans may claim an indigenous language as their native tongue. Police personnel should make every effort to ascertain an individual's primary language to ensure effective communication.

- B. Limited English Proficiency (LEP): 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 (i.e., an individual may possess sufficient English language skills to function in one setting, but may find these skills are insufficient in other situations).
- C. 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.
- D. Translation: The replacement of written text from one language (source language) into an equivalent written text (target language).
- E. Bilingual: The ability to use two (2) languages fluently.
- F. Police Department Authorized Interpreter (PPDAI): Bilingual police personnel who have been authorized to interpret for others in certain situations.
- G. PPDAI List: An accounting of police personnel who are bilingual and who are authorized to act as volunteer interpreters. The list will be created and maintained by the Deputy Commissioner's Office of Special Operations and provided to the Communications Bureau.

4. PROCEDURES FOR ACCESSING INTERPRETATION SERVICES:

- A. Civilian Emergency Calls to 9-1-1
 - 1. When a 9-1-1 call is received by Police Radio room personnel and it is determined that the caller is LEP, the call taker shall inform the LEP caller that they will be immediately transferred to an interpreter. If the language is known, the call taker shall immediately survey the radio room for an available and appropriate PPDAI to respond. If a PPDAI is available, the original call taker will immediately transfer the LEP caller to the PPDAI. The PPDAI shall follow the standard operating procedures for all 9-1-1 calls.

2. If no available and appropriate PPDAIs 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.
3. Radio Room personnel will note in the Computer Automated Dispatch (CAD) that the 9-1-1 caller is an LEP individual and indicate the language, so that this information is provided to responding police personnel. The dispatcher will make every effort to dispatch a bilingual officer to the assignment, if available.

B. Police Personnel Requesting Interpretation Services

1. Responding Police Personnel Responsibilities:
 - a. Police personnel in the field in need of interpretation services will attempt to identify the LEP individual's primary language and immediately contact the Operations Desk of Police Radio at XXX-XXXX, XXXX or XXXX.
2. Exigent Circumstances:
 - a. Police 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 police 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.
3. Family, Friends and Bystanders:
 - a. In other than exigent circumstances, police 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 person. 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, police personnel should not use minor children to provide interpreter services.
4. Police Radio Responsibilities:
 - a. Personnel working the operations desk will review the PPDAI List to determine if a PPDAI is available to respond to the assignment. If no PPDAI is available to respond, they will immediately determine if a PPDAI is available in the radio room to assist. If no PPDAI is available, they will contact the telephonic interpretation service provider.

C. Contracted In-Person Interpretation Services

1. Contracted in-person interpretation services shall be available to all police personnel when interacting with LEP individuals. Police Radio will be the central conduit for connecting personnel in the field to the appropriate interpreter. While this service is available to all police personnel, it is best suited for investigative units operating under non-emergency situations, such as witness interviews and criminal interrogations.
2. Police 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 XXX-XXXX, XXX-XXXX, or XXX-XXXX. 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 to arrive (i.e., 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 (75-67).
3. The Radio Room Supervisor will contact the contracted in-person interpreter service and relay all the information to them. The supervisor will obtain an estimated time of arrival (ETA) for the interpreter before ending the call and will notify the officer/investigator with this information. The contracted in-person interpreter should be on location no more that two (2) hours from the time of the service's notification. The use of this service will be noted on Police Radio's Daily Complaint Summary (75-67).
4. Upon the arrival of the contracted 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, police personnel will ask all questions through the interpreter.

NOTE: It is police 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 their perspective into the communication between the parties.

5. Conflict of Interest/Bias of Interpreter:
 - a. 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 excused, the highest-ranking supervisor on location shall be consulted. If that supervisor agrees that the concern is warranted, the interpretation service will be notified for another interpreter.

- b. Any time that there may be a conflict of interest or bias on the part of the interpreter, the supervisor, will forward a memorandum to the departmental LEP Coordinator (Deputy Commissioner's Office of Special Operations) and will also make note on the district/unit's Daily Complaint Summary (75-67).

5. INTERROGATION, INTERVIEWS AND COMPLAINTS

A. Criminal Interrogations

1. A failure to protect the rights of LEP individuals during interrogations risks the integrity of any investigation. Police personnel must recognize that miscommunication during interrogations may have a substantial impact on the evidence presented in any related criminal prosecution. A qualified interpreter shall be used for all interrogations according to the procedures set forth in Directive 5.23, "Interviews and Interrogations."
2. Because of the dual role a PPDAI may have when conducting interrogations and acting as an interpreter, PPDAIs are **not** to be used as interpreters during interrogations. Hence, the contracted in-person interpretation service shall be utilized, as outlined in this Directive.

NOTE: If an interrogator is available to communicate with the suspect(s) in their primary language, an in person interpreter is not required.

3. Miranda Warnings, and all other vital written materials, will be available to the suspect or witness in their 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 their primary language using the contracted interpretation services.
4. According to Pennsylvania law, "upon the arrest of any person who is deaf and prior to interrogation, the arresting officer shall make available to the person who is deaf an interpreter who shall be present with the person who is deaf throughout the interrogation." A sign language interpreter can be requested by notifying Police Radio. (Refer to Directive 7.20, "Deaf and Hard of Hearing Individuals - Providing Effective Communication")

B. Crime Witness Interviews

1. These scenarios potentially involve statements with evidentiary value upon which a witness may be impeached in court. As such, accuracy is a priority. Accordingly, a PPDAI will be used as an interpreter when taking any formal statement or interview.

- a. If a PPDAI is not already on location with the investigator, the investigator will contact Police Radio at XXX-XXXX, XXX-XXXX or XXX-XXXX to determine if a PPDAI is available to respond to the investigator's location. In the event there are no PPDAIs available to respond, the contracted in-person interpretation service shall be utilized.

NOTE: Any person who is deaf and prior to interviewing, the investigator shall make available to the person who is deaf an interpreter who shall be present with the person who is deaf throughout the interview. A sign language interpreter can be requested by notifying Police Radio. (Refer to Directive 7.20, "Deaf and Hard of Hearing Individuals - Providing Effective Communication.")

C. Complaint Procedures for LEP Persons

1. Any LEP individual, who wishes to file a complaint with the Department regarding language access, or the discharge of Departmental duties, shall be provided with translated Internal Affairs complaint forms.
2. The assigned Internal Affairs investigator will use a PPDAI when conducting any interviews of LEP complainants or witnesses. If a PPDAI is not already on location with the investigator, the investigator will contact Police Radio at XXX-XXXX, XXX-XXXX or XXX-XXXX to determine if a PPDAI is available to respond to the Internal Affairs investigator's location. In the event there are no PPDAIs available to respond, the contracted in-person interpretation service shall be utilized.
3. Internal Affairs will provide written notice of the disposition of any LEP complaint in the complainant's primary language.
4. In the event formal disciplinary charges result from an LEP complaint, the Department Advocate will insure that a contracted in-person interpreter is available for any scheduled hearing.

6. PROCEDURES FOR ACCESSING DOCUMENT TRANSLATION SERVICES

A. Identification and Translation of Vital Documents

1. The Commanding Officer of the Research and Planning Unit (R&P), with assistance from the Mayor's Office of Immigrant and Multicultural Affairs (MOIMA) and guidance from the Department of Justice, shall be responsible for classifying all documents as vital or non-vital, and determining what languages the vital documents should be translated to.

2. The R&P Unit will assess demographic data, review contracted language access services utilization data, and consult with community-based organizations in order to accurately gauge these decisions. The Commanding Officer of R&P will be responsible for having the documents translated and distributed.
3. Requests by Other Units for Document Translation
 - a. Although R&P shall be the central conduit for document translation, all police personnel shall have access to this service if needed. The following procedures shall be used:
 - 1) 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. R&P will review the request, confirm that no similar document has already been translated, and then process the request through the appropriate vendor.

B. Translation of Investigative Documents

1. Should an investigator need a note, letter or other document translated for an investigation, a memorandum will be forwarded to the Commanding Officer 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 to. Indicate if the translation is needed immediately, otherwise specify the date required.

7. NOTIFYING THE PUBLIC ABOUT DEPARTMENTAL LANGUAGE SERVICES

- A. At each police building with direct public access, signs shall be posted in the most commonly spoken languages at each public access point or lobby stating that interpreters are available free of charge to LEP individuals.
- B. The Department shall also maintain translated written public forms and documents for LEP individuals. A list of these documents and forms along with the available languages is listed in Appendix A of this directive.
- C. Notification of the availability of translated forms and documents will be posted in the public lobby of Police Headquarters, districts, units and detention facilities to inform LEP persons about which forms are readily available. In the case of illiteracy or languages into which materials have not been translated, such forms and documents will be read to LEP individuals in their primary language.
- D. The Commanding Officers of all districts and units with direct public access shall ensure that the signage is posted and visible to the general public.

8. TRAINING - LANGUAGE ASSISTANCE POLICY AND INTERPRETER SKILLS

- A. The Department will provide periodic training to personnel about the Department's LEP policies, including how to access departmental authorized, telephonic and in-person interpreters. The Department shall conduct such training for new recruits, at in-service training, and at Roll Call for officers. Training shall initially be conducted within 180 days of the effective date of this Directive.
- B. Police personnel identified as bilingual who are willing to act as PPDAIs will have their language skills assessed by a professional interpreter using a structured assessment tool. Through its contract for in-person interpretation services, the Mayor's office of Immigrant and Multicultural Affairs (MOIMA) will establish qualifications for the professional interpreters. The MOIMA will be responsible for approving the structured assessment tool.
- C. After the assessment, those found proficient interpreting to and from the target language will be placed conditionally on the PPDAI List. The language assessment for police personnel hired as bilingual shall be waived if the employee chooses to act as a PPDAI. These employees will be placed conditionally on the PPDAI List.
- D. All police personnel conditionally placed on the PPDAI List must successfully complete the prescribed interpreter training within one (1) year. After successful completion of interpreter training, the individual will be unconditionally placed on the PPDAI List.
- E. In order to successfully complete interpreter training, an interpreter must:
 - 1. Demonstrate proficiency in and ability to communicate information accurately in both English and the target language;
 - 2. Have knowledge in both languages of any specialized terms or concepts peculiar to the Department and of any particularized vocabulary and phraseology used by the LEP person and;
 - 3. Understand and adhere to their role as interpreters without deviating into a role as counselor, legal advisor, or other roles.
- F. Those persons who have been unconditionally placed on the PPDAI List must receive refresher training annually or they will be removed from the PPDAI List. The Deputy Commissioner's Office of Special Operations shall be responsible for coordinating the annual refresher training and will maintain a record of training that interpreters have received.

9. MONITORING AND UPDATING LANGUAGE ASSISTANCE EFFORTS

A. Complaint or Incident Reports (75-48) involving LEP contacts:

1. If during the course of handling an assignment where a 75-48 is required and police personnel either utilized their bilingual skills, the services of a PPDAl, an in-person interpreter or the telephonic interpreter service, the letters "LEP" along with the language in large bold letters shall be inserted in the lower section of the 75-48.

- *1
2. A field in the PremierOne Records Management System (P1RMS) Incident Module has been created to document language services provided by the Department to the public. The ORS or designee will ensure that the below designations are used in P1RMS Incident Module. These codes will be used on all police services when a Complaint or Incident Report (75-48) is required or submitted.

No Service Provided	0 (zero)
Arabic	1
Cambodian	2
Chinese	3
Korean	4
Russian	5
Spanish	6
Vietnamese	7
American Sign Language	8
All Other Languages	9

B. Community Review:

1. 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. New Documents:

1. The Commanding Officer of R&P will be responsible for annually reviewing all new documents issued by the Department to assess whether they should be considered vital documents and be translated.

D. Collection of LEP Contact Data:

1. The Commanding Officer of the Communications Division will be responsible for collecting Police LEP contacts. This data may be collected through the review of radio desk logs (PPDAI usage) and billing statements submitted by the contracted telephonic and in-person service providers.
- E. The Police Commissioner or their 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 Department is providing meaningful access to LEP persons to the services and benefits the Department provides in all Department-conducted programs or activities. This assessment and consultation shall be done in coordination with R&P.

10. DECISION TREES

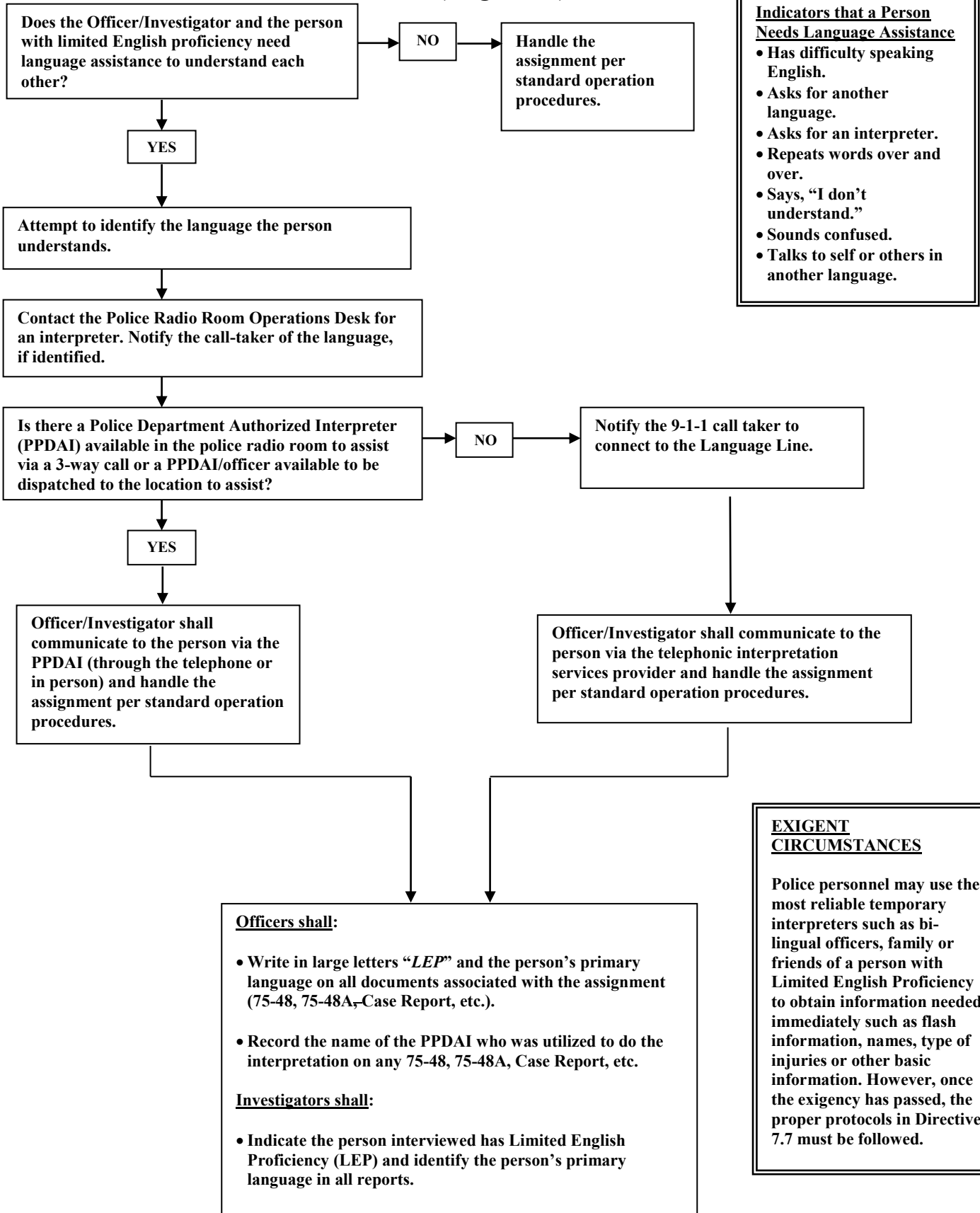
- A. The following pages include decision trees (diagrams numbered 1 through 3) which will serve as guidelines to assist officers in the performance of their duties with encounters with limited English proficient persons, interpreters for 911 calls and interpreters for criminal investigations.
- B. The decision trees will dictate officer responsibilities, provide decision making aids with resources, and give possible real-world scenarios in efforts to educate and prepare officers in a changing multicultural climate.

BY COMMAND OF THE POLICE COMMISSIONER

<u>FOOTNOTE</u>	<u>GENERAL#</u>	<u>DATE SENT</u>	<u>REMARKS</u>
*1	4168	03-07-22	NIBRS/PIRMS

Encounters with Persons with Limited English Proficiency (LEP)

(Diagram #1)



- Indicators that a Person Needs Language Assistance**
- Has difficulty speaking English.
 - Asks for another language.
 - Asks for an interpreter.
 - Repeats words over and over.
 - Says, "I don't understand."
 - Sounds confused.
 - Talks to self or others in another language.

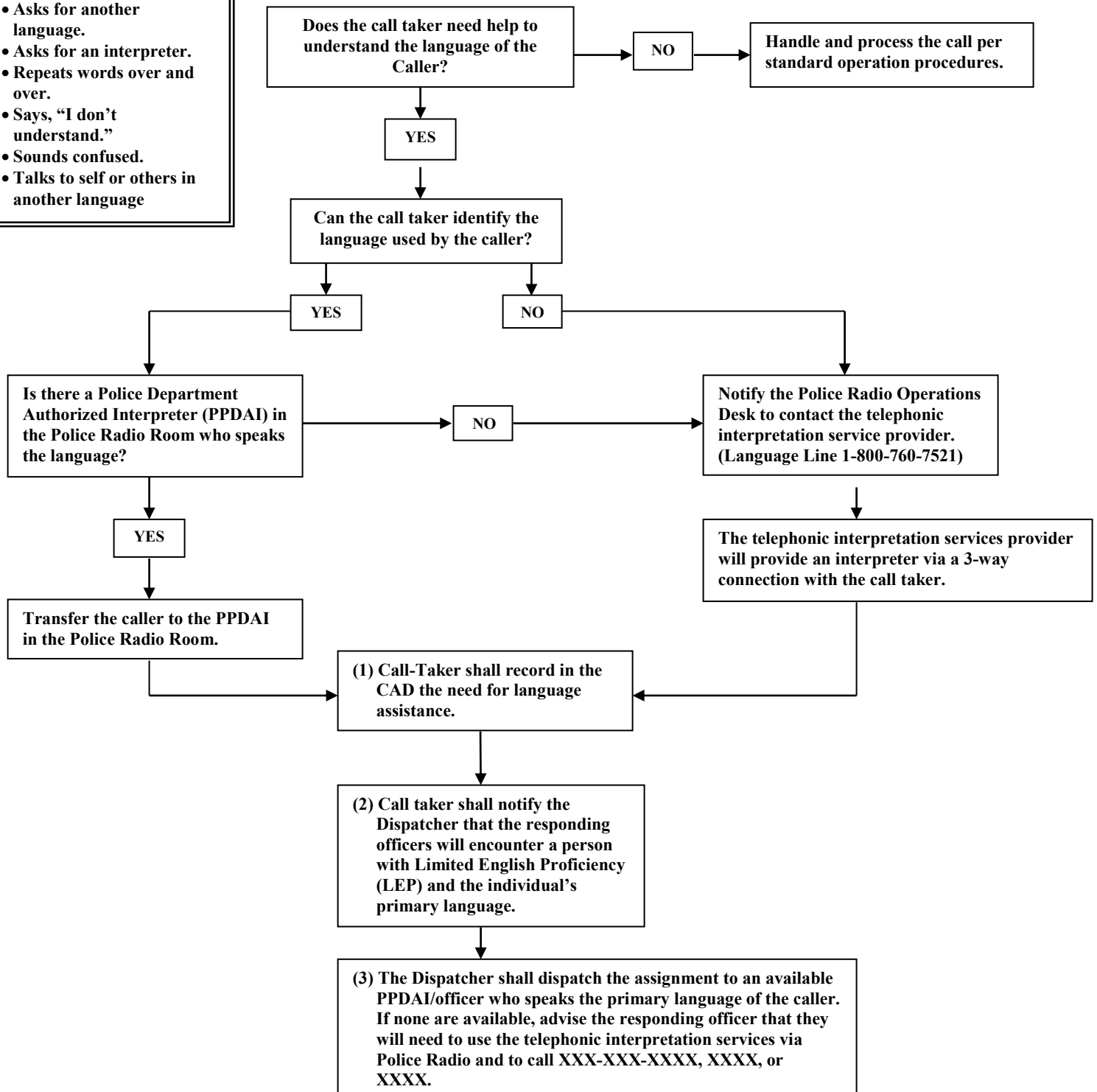
EXIGENT CIRCUMSTANCES

Police personnel may use the most reliable temporary interpreters such as bilingual officers, family or friends of a person with Limited English Proficiency to obtain information needed immediately such as flash information, names, type of injuries or other basic information. However, once the exigency has passed, the proper protocols in Directive 7.7 must be followed.

Indicators that the Caller Needs Language Assistance

- Has difficulty speaking English.
- Asks for another language.
- Asks for an interpreter.
- Repeats words over and over.
- Says, "I don't understand."
- Sounds confused.
- Talks to self or others in another language

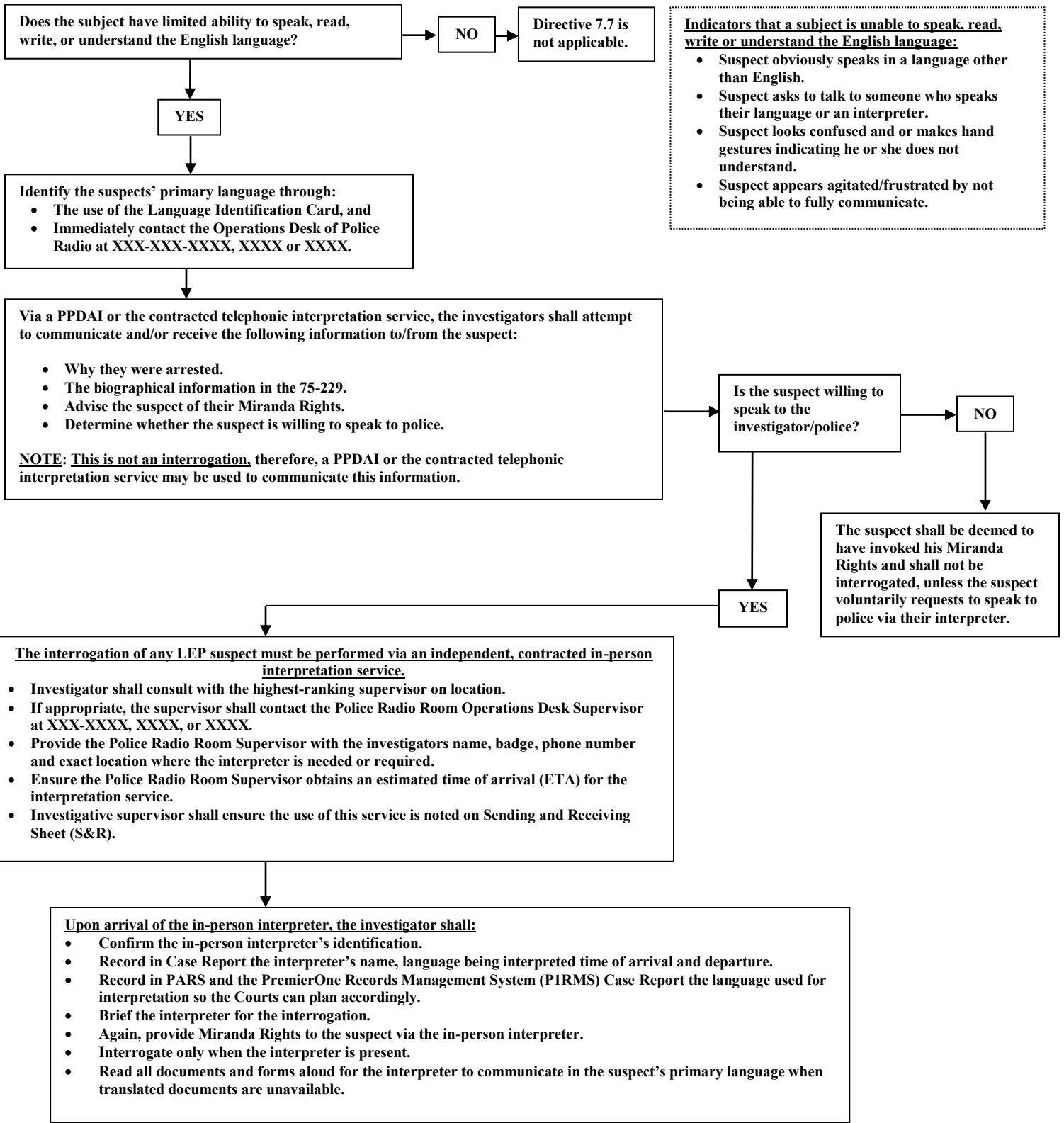
Interpreters for 9-1-1 Calls (Diagram #2)



Interpreters for Criminal Interrogations

Starting with the Administration of Miranda Warnings

(Diagram #3)



Indicators that a subject is unable to speak, read, write or understand the English language:

- Suspect obviously speaks in a language other than English.
- Suspect asks to talk to someone who speaks their language or an interpreter.
- Suspect looks confused and or makes hand gestures indicating he or she does not understand.
- Suspect appears agitated/frustrated by not being able to fully communicate.



APPENDIX A

Issued Date: 04-03-20	Effective Date: 04-03-20	Updated Date:
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SUBJECT: TRANSLATED POLICE REPORTS

TRANSLATED DOCUMENTS

The below forms have been translated into the following languages: Arabic, Cambodian, Chinese, Korean, Russian, Spanish, and Vietnamese.

<u>Form</u>	<u>Reference</u>
1. Abandoned Vehicle Report (75-140)	Directive 12.6
2. Bicycle Display Notice (75-293)	
3. Bicycle Safety Warning Card (75-619)	Directive 12.8
4. Citizen Complaint Report (75-561)	Directive 12.18
5. Code Enforcement Warning (75-95)	Directive 3.6
6. Consent to a Police Interview (75-Misc.-6)	Directive 12.12
7. Consent to Search (75-585)	Directive 5.7
8. Consent to Search DNA Form (75-625)	Directive 5.7
9. Criminal Registration Card (75-116)	Directive 5.13
10. Domestic Abuse and Violence Notice of Rights (75-Misc.-4)	Directive 3.9
11. Interrogation Card (75-Misc.-3)	Directive 12.12
12. Intoxication Release Certificate (75-440)	Directive 5.6
13. Juvenile Release Form (75-411)	Directive 5.5

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| 14. Missing Person Affidavit Verification (75-571) | Directive 12.13 |
| 15. Search Warrant Information Card (75-614) | Directive 5.7 |
| 16. Sidewalk Behavior Ordinance 10-611 Warning Card (75-Misc.-5) | Directive 3.6 |
| 17. Statement Warning Questions – Page 1 (75-331D) | Directive 5.23 |
| 18. Statement Warning Questions – Page 2 (75-331E) | Directive 5.23 |
| 19. Tenant’s Referral Notice (75-Misc.-9) | Directive 3.17 |
| 20. Towing Report (75-Misc.-7) | Directive 12.5 |

BY COMMAND OF THE POLICE COMMISSIONER
