



# CONCORD POLICE DEPARTMENT

## STANDARD OPERATING PROCEDURE

### INTERPRETATION SERVICES

**GENERAL ORDER:** 09.14

**CREATED:** March 1, 2007

**ISSUE DATE:** June 14, 2024

**CALEA STANDARD:**

**EFFECTIVE DATE:** June 14, 2024

**ACTION:** Amends general order dated January 4, 2023.

#### **09.14.0**

#### **PURPOSE**

The purpose of the general order is to establish effective guidelines, consistent with Executive Order 13166, Title VI of the Civil Rights Act of 1964, and the Omnibus Crime Control and Safe Streets Act of 1968, for department coworkers to follow when providing services to, or interacting with, individuals who are Limited English Proficient (LEP), and/or are deaf or hard of hearing.

#### **09.14.1**

#### **POLICY**

The Concord Police Department shall take reasonable steps to provide timely and meaningful access to the service and benefits that the department provides for individuals who are LEP and/or are deaf or hard of hearing.

#### **09.14.2**

#### **DEFINITIONS**

##### A. BILINGUAL

The ability to use two languages proficiently.

##### B. SECOND LANGUAGE PROFICIENT INTERPRETER

A coworker who is proficient in a second language and has passed a proficiency test with an acceptable level of proficiency arranged by the City of Concord Human Resources Department as outlined in the City of Concord Personnel Policies & Procedures Manual. ([Click here for current second language proficient interpreters](#))

##### C. DEAF PERSON

As defined by NC GS 8B-1(2), a deaf person is a person whose hearing impairment is so significant that the individual is impaired in processing linguistic information through hearing, with or without amplification. For the purpose of this general order, the term "deaf person" shall include adults and juveniles.

##### D. INTERPRETATION

The act of listening to communication in one language (source language) and orally converting it to another language (target language).

E. LIMITED ENGLISH PROFICIENCY (LEP)

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.

F. QUALIFIED INTERPRETER

An interpreter certified and licensed as qualified under standards and procedures promulgated by the Department of Human Resources and in accordance with [NCGS 90D-4](#).

**NOTE: [NCGS 90D-4](#) specifies that no person shall offer or practice services to interpret or transliterate unless currently licensed under this chapter.**

G. NONQUALIFIED INTERPRETER

An interpreter for the deaf or LEP not certified by the North Carolina Department of Human Resources who can adequately communicate with and interpret for the deaf or LEP in a simultaneous and accurate fashion. This interpreter may be used if a deaf individual or LEP is a witness, victim, or complainant.

H. PRIMARY LANGUAGE

An individual's native tongue or the language in which the individual most effectively communicates. Coworkers shall make every effort to ascertain an individual's primary language to ensure effective communication.

### **09.14.3 REQUESTING AN INTERPRETER FOR DEAF INDIVIDUALS**

A. DEAF INDIVIDUALS IN CUSTODY

1. NC GS 8B-2(d) states that "If a deaf person is arrested for an alleged violation of criminal law of the State, including a local ordinance, the arresting officer shall immediately procure a qualified interpreter from the appropriate court for any interrogation, warning, notification of rights, arraignment, bail hearing or other preliminary proceeding, but no arrestee otherwise eligible for release on bail under Article 26 of Chapter 15A of the General Statutes shall be held in custody pending the arrival of an interpreter. No answer, statement or admission taken from the deaf person without a qualified interpreter present and functioning is admissible in court for any purpose."
2. If the officer believes that an individual he/she has arrested is deaf, the officer shall notify a supervisor that a qualified and licensed interpreter is needed. The supervisor shall utilize the approved interpretation service. (See Attachment A)

**NOTE: The supervisor shall email the Administration Bureau commander**

**the date and time the service was used for billing purposes.**

3. A deaf arrestee may elect to waive either or both the rights to an interpreter or his/her Miranda Rights. If the deaf arrestee chooses to make a voluntary statement once the waiver of rights form has been completed, request him/her to write the statement in his/her own words. If the arrestee cannot write, then a qualified interpreter must be relied upon to assist the officer in obtaining a statement.
4. If an officer does not intend to question a deaf or hard of hearing arrestee, the officer should nonetheless inform the magistrate that the arrestee is deaf or hard of hearing or has other communication needs at the time he/she is presented before the magistrate.

**B. DEAF WITNESSES, VICTIMS, OR INDIVIDUALS NOT IN CUSTODY**

1. In general interaction, the appropriate accommodation for a deaf or hard of hearing individual will vary with the length and complexity of the communication involved. In certain circumstances, oral communication supplemented by gestures and visual aids or an exchange of written notes will be an effective means of communication with individuals who are deaf or hard of hearing.
2. If a hearing impaired individual's testimony is likely to be a key element of the prosecution, an interview utilizing a qualified interpreter shall be considered if practical.
3. An interpreter shall not be requested to the scene of domestic violence or other places where the interpreter's safety is jeopardized. In emergencies, an interpreter may be transported to the scene of potential danger, but only after the situation has been explained to the interpreter and reasonable precautions have been taken to ensure the interpreter's safety.

**09.14.4 REQUESTING AN INTERPRETER FOR LEP INDIVIDUALS**

Interactions with LEP individuals potentially involve statements with evidentiary value for court proceedings. As such, accuracy is a priority. The failure to protect the rights of LEP individuals during arrest and interrogations presents risks to the integrity of the investigation and this department. Officers shall recognize that miscommunication during investigations or witness interviews may have a substantial impact on the evidence presented in any related criminal prosecution. If an officer is unsure if the LEP individual needs interpretation services then a supervisor shall be contacted.

**A. LIMITED ENGLISH PROFICIENCY (LEP) INDIVIDUALS IN CUSTODY**

1. If the officer believes that an individual is LEP, the officer shall attempt to obtain interpretation services of a second language proficient or qualified interpreter to assist in communicating with the arrestee.
2. If it is determined that a second language proficient interpreter is not available, the officer shall notify a supervisor, who shall utilize the approved interpretation service. (See Attachment A)

**NOTE: The supervisor shall email the Administration Bureau commander**

**the date and time the service was used for billing purposes.**

3. Miranda warnings, and all other vital written materials, may be given to the arrestee in their primary language, if such a form exists. If a form has not been translated in the arrestee's primary language, or in cases of illiteracy, the forms shall be read to the arrestee in their primary language using a second language proficient or qualified interpreter. This occurrence shall be documented in the officer's report.
  4. Officers shall follow all other guidelines for interviews and interrogations as outlined in [General Order 08.04 Interviews/Interview Rooms](#).
- B. LIMITED ENGLISH PROFICIENCY (LEP) WITNESSES, VICTIMS, OR SUBJECTS NOT IN CUSTODY
1. Coworkers in need of translation services for LEP individuals who are not in custody may use a second language proficient or nonqualified interpreter as defined in this policy. If unavailable, coworkers may request assistance from other agencies with access to multilingual coworkers or services, or attempt to obtain assistance from citizens with multilingual capabilities.
  2. If the coworker cannot find a way to effectively communicate with the LEP individual, the coworker shall contact a supervisor, who shall utilize the approved interpretation service. (See Attachment A)

#### **09.14.5    TECHNIQUES FOR EFFECTIVE COMMUNICATION**

- A. Officers may utilize the following auxiliary aids to communicate effectively with a subject that is deaf or hard of hearing:
1. Face the subject and do not turn away while speaking even when utilizing an interpreter.
  2. Do not cover your mouth or chew gum.
  3. Speak slowly and distinctly using gestures and facial expressions.
  4. Use visual aids when possible.
  5. Write a note to ask the subject what communication aid or service is needed.
  6. Use short sentences and simple words.

**09.14.6**     **PUBLIC NOTIFICATION**

At the public entrance to the department, the City of Concord's Title VI Notice of Nondiscrimination and Accessibility Rights is posted. The notice is also available online.  
<https://concordnc.gov/Departments/Human-Resources/Workplace-Culture>



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