

PROCEDURAL ORDER

Las Vegas Metropolitan Police Department
Partners with the Community

TO	: ALL PERSONNEL	Directive No. PO-
SUBJECT	: INTERACTION WITH PERSONS WHO HAVE LIMITED ENGLISH PROFICIENCY (LEP)	Effective Date
Additional Information	: Incorporates PO-18-06.	
Accreditation Standards	:	Dept. Manual Reference: 5/107.19
Approval Signature	:	Bill Young, Sheriff Douglas C. Gillespie, Undersheriff

It is the policy of this department that appropriate language access auxiliary aids and services will be provided, when necessary, to ensure effective communication with persons who have limited English proficiency. Language access auxiliary aids and services include qualified interpreters, written materials, and other effective methods of making conversations and materials available to individuals with limited English proficiency. For purposes of this order, interpreter means a qualified/certified interpreter or service. Bilingual law enforcement personnel who wish to act as interpreters, must be certified and tested by the Personnel Bureau. With exception of interviewing/interrogating a suspect, bilingual law enforcement personnel are authorized to act as interpreters until a certified interpreter can be located. For example, the need to obtain descriptive information on a fleeing suspect, obtaining identifying information of an injured person, or delay will create a Terry Stop violation (60 minute rule), a bilingual officer may be utilized. In non-emergency type situations, all personnel shall attempt to obtain the assistance of a certified interpreter.

Department Employees will attempt to identify the LEP individual's primary language through the use of the Language Identification Card, LVMPD 404 (REV. 2-07). Interpreters/bilingual officers will be made available before and during all communications with LEP arrestees, victims, and witnesses that communicate in a language other than English. Excluded as interpreters are spouse and relatives of the person, or persons biased for or against one of the parties, unless otherwise agreed upon by the parties involved. Persons under the age of 18 should never be used as interpreters.

Interpreters are available for call 24-hours a day, seven days a week, through the Communications Bureau. In the case of Hispanic interpreters, members of the HISP team may be called or a translation service (telephonic) may be used (see Department Manual section 5/107.20).

INTERVIEWING/INTERROGATING SUBJECTS WITH LIMITED ENGLISH PROFICIENCY

If an interview with an LEP subject is necessary to establish probable cause to make an arrest, an interpreter must be provided. When the services of an interpreter are required to ensure effective communication, the interview must be postponed until the officer can make arrangements for a interpreter.

If an officer cannot effectively inform the subject of the Miranda rights without the use of an interpreter, then the officer must secure the services of an interpreter to communicate accurately the warnings to the subject prior to any interrogation. An officer can proceed with the interrogation using a printed non-English version of certain documents (including the Miranda rights) only if:

1. exigent circumstances do not permit a delay in the interrogation of the subject;
2. an interpreter cannot be located within a reasonable period of time; AND
3. written communication between the officer and the subject is effective in conveying an understanding of the Miranda rights.

However, if communication becomes ineffective, for example, because the factual pattern is complex, the subject is having difficulty communicating, or the subject chooses to discontinue the interrogation, the officer must discontinue the interrogation and wait until an interpreter is present before continuing the interrogation.

ISSUANCE OF TRAFFIC/MISDEMEANOR CITATIONS

If an English speaking individual would have been issued a citation without having been questioned by an officer, then a suspect with LEP in the same situation does not need to be provided with an interpreter. However, if the officer is unable to convey to the violator the nature of the infraction, then the officer will call an interpreter/bilingual officer to the scene or make a decision whether to issue a warning rather than a citation.

BOOKING ARRESTEES

When making an arrest of a person with limited English proficiency (LEP), an officer may request the Communications Bureau to determine if a qualified interpreter is available at the Detention facility. In the case of Hispanic interpretation, a member of the HISP team may be dispatched to DSD, if necessary. The officer will book the subject into the detention facility with the assistance of an interpreter, if necessary.

Detention personnel will screen LEP arrestees and determine if arrangements need to be made for an interpreter.

INVESTIGATIONS

If an investigator is unable to communicate effectively, he/she can request a HISP interpreter, a certified law enforcement interpreter, or place a call to the language line prior to questioning or taking statements from subject.

All communications with the subject will be through the interpreter. All identifying information on the interpreter must be included in some type of report (arrest report, officer's report, etc.). All written questions and responses between and among officers and persons with LEP must be treated as evidence and handled accordingly. A copy of the written questions and responses must be forwarded with any reports to the Records Bureau and the originals must be placed into evidence.

TRACKING AND TABULATION OF ENCOUNTERS WITH LEP PERSONS

To ensure that data collected is accurate and reliable, the department will measure contacts with LEP individuals using vetted, reliable data collection methods already in existence. This data will be used to measure the effectiveness of the department's current language assistance measures. LEP Tracking Logs and languages identified through the Hispanic American Resource Team (HART), Hispanic Interpreter Services Program (HISP), certified interpreters, and Language Line Services', will be tabulated and reported in the Quarterly Performance Report. Calls for Service (CFS) that require language assistance from the Language Line will be coded within the Computer Aided Dispatch (CAD) system. This will enable a report to be run quarterly, which will detail contacts made and location. This information, together with annual demographic data collected by the Clark County School District and City of Las Vegas Department of Information Technologies will provide the department with a comprehensive picture of Clark County's demographic make up, as well as other indicators of present and future language access needs.

An LEP Tracking Log, LVMPD 394, will be printed out and maintained by the Hispanic American Resource Team (HART) Hispanic Interpreter Services Program (HISP), and certified interpreters. At the end of the quarter, the logs will be submitted to the bureau commander to include in his/her Quarterly Performance Report. Tabulation will include:

1. Total number of language assistance contacts
2. Number which required written assistance*
3. Number which required oral assistance*
4. Number of contacts by specific language
5. Area command of contact

*If written and oral assistance is provided, count as two distinct contacts.

At the end of each quarter, each supervisor will forward all LEP logs to the Office of Employment Diversity (OED).(10/03, 11/06, 2/07)■

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LIMITED ENGLISH LANGUAGE PROFICIENCY (LEP) POLICY

I. 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, for departmental personnel to follow when providing services to, or interacting with, individuals who have limited English proficiency (LEP).
 - B. The Las Vegas Metropolitan 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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II. POLICY

- A. It is the policy of this Department to take reasonable steps to provide timely meaningful access for LEP persons to the services and benefits that the Department provides to all departmentally conducted programs or activities. All police personnel shall provide free language assistance services to LEP individuals whom they encounter or whenever an LEP person requests language assistance services. 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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III. DEFINITIONS

- A. Bilingual: The ability to speak effectively in two or more languages. An individual who is bilingual is not necessarily culturally competent or bicultural.
- B. Hispanic Interpreter Services Program (HISP): Bilingual police personnel who are certified bilingual and have been authorized to serve as interpreters for LVMPD. Unlike PDIs, HISP members are certified in both oral Spanish language interpretation and written translation in Spanish.

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- C. Interpretation: is the act of listening to a communication in one language (source language) and orally rendering into another language (target language) while retaining the same meaning.
 - D. Limited English Proficiency (LEP): A person has limited English proficiency (LEP) if s/he speaks, reads, writes, or understand English less than very well. 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 (e.g., having a casual conversation on the street), but may find these skills are insufficient in other situations (e.g., a legal proceeding).
 - E. Police Department Interpreter (PDI): Bilingual police personnel, including the HISP team, who have been certified and tested by the Personnel Bureau, are authorized to interpret for others in certain situations.
 - F. PDI List: An accounting of police personnel who are certified bilingual and are authorized to act as interpreters. The list will be created and maintained by the Communications Bureau.
 - G. Primary Language: means 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.
 - H. Translation: is the rendering of a written text from one language (source language) into another language (target language).
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IV PROCEDURES FOR ACCESSING INTERPRETATION SERVICES:

- A. Civilian Emergency Calls to 9-1-1
 - 1. When a 9-1-1 call is received by 911 personnel and it is determined that the caller is LEP, the call taker shall inform the LEP caller that he or she will be immediately transferred to an interpreter. If the language is known, the call taker shall immediately survey Communications for an available and appropriate PDI to respond. If a PDI is available, the original call taker will immediately transfer the LEP caller to the PDI. The PDI shall follow the standard operating procedures for all 9-1-1 calls.

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2. If no PDI is available in the Communications Center, for LEP callers whose primary language is Spanish, the call will be transferred to the on-duty HISP interpreter.
3. If no available and appropriate HISP interpreters are available, the call taker will contact the contracted telephonic interpretation service directly. 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.
4. 9-1-1 personnel will note in the 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 police personnel. The Dispatcher will also dispatch the on-duty HISP interpreter to the assignment.

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 through the use of a **language identification card LVMPD 404 (Rev. 2-07)** and for LEP individuals whose primary language is Spanish, immediately contact Dispatch for the on-duty HISP interpreter.
2. Exigent Circumstances:
 - a. Police personnel are expected to follow the general procedures outlined in this directive; however exigent circumstances may require some deviations. With exception of interviewing/interrogating a suspect, bilingual law enforcement personnel are authorized to act as interpreters until a certified interpreter can be located. In such situations, personnel are to use the most reliable, temporary interpreter available, such as bilingual Police Personnel or PDI, until the on-duty HISP interpreter arrives. Examples may include the need to obtain descriptive information on a fleeing suspect, or identifying information of an injured person however, or delay will create a Terry Stop violation (60 minute rule). Once an exigency has passed, all personnel shall request the assistance of a certified interpreter.
3. Family, Friends and Bystanders:
 - b. 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, until the on-duty HISP interpreter arrives.

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. Persons under the age of 18 should never be used as interpreters.

4. 9-1-1/MetroComm Responsibilities:
 - a. For LEP callers whose primary language is Spanish, 9-1-1/MetroComm personnel will consult the HISP Interpreter List to determine if a HISP interpreter is available to respond to the assignment. If no HISP interpreter is available to respond or the caller speaks a language other than Spanish, 9-1-1/MetroComm will immediately determine if a PDI is available to assist. If no PDI that speaks the caller's language is available, the 9-1-1/MetroComm personnel will contact the telephonic interpretation service provider (Language Line Services).

C. HISP In-Person Interpretation Services

1. HISP in-person interpretation services shall be available to all police personnel when interacting with LEP individuals whose primary language is Spanish. MetroComm 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 contact MetroComm. The requesting Police personnel will provide MetroComm with the requesting officer's name, badge number, phone number, and exact location where the interpreter is expected (*i.e. numerical address with room or floor numbers - not just "homicide" or "detective bureau"*).
3. For LEP individuals whose primary language is Spanish, the MetroComm dispatcher will contact the on-duty HISP interpreter, relay all information, and will provide all pertinent information for their response. The dispatcher 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 use of this service will be noted by the responding HISP interpreter.
4. Upon the arrival of the HISP interpreter, the officer/investigator 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 his or her 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, MetroComm will be notified for another on-duty HISP interpreter.
- b. Any time that there may be a conflict of interest or bias on the part of the interpreter the supervisor consulted with, will forward a memorandum to the departmental LEP Coordinator.

V. 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 as the suspect's legal rights could be adversely impacted.
2. Because of the dual role a PDI may have when conducting interrogations and acting as an interpreter, it may be determined that a PDI not serve as an interpreter during interrogations. For LEP individuals whose primary language is Spanish, HISP interpreters may be utilized, as outlined in Section IV-C.
3. Miranda Warnings, and all other vital written materials, will be available to the suspect or witness in Spanish. 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 a HISP interpreter (for LEP Spanish speaking individuals who are not literate), PDI, or Language Line Services.

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 HISP interpreter will be used as an interpreter when taking any formal statement or interview from a LEP individual whose primary language is Spanish. If a HISP interpreter is not already on location with the investigator, the investigator will contact MetroComm to request a HISP interpreter to respond to the investigator's location. In the event there are no HISP interpreters available to respond, a PDI shall be utilized. In the case of a language other than Spanish in which there is no PDI, Language Line Services will be utilized.

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 Bureau (IAS) complaint forms.
2. The assigned IAS investigator will use a HISP interpreter when conducting any interviews of LEP complainants or witnesses whose primary language is Spanish. If a HISP interpreter is not already on location with the investigator, the investigator will contact MetroComm to determine if a HISP or PDI is available to respond to the IAB investigator's location. In the case of a language other than Spanish in which there is no PDI, Language Line Services will be utilized.
3. IAS 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, an interpreter will be made available for any scheduled hearing.

VI PROCEDURES FOR ACCESSING DOCUMENT TRANSLATION SERVICES

A. Identification and Translation of Vital Documents

1. The Department's LEP Coordinator and Policy and Planning Unit (P&P), with guidance from the U.S. Department of Justice and the Vera Institute 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.
2. The LEP Coordinator will assess demographic data, review contracted language access services utilization data, and consult with community-based organizations in order to inform these decisions. The Policy and Planning (P&P) will be responsible to have the documents translated and distributed.

3. Requests by Other Units for Document Translation:

a. Although P&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 Police Personnel identify a need for a specific document to be translated, a memorandum will be forwarded to the Policy and Planning Unit. Policy and Planning will review the request against the requirements listed in Section VI-A, confirm that no similar document has already been translated, and then forward document to the HISP Lieutenant for translation. Policy and Planning will advise the LEP coordinator of the request. Upon completion by HISP, the translated document will be forwarded to General Services for printing and distribution.

2) HISP will complete translations in Spanish. For languages other than Spanish, the Department will obtain translations from a certified translator, in accordance with their internal translation procedures.

a. If the document has been deemed to be a vital document, translation into Spanish by HISP must be completed within 10 days of receiving the document. Any delays must be approved by the Policy and Planning Unit.

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 HISP Lieutenant with a *copy* of the original note, letter or other document to be translated. Indicate if the translation is needed immediately. Otherwise specify the date required.

VII. 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. For a list of PDIs, contact MetroComm.
 - D. The Bureau Commanders of all districts and units with direct public access shall ensure that the signage is posted and visible to the general public.
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VIII 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 during the Police and Corrections Officer Academies, at in-service training, and at Roll Call for officers assigned to the Downtown and Northeast Area Commands at least every two (2) years. 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 PDIs or HISP interpreters will have their language skills assessed by Selection and Classifications using a structured assessment tool. Selection and Classifications will establish qualifications for certification of interpreters.
 - C. After assessment, those found proficient in interpreting into and from target language will be placed on the PDI List. HISP interpreters will be assigned under the supervision of the HISP Lieutenant.
 - D. Department Language Interpreters must:
 - 1. Demonstrate proficiency in and ability to communicate information accurately in both English and in the target language;
 - 2. Have knowledge in both languages of any specialized terms of 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.
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IX. MONITORING AND UPDATING LANGUAGE ASSISTANCE EFFORTS

A. The Department will take reasonable steps to develop in-house language capacity by hiring personnel with specific language skills. Using the various assessment processes described in this directive, the Department will work with the Personnel Department to recruit and hire qualified bilingual staff.

B. 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 his/her bilingual skills, the services of a PDI, 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.
2. The Operations Room Supervisor (ORS) shall submit the pink copy of all 75-48 Reports with the letters "LEP" along with the language in the lower section to the Commanding Officer of Research and Planning (PHQ, Room 203) for review and tracking.

C. Community Review:

1. The LEP Coordinator shall assess demographic data, review contracted language access services (i.e., Language Line 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.

D. New Documents:

1. The LEP Coordinator 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.

E. Collection of LEP Contact Data:

1. The Director of the Communications Bureau will be responsible for collecting dispatched Police LEP contacts through the CAD system, and billing statements submitted by the contracted telephonic language service providers. In all other relevant Department locations, LEP contacts will be collected through the use of LEP tracking and tabulation desk logs. To avoid cross-tabulation of LEP contacts, HART, HISP, and other certified interpreters will maintain separate tracking and tabulation of calls for service.

LEP contact totals will be reported by each relevant Bureau, Section, and Area Command on the Department's Quarterly Performance Report.

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- F. The Sheriff 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 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 Department's LEP Coordinator.

APPENDIX A

SUBJECT: TRANSLATED LVMPD VITAL DOCUMENTS

The below documents have been deemed vital and are available both in English and Spanish.

<u>Form</u>	<u>Reference</u>
1. Consent To Search Card	LVMPD 079A
2. Consent To Search Form	LVMPD 079
3. Custodial Interrogation-Adult/Juvenile	LVMPD 148
4. Custodial Interrogation-Adult/Juvenile	LVMPD 148B
5. Domestic Violence Information Cards	LVMPD 744/740
6. Drivers Report of Traffic Accident	LVMPD 078/078B
7. Implied Consent Warning	LVMPD 004
8. Photo Line-Up Witness Instructions	LVMPD 104A
9. Rights of Person Arrested	LVMPD 099
10. Search Warrant (Generic)	Pending
11. Search Warrant (Sexual Assault)	LVMPD 384
12. Standardized Field Sobriety Tests	LVMPD 146/280
13. Victim's Information Guide	LVMPD 608
14. Voluntary Statement-Suspect w/Miranda (Transcribed)	LVMPD 178
15. Voluntary Statement-Suspect w/ Miranda (Written)	LVMPD 093
16. Voluntary Statement-Witness	LVMPD 085
17. What To Do When Stopped	LVMPD753