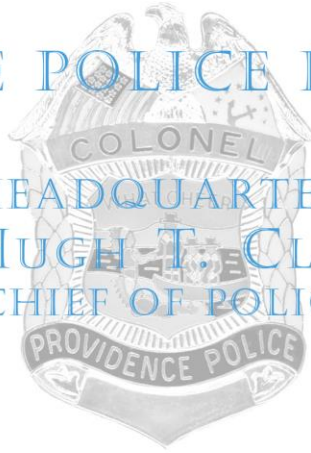


PROVIDENCE POLICE DEPARTMENT

HEADQUARTERS
COLONEL HUGH T. CLEMENTS, JR.
CHIEF OF POLICE



TYPE OF ORDER	NUMBER/SERIES	ISSUE DATE	EFFECTIVE DATE
General Order	510.03	3/19/2018	3/19/2018
SUBJECT TITLE		PREVIOUSLY ISSUED DATES	
Limited English Proficiency Policy		N/A	
REFERENCE		RE-EVALUATION DATE	
Title VI of the Civil Rights Act of 1964; Omnibus Crime Control and Safe Streets Act of 1968; Providence Community-Police Relations Act of 2017		3/19/2019	
SUBJECT AREA		DISTRIBUTION	
Community Relations & Services		All Personnel	

PURPOSE

The purpose of this Policy is to establish effective guidelines, consistent with Title VI of the Civil Rights Act of 1964, the Omnibus Crime Control and Safe Streets Act of 1968, and the Providence Community-Police Relations Act of 2017, for Department personnel to follow when providing services to, or interacting with, individuals who are of Limited English Proficiency (LEP).

POLICY

The Department is committed to taking all reasonable steps to provide timely, meaningful access to services for LEP persons. All Department personnel shall provide language assistance services to LEP individuals whom they encounter or whenever an LEP individual requests language assistance services.

DISCUSSION

The Department of Public Safety's Police Department and Communications 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 LEP individuals 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 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. To this end, the Department maintains both a list of qualified interpreters and a language access hotline so as to provide competent and timely language interpretation services to the community.

For the purpose of this General Order, the following definition shall apply:

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

Limited English Proficiency (LEP): A term used to designate individuals whose primary language is not English and who either lack or have a limited ability to adequately read, write, speak, and/or comprehend 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.

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.

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

Bilingual: The ability to communicate in two languages proficiently.

Qualified Interpreter: An individual who is able to interpret simultaneously and consecutively and sight translate from English into a foreign language and from said language into English, in accordance with RI General Law§ 8-19-2.

Department Authorized Interpreter (DAI): A bilingual Department employee who has been authorized to act as a qualified interpreter for others in certain situations. DAIs may also include outside interpreters, such as Family Services social workers.

DAI List: An accounting of Department personnel who are bilingual and who are authorized to act as volunteer interpreters.

Department: Department of Public Safety personnel, i.e. Police Department or Communications Department personnel, or both, depending upon context.

Exigency/Exigent Circumstances: Emergency situations that would cause a reasonable person to believe that relevant, prompt action was necessary to prevent physical harm to the officers or other persons, the destruction of relevant evidence, the escape of a suspect, or some other consequence improperly frustrating legitimate law enforcement efforts.

PROCEDURE

I. ACCESSING INTERPRETATION SERVICES

A. Emergency Calls

1. Communications with LEP Callers: When the complaint desk receives a call and determines that the caller is LEP, the call-taker shall inform the LEP caller that he or she shall be placed "on hold." If the language is known, the call-taker shall immediately survey the Police Control Center for an available and appropriate DAI to respond. If a DAI is available, the original call-taker shall immediately transfer the LEP caller to the DAI. The DAI shall follow the standard operating procedures for all calls. If no available and appropriate DAI is present, the call-taker shall contact the contracted language access hotline 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 calls.
 - a. The call-taker shall note among the information sent to dispatch that the complainant is an LEP individual and indicate the LEP's primary language so that this information is provided to responding Department personnel. Dispatchers shall make every reasonable effort to dispatch a bilingual officer who is proficient in the LEP's primary language to the assignment, if available.
 - b. The Department shall take reasonable steps to develop in-house language capacity in Communications by hiring personnel with specific language skills. Using the assessment process described in Part VIII below, the Department shall determine its Police Control Center staffing needs, and shall work with the city's Personnel Department to recruit qualified bilingual staff.

B. Department Personnel Requesting Interpretation Services

1. Responding Department Personnel Responsibilities: Department personnel in the field in need of interpretation services shall attempt to identify the LEP individual's primary language through the use of the Language Identification Guide and immediately contact Communications. This can be done by either radio or telephone. Communications shall then contact a DAI who is either a Department member or an interpreter from an authorized external agency, (e.g. Family Services) to respond to the scene. If no such qualified interpreters are available the police officer shall contact the language access hotline either directly or via Communications.
 - a. Officers who wish to question an LEP individual for any reason and are not fluent in a language spoken proficiently by that individual, shall not question that individual without

the aid of the aforementioned language access hotline or without a qualified interpreter is present unless exigent circumstances exist.

- b. Police shall not use family members, friends or bystanders as interpreters, except when (1) neither a qualified interpreter nor the aforementioned language access hotline is unavailable, or (2) when exigent circumstances exist and/or for the purposes of explaining to an individual that they are securing a qualified interpreter or the language access hotline. Barring exigent circumstances, Department personnel should not use minor children to provide interpreter services.
 - c. It is the responsibility of Department personnel to develop any questions that are asked of an LEP individual. Under no circumstances shall a qualified interpreter other than a member of the Department independently develop questions or ask a question of an 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.
2. The Police Department's Human Resources Bureau shall create and maintain a DAI list and provide it to the Public Safety Communications Center and the Uniformed Division OICs. Additionally, a DAI designation shall be created in TeleStaff so as to more easily identify DAIs.
 3. Communications Responsibilities: Communications personnel shall consult the DAI List to determine if a DAI is available to respond to the assignment. If no DAI is available to respond, Police Control Center personnel shall immediately determine if a DAI is available in the center to assist. If no DAI is available, Communications personnel shall contact the telephonic interpretation service provider.
 4. Conflict of Interest/Bias of Interpreter: If the officer/investigator believes that there may be a conflict of interest with the assigned interpreter, bias, or if there is any other reason why the interpreter should be removed, the officer/investigator shall consult with the highest-ranking supervisor on location and the supervisor shall decide whether or not to request another interpreter.

II. INTERROGATIONS, INTERVIEWS, AND COMPLAINTS

A. Criminal Interrogations and 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. Moreover, a failure to protect the rights of

LEP individuals during arrests and interrogations presents risks to the integrity of the investigation. 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. Absent exigency, a qualified interpreter shall be used for any interrogation or taking of a formal statement where the suspects' or witness' legal rights could be adversely impacted.

2. Miranda warnings and all other vital written materials shall 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 shall be read to the suspect or witness in his or her primary language using the contracted interpretation service.
3. All custodial interrogations in police stations or substations involving LEP individuals must be recorded, and such recording shall be made available to the interrogated individual and/or their attorneys. Whenever an officer equipped with a body camera conducts a custodial interrogation of an LEP individual in the field, that interrogation shall be recorded. Recordings made pursuant to this subsection shall be made available to the interrogated individuals and/or their attorneys, unless doing so would impede an ongoing investigation.
 - a. Requests for copies of any documents, data, records, files, or recordings made in accordance with this subsection shall be reviewed by the Chief of Police or the Commissioner of Public Safety, or their respective designees, in conjunction with the City Law Department, prior to an approval or denial to release.

B. 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 Department duties shall be provided with translated Office of Professional Responsibility (OPR) complaint forms. Absent exigency or unusual circumstances, the assigned OPR investigator shall utilize a DAI when conducting any interviews of LEP complainants or witnesses.
2. The OPR shall insure that a DAI is available for any scheduled formal hearings.

III. ACCESSING DOCUMENT TRANSLATION SERVICES

A. Identification and Translation of Vital Documents

1. The Commanding Officer of the Administrative Division, with

assistance 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.

- a. The Administrative Division shall assess demographic data, review contracted language access services utilization data, and consult with community-based organizations to inform these decisions. The Commanding Officer of Administrative Division shall be responsible for having the documents translate. The Administrative Division shall serve as the central repository of all translated documents and make them available to Department personnel and members of the public upon request.
- b. Notwithstanding the above, Miranda Warnings and all other vital written materials shall be available in the five (5) most commonly spoken languages in Providence, according to the most recent census data.
- c. In the case of a language into which forms have not been translated and in the case of illiteracy, forms shall be read to a suspect or witness in their primary language using the contracted interpretation services.

B. Requests by Other Units for Document Translation

1. Although the Administrative Division shall be the central conduit for document translation, all Department personnel shall have access to this service through the following procedures:
 - a. **Commanding Officers:** Should a commanding officer identify a need for a specific document to be translated, a memorandum shall be forwarded to the Commanding Officer of the Administrative Division, who shall review the request to confirm that no similar document has already been translated, and if one has not, shall 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 shall be forwarded to the Commanding Officer of the Administrative Division, 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.

IV. PUBLIC NOTIFICATION OF LANGUAGE SERVICE AVAILABILITY

A. Signage

1. At each Department building entry point or lobby where direct public access is allowed, signage shall be posted in the five (5) most commonly spoken languages in Providence, according to the most recent census data, stating that a language access hotline is available free of charge to LEP individuals.
 - a. Commanding officers of all districts, bureaus, and units with direct public access shall insure that the signage is posted and visible to the general public.
2. The Department shall also maintain translated written forms and documents for LEP individuals. Notification of the availability of translated forms and documents shall be posted in the public lobby of Department headquarters, districts, bureaus, units, and detention facilities.
3. In the case of illiteracy or languages into which written materials have not been translated, such forms and documents shall be read to LEP individuals in their primary languages.

V. TRAINING: LANGUAGE ASSISTANCE POLICY AND INTERPRETER SKILLS

A. LEP Policies

1. The Department shall conduct annual training for all personnel regarding LEP policies and procedures, to include how to access Department-authorized, telephonic and in-person qualified interpreters.
2. Police academy recruits shall receive training during the academy.
3. New civilian personnel shall receive training upon the commencement of their employment with the Department.

B. Competency of DAIs

1. Department personnel who are determined to be proficient in interpreting into and from a target language shall be placed on the DAI List.

VI. MONITORING AND UPDATING LANGUAGE ASSISTANCE EFFORTS

A. The Chief of Police has appointed an LEP Coordinator, who is responsible for coordinating and implementing all aspects of the Department services to LEP individuals. The LEP Coordinator shall:

1. Annually assess demographic data, review contracted language access services utilization data, and consult with community-based

organizations in order to:

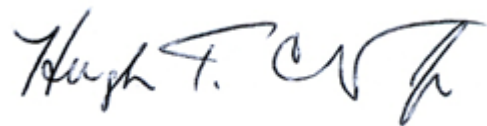
- a. Determine if there are additional languages into which vital documents should be translated.
 - b. Ensure that the Department is providing LEP persons with meaningful access to the services and benefits the Department provides in all Department-conducted programs or activities. This assessment and consultation shall be conducted in coordination with the Administrative Division.
2. Review all new documents issued by the Department to assess whether they should be considered vital documents and be translated in accordance with this policy.
 3. Collect Department LEP contacts data via resources that may include but not be limited to dispatch logs (DAI usage) and billing statements submitted by the contracted telephonic and in-person service providers.

APPROVED:



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