



Minneapolis Police Department Policy and Procedure Manual

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Volume Seven – Field Operations

Persons With Disabilities and Limited English Proficiency

7-1001 Limited English Language Proficiency (LEP)

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I. Purpose

The purpose of this policy 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 Minneapolis Police Department (MPD) personnel to follow when providing services to, or interacting with individuals who have limited English proficiency.

The MPD recognizes the importance of effective and accurate communication between its employees and the community it serves. Language barriers can impede communication in a variety of ways. Language barriers can sometimes inhibit or even prohibit individuals with limited English proficiency 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 suspects and community members can present the MPD with safety, evidentiary, and ethical challenges. Ensuring maximum communication ability between law enforcement and all segments of the community serves the interest of both.

II. Policy

It is the policy of the Minneapolis Police Department to take reasonable steps to provide timely, meaningful access to LEP persons with the services and benefits the MPD provides in all MPD conducted programs or activities.

All MPD personnel shall offer language assistance services to individuals whom they encounter and believe to be LEP, or whenever an LEP person requests language assistance services.

All MPD personnel will inform the public they encounter that language assistance services are available free of charge when using contracted City vendors.

III. Definitions

Bilingual: Is the ability to use two (2) languages fluently.

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.

Language Identification Card: Language identification cards are used in face-to-face situations in order to determine which language a person speaks. The language identification card lists the languages most frequently encountered in Minneapolis. Language Identification Cards shall be readily accessible to MPD personnel in squad cars and in MPD areas accessible to the public.

Language Line: The City of Minneapolis Language Line provides phone interpretation services to residents who have questions about City services and functions. The Language Line should not be used for phone interpretation between police and LEP individuals.

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 may find these skills are insufficient in other situations.

Limited English Proficiency (LEP) Coordinator: The LEP Coordinator is an MPD employee who is responsible for coordinating all aspects of the LEP plan for the MPD to ensure meaningful access is available to LEP individuals and, to provide training and direction to MPD employees about when and how to access LEP services for an LEP individual.

Limited English Proficiency (LEP) Guide: The LEP Guide is a document for internal use only, that lists contracted City vendors who provide interpretation and translation services to the MPD. This document contains access codes and information that employees will need to give vendors for billing and can be found on MPD Net under “Manuals and Guides” or “Frequently Used”.

Primary Language: Means an individual’s native tongue or the language in which an individual most effectively communicates.

Translation: Is the replacement of written text from one language (source language) with written text from another language (target language) while retaining the same meaning.

IV. Procedure / Regulations

The language assistance services available to be used by MPD personnel include both in person and phone interpretation, translation, and American Sign Language.

A. Police Personnel in Need of Interpretation Services

1. Responding Police Personnel Responsibilities –

Police personnel in the field in need of interpretation services shall attempt to identify the LEP individual’s primary language by asking the LEP person what language they speak or by using the Language Identification Card. Once the language has been identified, police personnel shall contact a City vendor as outlined in this policy and the LEP Guide which is located on MPD Net under Manuals and Guides.

2. *Exigent Circumstances*

Exigent circumstances may require deviation from the general procedures outlined in this policy. In such situations, MPD personnel are to use the most reliable, temporary interpreter available, such as a bilingual MPD employee, a family member, friend, or bystander. Examples include but are not limited to: the need to obtain descriptive information on a fleeing suspect, or identifying information of an injured person. Once an exigency has passed all personnel shall revert to the general procedures in this directive.

3. *Family, Friends and Bystanders*

In other than exigent circumstances, MPD personnel should only use family, friends or bystanders for interpreting in informal, non-confrontational contexts, and only to obtain basic information at the request of the LEP person. Note the following:

- a. Using family, friends or bystanders to interpret could result in a breach of confidentiality, a conflict of interest, or an inadequate interpretation.
- b. Barring exigent circumstances, police personnel should not use minor children to provide interpreter services.
- c. An exception to this practice: Anyone of the LEP individual's choosing may represent him/her when filing a citizen complaint. If the LEP individual chooses someone other than a City vendor, the LEP individual is responsible for any charges incurred for the interpreter.

4. *Contracted Telephone Interpretation Services*

Contracted telephone interpretation services shall be available to assist all MPD personnel when interacting with LEP individuals.

- a. Police personnel in need of interpretation services shall attempt to identify the LEP individual's primary language through the use of the Language Identification Card, and shall notify the LEP individual that free interpretation services are available when using a City of Minneapolis vendor.
- b. Police personnel who believe they need to use interpreting services over the telephone shall contact a supervisor to make arrangements for use of a cell phone, if one is needed. If no cell phone is available for use, police personnel may transport the LEP individual to the precinct or other police facility to use a phone.
- c. Police personnel in need of interpretation services shall refer to the LEP Guide located on MPD Net under Manuals and Guides for specific contracted City vendors to use and to obtain necessary access codes.

- d. Police personnel shall record the interpreter's name, company affiliation, and date and time contacted in the investigative report and specifically note if the interpreter used is not a contracted City vendor.

5. *Contracted In-Person Interpretation Services*

Contracted in-person interpretation services shall be available to assist all MPD personnel when needed for interacting with LEP individuals. While contracted in-person interpreting services are available to all police personnel, it is best suited for investigative units operating under non-emergency situations, such as victim/witness interviews and criminal interrogations.

- a. Police personnel in need of interpretation services shall attempt to identify the LEP individual's primary language through the use of the Language Identification Card, and shall notify the LEP individual that free interpretation services are available when using a City of Minneapolis vendor.
- b. An authorized list of contracted in-person interpreters available shall be used by police personnel to obtain in-person interpreting services. Refer to the LEP Guide located on MPD Net under Manuals and Guides for the list of contracted vendors. The contracted in-person interpreter should be on location no more than two (2) hours from the time of the service's notification.
- c. Upon arrival of the interpreter, the officer/investigator shall record the interpreter's name and company affiliation in the investigative report along with the interpreter's arrival and departure times and the note the language being interpreted.
- d. Police personnel will ask all questions and/or give direction through the interpreter.
- e. Under no circumstances shall an interpreter independently question an 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.
- f. 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.
 - i. If that supervisor agrees that the concern is warranted, the interpretation service will be notified for another interpreter.
 - ii. Any time there may be a conflict of interest or bias on the part of the interpreter, the consulted supervisor shall forward a memorandum to the Division Commander and LEP Coordinator for the department.

6. *Translation of Documents*

- a. Investigators shall secure translation services through a contracted City vendor, noting in the investigative report the date, name of the vendor used and the document translated.
- b. Units having documents that need to be translated shall contact the LEP Coordinator who will secure translation services through a contracted City vendor. Refer to section E. 2.

B. Interrogation, Interviews and Complaints

1. *Criminal Interrogations*

A failure to protect the rights of LEP individuals during an interrogation 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, and may adversely affect a suspect's legal rights. Therefore, qualified interpreters shall be used for all interrogations of LEP individuals.

- a. Because of the dual role a bilingual law enforcement officer may have when conducting interrogations and acting as an interpreter, bilingual officers shall not be used as interpreters during investigation.
- b. A contracted, in-person interpretation service shall be used as outlined in the LEP Guide available on MPD Net under Manuals and Guides.
- c. Vital written materials will be available to the suspect, victim or witness in his or her primary language. If needed forms are not available in the individual's primary language and in the case of illiteracy, forms will be read to the suspect, victim or witness in his or her primary language using the contracted interpretation services.

2. *Crime Witness Interviews*

Accuracy is a priority as these scenarios potentially involve statements with evidentiary value by which a witness may be impeached in court. Accordingly, a certified interpretation service may be used when taking any formal statement or conducting any interview, as outlined in the LEP Guide available on MPD Net under Manuals and Guides.

3. *Complaint Procedures for LEP Persons*

Any LEP individual who wishes to file a complaint with the MPD or Office of Police Conduct Review (OPCR) regarding language access or the discharge of Departmental duties, shall be provided with translated complaint forms in their primary language. Police personnel may obtain an electronic copy of the translated forms from MPD Net

under “Forms”, or direct the LEP individual to the MPD public website where the forms can be found under “On-line Services – Translated Forms”.

- a. The assigned Internal Affairs or OPCR investigator shall use the contracted, in-person interpretation service, as outlined in this policy and the LEP Guide.
- b. Internal Affairs or OPCR shall provide written notice of the disposition of any LEP complaint in the complainant’s primary language.

C. Notifying the Public About Departmental Language Services

(05/06/15)

1. Signs shall be posted in the most commonly spoken languages at each police building with direct public access or lobby, stating that interpreters are available free of charge to LEP individuals, when using a contracted City vendor.
2. Language Identification Cards and Notice of Free Interpretation Services shall be readily accessible to MPD employees working at public access points and in any MPD vehicle used for transporting individuals to or from an MPD office, facility or crime scene.
3. The commanding officers of all precincts and units with direct public access shall ensure that the signs are posted and visible to the general public.
4. Each MPD Division or Unit shall maintain and have available hard copies of translated public forms and documents for LEP individuals. These documents and forms along with available languages shall be listed on the MPD public website under Forms>Translated Forms.

D. Training – Language Assistance Policy and Interpreter Skills

(05/06/15)

1. The MPD will provide periodic training to personnel about the Department’s LEP policies, including how to access departmentally authorized telephonic and in-person interpreters.
2. The MPD shall conduct such training for new recruits and at in-service training and Roll Call for officers at least every two (2) years.
3. Training shall initially be conducted within 180 days of the effective date of this Directive.

E. Monitoring And Updating Language Assistance Efforts

(05/06/15)

1. LEP Coordinator:

The Chief of Police will appoint an LEP Coordinator who is responsible for coordinating and implementing all aspects of the MPD's LEP policy. The LEP Coordinator will serve as the contact person for MPD employees with questions about or issues related to providing language assistance to LEP individuals.

2. Documents:

- a. The LEP Coordinator shall be responsible for initially reviewing, identifying and classifying all MPD documents as vital or non-vital for each unit, then annually reviewing all new documents issued by the MPD to assess whether they should be considered vital documents and be translated.
 - i. New and updated forms or documents shall be submitted electronically to the LEP Coordinator who will assign an MPD form number, maintain the electronic original and process the request to get the forms translated.
 - ii. Updates to and creation of the forms shall be the responsibility of the Unit who primarily uses the forms
- b. All translated documents and forms shall be available electronically on the public MPD website.
- c. Divisions or Units with forms that have been identified as vital documents shall have paper copies of the translated forms available for the public.
- d. The LEP Coordinator is responsible for working with contracted vendors to create additional access codes.

3. Training:

The LEP Coordinator will assist Leadership and Organizational Development with developing a lesson plan for training MPD employees on the LEP policy and how to access and use language assistance services.

4. Collection of LEP Contact Data:

The LEP Coordinator will be responsible for collecting information on the LEP individuals that have come in contact with the MPD. This data may be collected through the review of billing statements submitted by the contracted telephonic and in-person service providers.

5. Tracking and Analysis of LEP Data:

The Chief or his/her designee shall be responsible for assessing demographic data to ensure that the MPD is providing meaningful access for LEP persons to the services and

benefits that MPD provides in all MPD-conducted programs or activities. This assessment and consultation shall be conducted in coordination with the LEP Coordinator.