

the public that language assistance services are available free of charge to LEP persons and that MPD personnel will provide these services to them.

V. DEFINITIONS

- A. Primary Language means an individual's native tongue or the language in which an individual most effectively communicates. MPD personnel should avoid assumptions about an individual's primary language. MPD personnel should make every effort to ascertain an individual's primary language to ensure effective communication.
- B. 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.
- C. 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.
- D. Translation is the replacement of written text from one language (source language) into an equivalent written text in another language (target language).
- E. Bilingual refers to the ability to use two languages proficiently.
- F. MPD Authorized Interpreter (MPDAI) is a bilingual MPD employee who has been tested and authorized to interpret for others in certain situations.
- G. MPDAI List a delineation of MPD personnel who are bilingual and are authorized to act as interpreters. The City of Modesto Personnel Department will create the list and forward it to the Administrative Lieutenant who will maintain the list and provide it to designated customer contact locations, including the Stanislaus Regional 9-1-1 Center.

VI. PROCEDURES FOR ACCESSING INTERPRETATION SERVICES

- A. Civilian Emergency Calls to 9-1-1: When a 9-1-1 call-taker receives a call and determines that the caller is LEP, the call-taker 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 Radio Room for an available and appropriate interpreter to respond.

If an interpreter is available, the original call-taker will immediately transfer the LEP caller. The interpreter shall follow the standard operating procedures for all 9-1-1 calls.

If no available and appropriate interpreters are present, the call-taker will contact the contracted telephonic interpretation service, (Network Omni Multilingual Communications [Omni]) 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.

NOTE:

The call-taker will note in information 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 MPD personnel. Dispatchers will make every effort to dispatch a bilingual officer to the assignment, if available.

B. Procedures for Requesting Interpretation Services

1. Responding MPD Personnel Responsibilities: MPD personnel in the field in need of interpretation services will attempt to identify the LEP individual's primary language through the use of language ID cards and request a MPDAI or other LEP resources via Stanislaus Regional 9-1-1.
2. Exigent Circumstances: MPD 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 MPD personnel. However, once an exigency has passed, all personnel are expected to revert to the general procedures in this Directive.
3. Family, Friends and Bystanders: In other than exigent circumstances, MPD personnel should make every effort to only use family, friends, or bystanders for interpreting in very informal, non-confrontational situations, 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, MPD personnel should not use minor children to provide interpreter services.
4. Police Radio Responsibilities: Upon request for interpretive assistance, the Stanislaus Regional 9-1-1 Center will consult

the MPDAI List to determine if an MPDAI is available to respond. If no MPDAI is available, the Stanislaus Regional 911 Center will contact the telephonic interpretation service provided by telephonic service (Omni).

5. 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.

NOTE:

It is MPD personnel's responsibility to develop and ask all applicable 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.

VII. 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 process. MPD 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's or witness' legal rights could be adversely impacted. **Because of the dual role a MPD officer must have when conducting interrogations and acting as an interpreter, only MPDAIs who are not connected to the investigation are to be used as interpreters during interrogations.** When an MPDAI is not available or not appropriate, personnel can contact the Stanislaus Regional 9-1-1 Center for other LEP resources.

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 in 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 a MPDAI or if none is available, telephonic service (Omni) for other LEP services.

- B. Complaint Procedures for LEP Persons: Any LEP individual who wishes to file a complaint with MPD regarding language access, or the discharge of MPD's duties, shall be provided assistance in their primary language by a MPDAI, or if none is available, by telephonic service (Omni) for other LEP services. The IA Unit will provide written notice of the disposition of any LEP complaint in the complainant's primary language.

VIII. NOTIFYING THE PUBLIC ABOUT MPD'S LANGUAGE SERVICES

- A. Signage: At each MPD 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 MPD shall also maintain translated written forms and documents for LEP individuals and post a notice of the availability of each translated form at every entry point or lobby. In the case of illiteracy or languages in which written materials have not been translated, such forms and documents will be read to LEP individuals in their primary language through an available MPDAI or the telephonic service (Omni).
- B. Commanding Officer Responsibilities: The Records Lieutenant shall ensure that the signage is posted and visible to the general public. In addition, a LEP resource and contact recording binder will be available at each MPD customer contact location. All contacts with LEP citizens shall be recorded on the log for future assessment needs.

IX. TRAINING: LANGUAGE ASSISTANCE POLICY AND INTERPRETER SKILL


- A. LEP Policies: MPD will provide periodic training to personnel about MPD's LEP policies, including how to access authorized, telephonic and in-person interpreters. MPD 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 General Order.
1. Assessment: MPD personnel identified as bilingual who are willing to act as MPDAI's will have their language skills assessed by the City Personnel Department using a structured assessment tool.
 2. Training: All personnel placed on the MPDAI list must have successfully completed the prescribed interpreter testing provided by the City of Modesto Personnel Department. To successfully complete interpreter testing, an interpreter must demonstrate proficiency in and ability to communicate information accurately in both English and in the target language; have knowledge in both languages of any specialized terms or concepts peculiar to the MPD and of any

particularized vocabulary and phraseology used by the LEP person; and understand and adhere to the interpreter role without deviating into other roles such as counselor or legal advisor.

X. MONITORING AND UPDATING LANGUAGE ASSISTANCE EFFORTS

- A. LEP Coordinator: The Administrative Lieutenant is the Police Department LEP Coordinator responsible for coordinating and implementing all aspects of the MPD's services to LEP individuals.
- B. Community Review: The Administrative Lieutenant shall assess demographic data, including LEP student populations within the school districts serviced by the Modesto Police Department, 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. Translated Documents: The Administrative Lieutenant will be responsible for annually reviewing all documents issued by the MPD to assess whether they should be translated and determining into what languages vital documents should be translated.
- D. Collection of LEP Contact Data: The Administrative Lieutenant will be responsible for collecting MPD LEP contacts. This data may be collected through the RMS Field Reporting, customer contact logs and billing statements submitted by the contracted telephonic service, the MPDAI's, and other in-person service providers.
- E. Tracking and Analysis of LEP Data: The Administrative Lieutenant or his/her 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 MPD is providing meaningful access to LEP persons in all MPD-conducted programs or activities.

BY ORDER OF:


Roy W. Wasden
Chief of Police

OPR: Support
Drafter: D. Inderbitzen
Replaces:
None

Index as:
LEP
Limited English Proficiency