



# Alexandria Police Department

## Directive 10.26



# LANGUAGE ASSISTANCE PLAN

Effective Date: 07-31-2014		Cancels: 02-17-2012
Updated Date:	Section(s):	SME Review Date:
Updated Date:	Section(s):	2017
Updated Date:	Section(s):	

## CONTENTS

10.26.01	POLICY AND PURPOSE
10.26.02	AUTHORITY/BACKGROUND
10.26.03	DEFINITIONS
10.26.04	RULES AND RESPONSIBILITIES
10.26.05	GENERAL PROCEDURES
10.26.06	LEVEL OF INTERPRETATION
10.26.07	TRAINING
APPENDIX A	WAIVER OF INTERPRETATION SERVICES
APPENDIX B	LIST OF BILINGUAL EMPLOYEES AND LANGUAGES SPOKEN

### 10.26.01 POLICY AND PURPOSE

It is the policy of this Department to provide police service to all persons residing in, working in, or visiting in the City of Alexandria, regardless of the extent to which they have Limited English Proficiency (LEP). To this end, the department is committed to ensuring that all persons within the jurisdiction of this department are afforded equal access to law enforcement services and assistance involving law enforcement personnel; that appropriate communication resources are used; and that training and procedures are in place to instruct all law enforcement personnel in the use of this plan.

### 10.26.02 AUTHORITY AND BACKGROUND

- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, August 11, 2000
- PL 88-352, Civil Rights Act of 1964
- PL 100-702, as amended, Judicial Improvements and Access to Justice Act

- Department of Justice, Guidance [to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons](#), *67 Fed. Reg. 41,455* June 18, 2002
- Vienna Convention on Consular Relations, Article 36, Communication and Contact with Nationals of the Sending State, December 24, 1969

### 10.26.03 DEFINITIONS

**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.

**Certified Interpreter** – an interpreter who has passed a National Center for State Courts Consortium test, a Federal Court Certification examination, or a National Association of Judiciary Interpreters and Translator (NAJIT) examination

**Language-skilled Interpreter** – an interpreter who is not certified or considered professionally qualified, but has demonstrated, through testing or other means, an ability to effectively interpret from a foreign language into English and vice versa. Bilingual police employees and volunteers are authorized to act as interpreters for the Police Department and are included in this definition.

**Limited English Proficiency (LEP)** - *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.*

**Remote Interpreter** – an interpreter not physically present on scene, but interpreting from a remote location by means of telephonic or video-conferencing equipment.

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

**Source language** – the language in which text was originally written or spoken.

**Target language** – the language into which text is translated or spoken word is interpreted.

### 10.26.04 RULES AND RESPONSIBILITIES

- A. **All employees** shall provide equal access to police services to all persons serviced by the City of Alexandria Police Department regardless of Limited English Proficiency (LEP).
- B. **Division Chief of Personnel and Training** shall be the Department's Language Assistance Coordinator and shall ensure that appropriate interpretation and services are available and accessible to all *individuals* requesting police services; shall schedule training for employees, relative to job responsibilities, in the proper execution of the Language Assistance Plan (LAP); shall complete an annual skills inventory, compile a list of all languages spoken by police employees *who serve as Language-skilled Interpreters*, and distribute that list to patrol, the Department of Emergency Communications (DEC), and other appropriate sections within the department. (Appendix B). *The Division Chief of Personnel and Training shall periodically assess demographic data, consult with community-based organizations serving LEP populations, and review data on the Department's contacts with LEP individuals to ensure that the Department continues to provide meaningful access to LEP persons to the services that the Department provides.*
- The Division Chief of Personnel and Training shall also be responsible for scheduling Language Proficiency Assessments for volunteers and bilingual employees to determine their ability to perform as Language-skilled interpreters or translators. The assessments will be provided by City consultant: The Northern Virginia Area Health Education Center Client Specialist, 703-549-7060, [www.nvahec.org](http://www.nvahec.org).*
- C. **Sworn officers** shall attempt to determine the primary language spoken by an LEP individual and provide appropriate interpretation services. *Any such action will be documented in the incident report. If no report is initiated, then it will be reflected in the call notes in CAD when the officer clears the call.*
- D. **All commanders and supervisors in Patrol Operations, Operations Support, Administrative Services, and Investigations** shall ensure that, as soon as practical, language assistance will be provided to LEP persons provided that doing so does not jeopardize the safety of the officer, employees, or citizens. All occasions when interpreters are used shall be tracked and that information shall be furnished to the Language Assistance Coordinator.
- E. **Facilities Manager** shall ensure signage is *posted in frequently encountered languages* at appropriate locations to inform LEP individuals that interpretation services are available free of charge.
- F. **Planning and Accreditation Commander** shall review Department forms annually to ensure that vital documents are translated into Spanish or any other language *where the number of LEP speakers* is determined to comprise 5% of the City's population or number 1000, whichever is less.
- G. **Crime Analysis Commander** shall submit an annual report to the Chief of Police documenting the number of times the Alexandria Police Department provided language assistance, the language needed as well as the beats with the most need for this service.

**10.26.05 GENERAL PROCEDURES**

- A. *Nothing in this directive is intended to jeopardize the lives and safety of police officers and other individuals involved in a police activity. In exigent circumstances, personnel are to use the most reliable temporary interpreter available. However, once the exigency has passed, all personnel are expected to revert to the general procedures in the directive. When a situation is under control and conditions permit, the language resources set forth in this directive should be utilized. (see 10.26.06 below).*
- B. Individuals affected by this plan include (but are not limited to) persons in custody, suspects, violators, witnesses, victims, those subject to immigration-related investigations, community members participating in crime prevention and awareness activities, juveniles, persons who encounter the court system, persons with special needs and parents/family member of the above.
- C. The number or percentage of total population likely to be encountered who are LEP individuals will determine the extent to which specific language interpretation resources should be available as determined by the United States Department of Justice Guidelines. This information will be provided by the City of Alexandria's Multicultural Services Coordinator annually. It would be prudent to include appropriate language interpretation resources for any known criminal element with LEP individuals even though it does not comprise a significant proportion of the population (such as gangs with members who have the same ethnic origin).
- D. *In other than exigent circumstances, 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. If an LEP individual insists on relying on his or her own interpreter and waives or refuses the Department's offer of interpretation services, personnel shall document this refusal on the Interpreter Services Waiver form (Appendix A).*
- Even if an LEP individual chooses to use his or her own interpreter, in situations such as criminal matters where accurate communication between the Department and the LEP individual is essential the Department should utilize its own interpreter as well.*
- E. In a joint investigation between the Police Department and the Department of Human Services, CIS and DHS interpreters may need to be present when individuals are interviewed or questioned.
- F. Language assistance measures available include:
1. Bilingual police employees *who are Language-skilled Interpreters*
  2. Police volunteer interpreters
  3. Remote interpreters through the telephonic language line
  4. Interpreters *and* translators employed in other city agencies and/or available under contract with the City to this Department
  5. Police officers from other jurisdictions and certain Federal Agencies (Mutual Aid)

- G.** Police officers and other Department personnel may obtain the services of the above individuals by requesting services through the Department of Emergency Communications (DEC). *DEC will utilize the above measures in the order listed to obtain the appropriate language assistance.* To aid in the identification of languages spoken by LEP individuals, department personnel can utilize Language Identification cards.
- H.** Responses to callers will vary depending on the type of call:
1. For emergency calls when the request cannot be understood, an officer will be dispatched immediately. When available, a bilingual officer or an officer with a volunteer interpreter will be dispatched to the call. While officers are responding, a bilingual employee in DEC will attempt to handle the call. If a bilingual employee is not available, the call taker will continue to attempt to communicate with the caller using the Language Line.
  2. For non-emergency calls, available on-duty staff, volunteers, or the Language Line will be used.
  3. *The call taker will note in CAD when a caller is LEP and the language spoken.*
- I.** Responses to written communications *in a foreign language* will be referred to the Language Assistance Coordinator to locate appropriate translators or outside contractors.
- J.** A poster providing notice of available assistance to LEP individuals shall be posted *in frequently encountered languages* at the front desk of police headquarters and branch offices that have significant contact with the general public. An "I Speak" card shall be present in each patrol car or unmarked car for use in determining the language for which interpretation is needed. Outreach documents and notices shall also state *in frequently encountered languages* that LEP assistance is available.
- K.** *A Spanish language version of Department form APD 0093A, Spanish Rights Waiver is available to all personnel in the Department forms directory. In the event a form is required to be read to an LEP individual of a language into which the form has not been translated and in the case of illiteracy, the form will be read to the LEP individual through the use of an interpreter. Department personnel who wish to have an approved form available in a language not currently provided shall follow the procedure listed in Police Directive 3.5, Forms Management.*
- L.** Privileges of the Vienna Convention on Consular Relations, Article 36 shall extend to LEP and special needs individuals.
- M.** Complaints against police employees filed by LEP persons are referred to the commander of the Internal Investigations Section who shall identify an appropriate bilingual employee of supervisory rank or higher to assist with interpretation. In the event that no bilingual supervisory employee with the necessary skill is available, the commander shall then select other individuals with the appropriate qualifications to ensure the accuracy of the interpretation. *Translated brochures and complaint procedures are available on the information rack in the lobby of Police Headquarters. Internal Investigations provides dispositions of complaints to the complainant in the LEP complainant's primary language.*
- N.** *Spanish language brochures regarding crime prevention information are available on the information rack in the lobby of Police Headquarters.*



**10.26.06 LEVEL OF INTERPRETATION**

- A.** During the critical stage of an actual emergency, officers have the discretion to use whatever interpreter assistance is immediately available to them to gather information to protect life and property, to assist in the apprehension of a fleeing suspect, or to aid in the rendering of medical attention to an injured or ill individual.
1. Officers may use bilingual friends, family members, children, and others during this stage with the understanding that their use may have a negative effect on the criminal prosecution of the case.
  2. Use of a child as an interpreter may be the only choice at the time of an incident, but officers should be aware that this level of interpretation is more subject to inaccuracies than other levels. Barring exigent circumstances, personnel should not use minor children to provide interpreter services.
  3. As soon as practical after the critical stage of the emergency has passed, the officer shall revert to the use of conventional language assistance through bilingual officers, other bilingual employees, volunteer *interpreters*, the Language Line, Mutual Aid, or contract services.
- B.** Officers, investigators or detectives are to take necessary steps to ensure that information and statements gathered during the follow-up investigative stage can withstand the challenges of defense attorneys and the courts. *Criminal interrogations and crime witness interviews involve statements with evidentiary value upon which a witness may be impeached in court; as such, accuracy is a priority. Moreover, failure to protect the rights of LEP individuals during arrests and interrogations presents risks to the integrity of the interrogation. Personnel should use appropriate resources to ensure that Miranda rights are understood, voluntarily waived, and that interpretations and translations are accurate. In such instances, only bilingual employees who have had their interpretation skills assessed, contract in-person interpreters, or Language Line resources will be used.* In cases where an appropriate resource is not able to be identified, the officer investigator or detective should consult with the Commander of the Criminal Investigations Division for guidance and advice.
- C.** *Miranda warnings and all other vital written materials associated with interrogations and interviews will be available to the suspect or witness in his or 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 an interpreter.*

**10.26.07 TRAINING**

*The Department will provide periodic training to personnel about the Department's LEP policies and Directive 10.26, including how to access interpretation and translation services. The Department shall conduct such training for new recruits, at in-service training, and at roll call for personnel at least every two years.*

**BY AUTHORITY OF:**

**Earl L. Cook  
Chief of Police**

**ALEXANDRIA POLICE DEPARTMENT  
INTERPRETER SERVICES WAIVER FORM**

Date: \_\_\_\_\_

Victim/Witness Name: \_\_\_\_\_ Case number: \_\_\_\_\_

Language Spoken: \_\_\_\_\_

Was a staff member or volunteer available to interpret? Yes \_\_\_\_\_ No \_\_\_\_\_

Did victim/witness refuse free interpreter service? Yes \_\_\_\_\_ No \_\_\_\_\_

**If yes, complete the last two questions and have them sign this form.**

I, \_\_\_\_\_ have been offered free interpreter services  
(Name)

through the Alexandria Police Department.

By signing below, I acknowledge that I have refused this service.

\_\_\_\_\_  
**Signature**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Staff Name**

\_\_\_\_\_  
**Signature**

Did the person bring someone to interpret for them? Yes \_\_\_\_\_ No \_\_\_\_\_

Is the interpreter 18 years or older? Yes \_\_\_\_\_ No \_\_\_\_\_