

HONOLULU POLICE DEPARTMENT

POLICY HUMAN RESOURCES AND TRAINING

December 19, 2019

Policy Number 3.49

LANGUAGE ACCESS ASSISTANCE PROGRAM

POLICY

The Honolulu Police Department (HPD) is committed to providing Limited English Proficiency (LEP) individuals with access to no-cost language translation and interpretation services.

PROCEDURE

I. BACKGROUND

- A. The HPD recognizes the importance of effective communication between its employees and the public. Language barriers can often hinder or prevent people with LEP from accessing police services, understanding important rights and obligations, and/or communicating in difficult situations.
- B. Hampered communication with LEP individuals who may be victims, witnesses, or alleged perpetrators can present the HPD with safety, evidentiary, and/or ethical challenges.
- C. Title VI of the Civil Rights Act of 1964; the Omnibus Crime Control and Safe Streets Act of 1968; Executive Order 13166 (2000); and Section 321C-3, Hawaii Revised Statutes, were established to ensure that agencies do not discriminate against individuals based on national origin and that they provide these LEP individuals meaningful access to programs and activities.

II. DEFINITIONS

Annual HPD Employees with Foreign Language List: A document listing all police departmental personnel authorized to provide language interpretation and translation services. This list is prepared and updated annually by the Human Resources Division (HRD) and is distributed to all elements.

Bilingual: The ability to use two languages proficiently.

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

Language Access Assistance: Providing meaningful language access service to people with LEP. Generally, this involves notifying people that language access services are available free of charge and when requested.

Language Access Policy Coordinator (LAPC): The assistant chief of the Support Services Bureau shall ensure that the department is in compliance with the Language Access Assistance Program.

Person with Limited English Proficiency: An individual whose primary language is not English and has a limited ability to read, write, speak, and/or understand the English language. May also be referred to as persons with LEP, LEP individuals, or LEP people.

LEP individuals may be competent in certain types of communication (e.g., speaking or understanding) but still be considered LEP for other purposes (e.g., reading or writing).

Police Department-Authorized Interpreter (PDAI): A bilingual police employee who has been authorized by the department to interpret for others in certain situations.

Primary Language: An individual's native language in which he or she most effectively communicates.

Translation: The conversion of written text from one language (source language) to another language (target language) while retaining the same meaning.

III. PROCEDURES FOR ACCESSING INTERPRETATION SERVICES

A. Calls for Service to 911 or the Communications Division

The Communications Division shall inform LEP individuals that language interpretation assistance is available. Element personnel shall refer to the Communications Division's manual of operations for guidelines.

B. Police Personnel Requesting Interpretation Services

1. Patrol officers shall contact the Communications Division when an LEP individual has been identified and language assistance services are requested. The Communications Division shall contact a PDAI or contracted telephonic interpretation service to provide language access assistance.
2. Except as provided in section V below, in exigent circumstances when officers are not able to follow the procedures outlined in this policy, departmental personnel may use the most reliable, temporary language access assistance available (e.g., a bilingual bystander or other police officer). In addition, electronic translation devices may provide a temporary means of communication with LEP individuals.
3. In other than exigent circumstances and at the request of the LEP individual, departmental personnel may use family, friends, or bystanders to interpret in very informal, nonconfrontational contexts and situations to obtain basic information. In the absence of exigent circumstances, personnel shall not use minor children to interpret.
4. The Communications Division will determine whether an authorized PDAI named in the Annual HPD Employees with Foreign Language List is on duty and available to respond.

If none of the HPD-authorized employees are available, the Communications Division will contact a contracted telephonic interpretation service provider for assistance.

5. When an officer utilizes language assistance services, the type of language assistance service used and language spoken shall be included in the Incident Report, HPD-192 form. A copy of the Incident Report shall be forwarded to the LAPC.

C. Contracted, In-Person Interpretation Services

1. Contracted, in-person interpretation services will be available to all departmental personnel to provide language access assistance services to LEP individuals.

These services are best suited for investigative units conducting criminal interrogations, crime witness interviews, and investigations of complaints.

2. Patrol personnel who require in-person, interpretation services will consult with their on-duty supervisor. The supervisor will contact the Communications Division, and they will make contact with the contracted, in-person interpretation service.

The interpreter should arrive at the designated location no later than two hours after being notified.

3. Upon arrival of the interpreter, patrol personnel should verify the interpreter's employee identification. The interpreter's name and organization should be listed on the Incident Report, HPD-192 form, as well as the interpreter's arrival and departure dates and times. Once the interpreter is ready, police personnel will ask all questions through the interpreter.

Police personnel shall be responsible for formulating all questions. Under no circumstances should a contracted interpreter independently question an LEP individual.

- a. If patrol personnel believe that there is a conflict of interest with the assigned interpreter, the supervisor in charge shall be consulted. If that supervisor concurs that the concern is justified, the contracted interpretation service will be notified to send a replacement interpreter.
 - b. Any time an interpreter is replaced due to a conflict of interest, that information shall be noted in the Incident Report, HPD-192 form.
4. A copy of the Incident Report, HPD-192 form, shall be forwarded to the LAPC.

IV. INTERROGATION, INTERVIEWS, AND COMPLAINTS

A. Criminal Interrogations

1. Officers shall maintain the integrity of any investigation. PDAIs should not be used as interpreters during interrogations. Only a contracted, in-person interpretation service shall be used as outlined in section III C above.
2. Miranda warnings and all other written materials should be available to the LEP individual (victim, witness, or alleged perpetrator) in his or her primary language whenever possible.

When a victim, witness, or alleged perpetrator is unable to comprehend a form due to illiteracy or if a form is not available in the person's primary language, the form will be read to the LEP individual in his or her primary language using the contracted interpretation services.

B. Crime Witness Interviews

1. A PDAI may be used as an interpreter when taking any formal statement from an LEP witness to a criminal act.
2. If a PDAI is not on duty, the contracted, in-person interpretation service shall be utilized, as outlined in section III C above.

C. Complaint Procedures for LEP Individuals

1. Any LEP individual who wishes to file a complaint with the department regarding language interpretation and translation access or alleged employee misconduct shall be provided with the Professional Standards Office (PSO) Written Complaint, HPD-367C (1 to 3) forms. The completed forms shall be forwarded, via channels, to the PSO for follow-up (with a copy to the LAPC).
2. The assigned investigator of any complaint should use a PDAI or contracted telephonic or in-person interpretation service provider when conducting any interviews regarding LEP complainants and/or witnesses.
3. The HPD shall provide written notice of the disposition to the complainant in the complainant's primary language, if possible.

If the HPD is unable to provide written notice in the complainant's primary language, the assigned investigator should use a contracted telephonic or in-person interpretation service provider to explain the disposition.

V. LANGUAGE ACCESS ASSISTANCE PROGRAM (LAAP) COMMITTEE

- A. The LAAP committee shall be made up of the LAPC and one representative from each of the following elements: Communications Division, Criminal Investigation Division, Finance Division, HRD, PSO, Training Division, and the Central and Regional Patrol Bureaus.
- B. The committee shall meet annually, or as needed, to:
 1. Review the LAAP annual report, demographic data, and contracted language access services utilization data;
 2. Examine HPD documents to determine which ones should be translated into different languages and any other related language access issues; and

3. Consult with the appropriate community organizations in order to determine translation and interpretation needs for the department.

VI. REQUESTS FOR DEPARTMENTAL DOCUMENT TRANSLATION SERVICES

Employees may request to have a departmental document translated into a foreign language. Requests for document translation shall be submitted to the LAPC via channels. The LAPC shall keep a file of the translated forms available in the department.

VII. NOTIFICATION OF LANGUAGE ACCESS SERVICES TO THE PUBLIC

- A. Each police station shall display signs in the most commonly spoken foreign languages, informing the public that language interpretation and translation services are available at no cost to the individual.
- B. The department shall maintain translated written forms and documents to use when interacting with LEP individuals.
- C. In situations where the individual is illiterate or the foreign language translation is not available, those forms and documents shall be read to the LEP individual in their respective language by a PDAI or department-contracted interpreter.

VIII. LAAP AND INTERPRETER SKILLS TRAINING

- A. The HPD shall provide training to departmental personnel with regard to the language access program, indicate the assistant chief of the Support Services Bureau as the department's LAPC, and include how to access the department-authorized telephonic and in-person interpreters. Training shall be provided to sworn, civilian, and volunteer employees at least every two years.
- B. As determined by the committee, PDAIs should have their language skills evaluated periodically. This may include an evaluation and assessment by a professional interpretation service provider.
- C. The Training Division shall be responsible for providing all departmental employees with the information on how to access the departmental LAAP.

IX. MONITORING AND UPDATING LANGUAGE ASSISTANCE EFFORTS

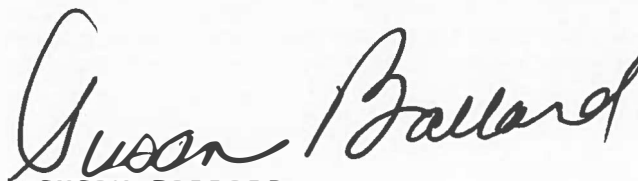
The LAPC shall be responsible for coordinating and implementing this policy for the HPD. The duties of the LAPC are as follows:

- A. Serve as a member of the LAAP committee to determine language translation and interpretation requirements for the department;
- B. Review police reports and/or other documents periodically to determine if there is a need for a PDAI or contracted interpreter for a specific language. The LAPC will then be able to determine language access assistance needs;
- C. Assess demographic data, review contracted language access services, review all complaints filed, and may consult with community-based organizations to determine language access assistance needs for the HPD;
- D. Collect data regarding the HPD's LEP contacts. This data may be collected through the review of police reports; billing statements submitted by the contracted, telephonic and in-person service providers; and information provided by the various elements that have had interaction with LEP individuals;
- E. Ensure that the public has access to language services available within the HPD; and

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- F. Submit an annual report to the Chief of Police and members of the LAAP committee regarding the effectiveness of the HPD's language access assistance services.



SUSAN BALLARD
Chief of Police

Post on bulletin
board for one week

Policy first issued
July 12, 2012