

<b>Anchorage Police Department</b> Regulations and Procedures Manual	<b>Operational Procedures</b> <b>3.10.060</b>	
<b>Policy and Procedure Title</b> Language Access Policy	<b>Effective Date</b> November 1, 2022	Page 1 of 7
<b>Replaces Prior Policy:</b> January 23, 2017	<b>Approved by:</b> Chief Michael Kerle	

**This policy is the internal use only and does not enlarge an employee's civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can only form the basis of a complaint by this department for non-judicial administrative action in accordance with the laws governing employee discipline.**

### **3.10.060 Language Access Policy**

#### **PURPOSE**

The Anchorage Police Department (APD) recognizes the importance of effective and accurate communication between its personnel and the community they serve. The purpose of this plan is to establish effective guidelines, consistent with Executive Order 13166, and Title IV of the US Civil Rights Act of 1964, which prohibits discrimination on the basis of race, color, and national origin in programs and activities receiving federal financial assistance. Language barriers impede effective and accurate communication. 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 communications with LEP community members can present the APD with safety, evidentiary, and ethical challenges. Ensuring maximum communication ability between law enforcement and all segments of the community it serves is in the interests of all.

#### **POLICY**

The Anchorage Police Department policy is to take reasonable steps in providing LEP persons with timely and meaningful access to available programs, services, and benefits as described in this plan. Department members will ensure reasonable efforts are made to provide language assistance services to all LEP persons. The Department will utilize readily accessible telephonic language lines, cell phone apps, and professional face-to-face interpreters in the conduct of municipal business rather than to rely on less effective communication methods, or including friends, family, and children, to interpret.

#### **DEFINITIONS**

**Bilingual:** the ability to speak two languages fluently and communicate directly and accurately in both languages.

**Direct Communication:** monolingual communication in a language other than English between a qualified bilingual Department employee or representative and an LEP individual (e.g., Spanish to Spanish).

**Interpretation:** the act of listening to verbal communication in one language (source language) and orally converting it to another language (target language) while retaining the same meaning. Interpreting is a sophisticated skill needing practice and training. Should not be confused with simple bilingualism.

**Language Access Coordinator:** The Anchorage Police Department will designate a Point of Contact (POC) to be responsible for coordinating and implementing language services to LEP individuals.

**Telephonic Interpreter:** A generic term for the agencies the APD has contracted to provide language interpreters for non-English speaking community members.

**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.

**Primary Language:** the language in which an individual most effectively communicates. APD should make every effort to ascertain an individual's primary language to ensure effective communication.

**Translation:** the replacement of written text from one language (source language) into an equivalent written text in another language (target language). Translation requires special knowledge and skills.

**Vital Documents:** documents that contain essential information about available programs, services, and benefits, access to which is essential in order to receive them, benefit from them, or participate meaningfully in them. Vital documents shall be translated into the commonly spoken languages identified by the APD.

## **General Principles in Providing Language Assistance**

Department members will provide language assistance services to LEP individuals whom they encounter or whenever an LEP individual requests language assistance services. Members shall not solely rely on their own assessment of an individual's English proficiency in determining the need for an interpreter or a translator, especially when an individual may be subjected to

stressors or specialized terms that would make it difficult for that individual to communicate in English. If a person requests an interpreter or a translator, then a Department member shall take reasonable steps to provide one.

Department members shall refrain from asking opinions of the interpreter or translator and shall not ask an interpreter or a translator to undertake any role that may conflict with his or her function as a professional responsible for providing language assistance services. In addition, an interpreter does not make language proficiency assessments to determine how much English a person may understand or speak

## **PROCEDURES**

### **I) CALLS TO DISPATCH/911**

- A) When a call is received from a LEP caller, the call taker will keep the caller on the line and conference with the identified and contracted interpreter service if necessary. The interpretation service is used when a call taker receives a call from a reporting party who speaks a language other than English, unless that call taker is trained by the Municipality of Anchorage and deemed bilingual in that particular language. When receiving a call from an LEP caller, call takers shall determine the nature of the call via the appropriate interpretation service without delay as follows: 9-1-1 or 7 digit emergency lines – use the emergency interpretation service.
- B) If an interpreter within the dispatch station is available, the original call-taker will immediately transfer the LEP caller to the interpreter's workstation. The interpreter shall then follow the standard operating procedures for all 9-1-1 calls.
- C) When the telephone line to the emergency interpreter is busy or unavailable, ascertain if there is a trained bilingual call taker available to interpret. If no available and appropriate interpreters are present, the call-taker will contact the contracted telephonic interpretation service 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.
- D) The call-taker will note in the CAD comments sent to the Dispatcher, informing him/her, the 9-1-1 caller is an LEP individual and indicate the language, if known. This information will be provided to responding APD personnel. Dispatchers will make every effort to dispatch a bilingual Officer to the call, if available.

### **II) DEPARTMENT MEMBERS REQUIRING INTERPRETATION SERVICES DURING FIELD ENCOUNTERS, INCLUDING THOSE RESULTING IN ARRESTS**

- A) APD Officers, in the field, needing interpretation services will attempt to identify the LEP individual's primary language by:

(a) Showing the language identification card to the victim/suspect/witness

(b) Identifying the LEP person's self-identification of their language.

When an officer requests an interpreter, the dispatcher should attempt to contact an on-duty trained interpreter. The designated bilingual interpreter in the field should exercise those skills and demonstrate their capabilities of interpreting for the officer. Interpreters in the field should be independent and unbiased with reference to the investigation.

**B) Skills Inquiry of APD Personnel**

- 1) Sworn department members who are trained interpreters have been assigned in the Computer Aided Dispatch (CAD) System. To identify which officers are working who can provide interpretation assistance for the language that is needed, the dispatcher should perform a language inquiry in CAD or through a radio inquiry.

**C) Officer Availability and Assignment**

- 1) Upon determining that a certified officer is working, the dispatcher will determine if the officer is available to respond to interpret. If the officer is on a call or out of service, the officer does not have to respond to interpret. If the officer is available, the dispatcher should dispatch the unit to assist with interpreting. Once the officer agrees to respond to interpret, the dispatcher will place them on the event.

**III) PROCEDURES FOR PROVIDING TELEPHONIC INTERPRETATION SERVICES**

- A) If an officer is not available, the officer may then call the contracted language interpretation service for the APD. The contracted interpreter service should only be called after it has been determined that a qualified on-duty officer is unavailable to assist. The officer will follow the following steps:
- 1) Officers who have established the need for use of Telephonic Interpreter services should have all of their questions organized prior to calling Dispatch.
  - 2) Officers who do not have a department issued cell phone may request a supervisor to respond for the use of their phone.
  - 3) Contact Dispatch to initiate a three-way conversation between the interpreter, Dispatch personnel, and the victim/suspect/witness. Dispatch may then disconnect from the call.
  - 4) When the Telephonic Interpreter representative is reached, furnish that person with:
    - (a) The language requested,
    - (b) APD's identification number provided by Dispatch, and

(c) Officer's name and DSN.

B) The Telephonic Interpreter representative will put the appropriate interpreter on line. That interpreter will furnish his/her identification number for the record. The Officer should document the identification number in their police report.

C) Officers will furnish the interpreter with the exact information needed.

At this point, officers will:

1) Give the telephone to the subject, unless

2) A conference telephone, speaker telephone, or two-telephone-on-one-line is available, allowing officers to monitor the entire conversation.

3) If the Officer needs the call to be recorded by Dispatch, the Officer must make those arrangements prior to contacting the Language Line. If Dispatch has a recorded line available, they will attempt to accommodate the Officer's request.

D) When done, the interpreter will apprise officers of the information gleaned. The interpreter will await any further instructions/ questions to be asked.

E) When the interviewing has concluded, Officers will terminate the call by saying "END OF CALL".

F) If appropriate, investigating Officers can locate and retrieve the 911 tape using existing evidence procedures found in the "Property and Evidence" procedure.

#### **IV) PROCEDURES FOR PROVIDING IN-PERSON INTERPRETATION SERVICES**

A) When the need arises for an in-person interpreter, officers can contact dispatch to get access to language interpreters, to include sign language.

B) Officers need to be aware of the environment where the interpreter will be utilized as the safety of all parties involved is a priority.

C) Officer should takes steps to maximize the time of the interpreter when they arrive on scene, which may include having a list of questions prepared.

Department members are expected to follow the general procedures outlined in this standard operating procedure; however, exigent circumstances may require some deviations. Examples may include the need to obtain descriptive information on a fleeing suspect, or identifying information of an injured person. In such situations, personnel are to use the most reliable, temporary interpreter available. However, once an exigency has passed, all personnel are expected to revert to the general procedures in this plan.

Other than exigent circumstances, Department members should avoid using family, friends or bystanders for interpretation. Using family, friends, or bystanders to interpret could result in a breach of confidentiality, a conflict of

interest, or inadequate interpretation. Barring exigent circumstances, Department members should not use minor children to provide interpreter services.

#### Criminal Interrogations and Victim/Witness Interviews

These scenarios potentially involve statements with evidentiary value upon which a victim/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 and the APD. APD personnel must recognize that miscommunication during interrogations or victim/witness interviews may have a substantial adverse impact on the evidence presented in any related criminal prosecution. Every effort should be made to use a qualified interpreter identified by the City's bilingual list for any interrogation or the taking of a statement where the legal rights of a suspect or victim/witness could be adversely impacted. The Department will utilize the identified contracted interpreter services vendor at that time to assist with any interpreter services that are unable to be fulfilled by an on-duty trained interpreter.

Vital documents will be available to the suspect or victim/witness in their primary language. If a document needs to be translated during the course of an investigation and certified personnel are unavailable, the Unit Commander or designee will determine the need for the document to be translated and will make the appropriate arrangements with the contracted interpretation/translator service.

If a document is not identified as a "vital document", the document shall be read to the suspect or victim/witness in their primary language using an interpreter. This occurrence shall be documented in the APD General Offense Crime Report.

#### Other Telephonic or In-Person Interactions with LEP Persons

The Department distributes the "Point to Your Language" Limited English Proficiency Form to all personnel and posts this document on the APD's site. The "Point to Your Language" form will give individuals the opportunity to inform Department members of their language abilities and preferences. The form contains 36 language names written in their original context and in English so that the Department member can identify the individual's language preference.

The "Point to Your Language" Limited English Proficiency forms will be posted in the Main Lobby, Community Policing Centers, Pre-Processing in-take sally port, and available in Central Supply. Department members working in the Main Lobby should assist individuals via the lobby phones when access to the "interpreter-line" is necessary in order to communicate with the requesting individual.

APD's phone system also has recorded messages about the Department's programs and services in two of the City's threshold languages: Spanish and Korean.

### **V) PROCEDURES FOR PROVIDING WRITTEN LANGUAGE ASSISTANCE**

The Department translates its vital documents into Spanish and translates other documents when there are external and internal requests. The Office of the

Mayor will continue to monitor community demographics and obtain feedback from various investigative units to determine whether it should translate vital documents, including forms, into additional foreign languages. A list of translated forms can be located in Appendix I of this plan. Department members are encouraged to contact the APD and/or Webmaster to research any vital documents that would benefit the Department and LEP persons if translated. APD assumes responsibility for reviewing new and recently modified documents and forms issued by APD to assess whether they should be considered vital documents that must be translated. An interpreter will provide sight translation of any documents that are not otherwise available in translated form.

## **VI) COMPLAINT PROCEDURES FOR LEP PERSONS**

If a Limited English Proficient person comes into Internal Affairs to file a complaint, and there is no investigator available to assist in interpretation, then an officer who speaks that language will be brought in from the field. If such efforts are not sufficient, then the intake officers will utilize the identified contracted interpreter services vendor at that time to receive the complaint.

## **VII) NOTIFYING THE PUBLIC ABOUT APD'S LANGUAGE SERVICES**

### **Signage**

The Department's Main Lobby has posted signage in the most commonly spoken languages in Anchorage stating that interpreters are available for LEP individuals. The Department is responsible for ensuring that this signage is posted and visible to the general public.

### **Internet**

The Language Access Plan is available on the APD site (<http://www.muni.org/departments/police/Pages/default.aspx>). The Language Access Coordinator is responsible for ensuring the plan is supported as needed. In addition, the Anchorage Police Department's internet site has been updated to include a translation feature for many languages on each webpage to assist our community members.

\*\*\*END OF DOCUMENT\*\*\*