


HAZLETON POLICE DEPARTMENT			
STANDARD OPERATING PROCEDURES			
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SUBJECT: Language Access Policy			
BY THE ORDER OF:		ACCREDITATION STANDARDS:	
CHIEF OF POLICE			
Effective Date:	, 2021	SUPERSEDES ORDER #: All orders	

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I. Purpose

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The purpose of this Standard Operating Procedure (SOP) is to establish effective guidelines for department personnel to follow when providing services to, or interacting with individuals who are Limited English Proficient (LEP). This SOP is intended to aid the department in achieving its mission, support public and officer safety, enable community policing strategies, and enhance compliance with Title VI of the Civil Rights Act of 1964 and the Omnibus Crime Control and Safe Streets Act of 1968.

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II. Policy

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The Hazleton Police Department policy is to take reasonable steps to provide timely, meaningful access for LEP persons to all Hazleton Police Department programs and activities. All Hazleton Police Department personnel must inform members of the public that language assistance services are available free of charge to LEP persons and that Hazleton Police Department will provide these services to them. All personnel must provide free, appropriate language assistance to LEP individuals whom they encounter or whenever an individual requests such services.

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III. Definitions

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A. Primary Language means the language in which an individual most effectively communicates, often the individual's native tongue.

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237 B. Limited English Proficiency designates individuals whose primary
238 language is not English and who have a limited ability to read, write,
239 speak, or understand English. LEP individuals may be competent in
240 certain types of communication (e.g., speaking or understanding), but
241 still LEP for other purposes (e.g., reading and writing). Similarly, LEP
242 designations are context specific: an individual may possess sufficient
243 English language skills to function in one setting, but these skills may
244 be insufficient in other situations.

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246 C. Exigent circumstances means circumstances requiring action before
247 language assistance can reasonably be obtained, in order to protect
248 life, prevent serious injury, or protect substantial property interests; to
249 apprehend or identify a fleeing suspect; or to prevent the hiding,
250 destruction, or alteration of sensitive evidence.

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252 D. Language Assistance includes authorized in-language service,
253 interpreting, and translation.

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255 E. In-language Service refers to monolingual communication in a language
256 other than English between a Bilingual Employee and an LEP person.

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258 F. Interpretation is the act of listening to a spoken communication in one
259 language (source language) and orally converting it to another language
260 (target language) while retaining the same meaning.

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262 G. Translation is the replacement of written text from one language (source
263 language) into an equivalent written text in another language (target
264 language).

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266 H. Employee includes Hazleton Police Department sworn officers, civilian
267 employees, and other persons authorized by the Hazleton Police
268 Department to provide services or assistance, including contractors and
269 volunteers.

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271 I. Bilingual Employee refers to employees with the demonstrated ability to
272 use two languages proficiently according to standards adopted by the
273 Hazleton Police Department. Bilingual Employees are authorized to
274 provide In-language Services to LEP individuals but cannot interpret for
275 others unless separately designated as an Authorized Interpreter.

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J. Bilingual Officers are sworn Bilingual Employees.

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K. Hazleton Police Department Authorized Interpreter (Hazleton Police Department AI) is a Hazleton Police Department Bilingual Employee who has been authorized to interpret for others in certain situations after meeting interpreter training and qualification standards adopted by the Hazleton Police Department.

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L. Assisting Law Enforcement Official Assisting Interpreter (Assisting Law Enforcement AI) is a Bilingual Employee of an assisting state, county, or local law enforcement agency authorized to interpret for Hazleton Police Department employees in certain situations after meeting interpreter training and qualification standards equivalent to those adopted by the Hazleton Police Department.

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IV. Procedures for Accessing Interpretation Services

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A. Authorized Language Assistance.

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1. No employee may provide in-language assistance, interpretation, or translation without express authorization from the Hazleton Police Department;

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2. No employee may utilize any language assistance services provided by another employee or non-employee unless authorized by this policy.

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B. Civilian Visits and Telephone Calls to Hazleton Police Department

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1. Employees must direct Spanish speaking LEP visitors to a Bilingual Officer (Spanish) if one is readily available. If one is not readily available or if the LEP visitor speaks a language other than Spanish, employees must communicate with the individual by accessing a telephone interpreter. Hazleton Police Department personnel encountering LEP individuals communicating in an undetermined language must attempt to identify the language using a language identification guide.

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2. Employees receiving a non-emergency telephone call from LEP individuals must transfer the call to a readily available Bilingual Employee or Hazleton Police Department Authorized Interpreter in the needed language. Otherwise, the employee must transfer the call to the Luzerne County Department of Emergency Services (LCDES) for

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317 telephone interpreter assistance.

318 3. If an employee does not answer a non-emergency call, the auto
319 attendant advises LEP individuals to call 911 in English and
320 Spanish. (LCDES will answer the 911 calls and connect with a
321 telephone interpreter.)
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323 C. Officers on Patrol or Responding to Calls for Service

324 1. The Patrol Supervisor or Officer in Charge must review all incoming
325 LCDES dispatches that indicate involvement of LEP persons.

326 a. If the identified primary language is Spanish and LCDES has not
327 dispatched a Bilingual (Spanish) officer, the Patrol Supervisor or
328 Officer in Charge must dispatch a Bilingual (Spanish) officer if one is
329 readily available, in addition to or in lieu of the originally dispatched
330 officer, based upon the urgency and nature of the call.

331 b. If a Bilingual Officer is not readily available or the primary language
332 is other than Spanish, the Patrol Supervisor or Officer in Charge must
333 respond to the scene.

334 2. Hazleton Police Department personnel encountering LEP individuals,
335 including complainants, witnesses, or victims, must notify the Patrol
336 Supervisor or Officer in Charge that LEP individuals are involved and
337 the relevant language, and seek language assistance, in the following
338 order of preference:

339 a. The Patrol Supervisor or Officer in Charge must dispatch a
340 Bilingual Officer or Authorized Interpreter if one is readily available in the
341 relevant language.
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343 b. Otherwise, the Patrol Supervisor or Officer in Charge must respond
344 to the scene, assess the situation, and when appropriate request a
345 telephone interpreter via cell phone.
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347 c. If neither the Patrol Supervisor nor the OIC is able to respond, the
348 responding officer must access a telephone interpreter using any
349 available means of communication.
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351 d. Exceptions and special restrictions.

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353 i. Exigent Circumstances. Hazleton Police Department personnel
354 are expected to follow the general procedures outlined in this
355 policy. However, exigent circumstances may require some

356 deviations. In such situations, a Patrol Supervisor or Officer in
357 Charge may authorize Hazleton Police Department employees
358 to use the most reliable, informal interpreter available, such as a
359 family member, friend, or bystander, to obtain immediate
360 pertinent information, after taking into account the risk of
361 inaccurate information, bias, and conflict of interest in relying on
362 an informal interpreter. Once the exigency ends or authorized
363 language assistance becomes available, all personnel are
364 expected to revert to the general procedures outlined in this
365 SOP.

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367 ii. Minor children. Employees may not utilize minor children as
368 informal interpreters, nor may supervisors authorize them to do
369 so, except in exigent circumstances. The child may be only be
370 used as an informal interpreter until (1) qualified language
371 assistance services are obtained in-person or via phone; (2) a
372 more reliable informal interpreter becomes available; or (3) the
373 exigency ends, whichever comes first. The officer must
374 exercise caution in relying upon the accuracy of the child's
375 communication in light of the circumstances, including the
376 maturity, lack of training, and uncertain dual language ability of
377 the child.

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379 iii. Domestic violence calls. Even in exigent circumstances,
380 officers are not permitted nor may supervisors allow the use of
381 family members, minor children, partners, or acquaintances as
382 informal interpreters in a domestic violence call unless there is
383 an immediate life threatening need. In the case of an immediate
384 life threatening need, a family member, partner, or acquaintance
385 may only be used as an interpreter until (1) qualified language
386 assistance services are obtained in-person or via phone; or (2)
387 the life-threatening emergency subsides, whichever comes first.

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389 iv. In any situation in which an informal interpreter is utilized due to
390 exigent circumstances, the responding officer must secure the
391 assistance of a Bilingual Officer, Authorized Interpreter, or
392 telephone interpreter to confirm the accuracy of any information
393 received through an informal interpreter once the exigency
394 ends.

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396 v. Issuance of written motor vehicle or police ordinance violations.
397 An officer who personally observes a motor vehicle moving
398 violation or a police ordinance violation may issue a citation or
399 violation notice to an LEP individual without providing language
400 assistance if the officer otherwise ensures: (1) the accuracy of
401 any oral communication necessary to issue the violation, and (2)
402 the absence of any circumstances that could call for the officer

403 to warn an individual of a potential danger or might allow the
404 officer to exercise discretion not to issue the violation. In any
405 doubtful situation, the officer must secure approval from a
406 supervisor or provide language assistance. This paragraph
407 does not apply to motor vehicle or pedestrian stops that are
408 investigatory in nature, DUI encounters, or accident
409 investigations.

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411 vi. Social communications. Employees are not required to utilize
412 language assistance in social communications with limited
413 English proficient individuals. Social communications include
414 greetings and other limited communication while on patrol or in
415 community settings that do not involve responding to calls, the
416 exercise of law enforcement authority, potential criminal activity,
417 or any other substantive communication.

418 3. Hazleton Police Department personnel encountering LEP individuals,
419 communicating in an undetermined language, must attempt to identify
420 the language using a language identification guide.

421 4. Records. Personnel encountering an LEP person in an incident or
422 contact that is required to be reported in Visual Alert must enter "LEP"
423 in the summary section of the report, and record the relevant language
424 and the manner in which language assistance was provided or the
425 reason it was not provided, including the existence of exigent
426 circumstances and any use of informal interpreters. In traffic accident
427 cases, Officers must enter "LEP" in the "Notes" section of the Crash
428 Information Worksheet and include the same information recorded on
429 the Visual Alert system as noted above.

430 D. Court Cases

431 1. Officers requiring interpreters for defendants, witnesses, or victims in
432 any court case, must request interpreters through the Luzerne County
433 District Attorney's Office. These requests are made on the subpoena
434 list submitted with the criminal charges.

435 2. Officers requiring interpreters for summary court cases must request
436 interpreters from the Magisterial District Justice Office. These requests
437 are made on the subpoena list/remarks section of the citation.
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440 IV. Interrogations and Complaints

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442 A. Criminal Interrogations or other formal interviews that may negatively
443 affect an LEP individual's rights.

444 1. When interrogating LEP suspects, HPD investigators must provide
445 Miranda Warnings to them in their native language, use translated
446 Miranda warning forms in available languages, and if the suspect is
447 illiterate or translated forms are not available in the needed language, the
448 forms will be read to the suspect or witness in their primary language with
449 assistance from the interpreter.

450 2. Custodial interrogations and formal interviews of LEP individuals must
451 be conducted in-language by a Bilingual Officer, who may proceed in
452 conjunction with another sworn officer; or by another officer with the
453 assistance of an in-person, professional civilian interpreter authorized by
454 the Chief of Police.

455 3. HPD investigators must record custodial interrogations and formal
456 interviews of LEP individuals, including the administration of Miranda
457 warnings.

458 B. Complaint Procedures for LEP Persons

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460 1. Employees must provide any LEP individual who wishes to file a
461 complaint with the Hazleton Police Department regarding language
462 access, or the discharge of duties, with translated Department Internal
463 Affairs Complaint forms in English and the complainant's primary
464 language in accordance with the department's official Internal Affairs
465 complaint procedures.
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467 2. The investigator assigned to the complaint must provide written notice
468 of the disposition of any LEP complaint in the complainant's primary
469 language.
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471 3. The department must provide an interpreter for any subsequent hearings
472 and notify the hearing participants in advance that an interpreter will be
473 provided.
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475 VI. Documents

476 A. Employees must provide the documents listed below in Spanish and
477 English upon request or for use by an LEP Spanish speaking Individual.
478 These forms include:

- 479 1. Miranda Warnings
- 480 2. Internal Affairs Complaint Forms
- 481 3. Crime Victim's Compensation Form
- 482 4. Domestic Violence Victim Information/Referral Form
- 483 5. Tow Release Forms
- 484 6. Waiver of Search Warrant
- 485

- 486 B. Employees must provide sight translations or an interpreter-assisted
487 explanation when providing other forms to an LEP individual, or when
488 providing forms listed above to individuals whose primary language is
489 neither English nor Spanish.

- 490 C. The LEP Coordinator must review the Hazleton Police Department's forms
491 and documents on an annual basis to determine whether additional
492 documents should be translated into Spanish or frequently-encountered
493 languages. The next review must be completed within one year.

- 494 D. The LEP Coordinator must assess demographic data, review contracted
495 language access services utilization and LEP incident report data on Visual
496 Alert or other searchable computer program, and consult with community-
497 based organizations in making decisions regarding whether it should
498 translate additional documents.

- 499 E. Hazleton Police Department personnel identifying the need for a
500 document or letter to be translated should contact the Chief of Police or
501 Division Commander via the chain of command for assistance in
502 procuring translation.

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504 **VII. Public Notification of Hazleton City Police Language Services**

- 505 A. Signage
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- 507 1. Signage must be posted and maintained at the police reception area,
508 in Spanish and English, stating that interpreters or bilingual
509 employees are available free of charge to LEP individuals.
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- 511 2. This Language Access Policy must be posted conspicuously and
512 maintained, in English and Spanish, in the police reception area.
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- 514 3. The procedure to file a complaint against the Hazleton City Police
515 must be posted at the police reception area in English and Spanish.
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- 517 4. All other informational signs and notices must be posted and
518 maintained in English and Spanish.

519 **VIII. Training**

520 A. Language Access Policy

- 521 1. The Department must initially train all employees on this policy within
522 120 days.
- 523 2. Newly hired officers must be trained on this policy immediately upon
524 starting work.
- 525 3. Hazleton Police Department must conduct annual update training for
526 all employees on this policy.
- 527 4. Trainings must cover, in addition to the provisions of this Language
528 Access Policy: how the policy supports the Department's mission; how
529 to identify who is LEP and primary language; record keeping; the
530 difference between Bilingual Employees, Authorized Interpreters,
531 informal interpreters, and Translators; and how to work with an
532 interpreter.
- 533 5. The LEP Coordinator must maintain training records including
534 attendance and subjects covered.

535 B. Competency of Bilingual Employees, Interpreters, and Translators

- 536 1. The LEP Coordinator must adopt standards within one month to
537 determine which Hazleton Police Department employees, including
538 those already providing language assistance, may be designated as
539 Bilingual Employees, Authorized Interpreters, or Translators utilizing
540 externally administered, validated testing procedures in accordance
541 with acceptable industry standards for skills and training.
- 542 2. The LEP Coordinator must adopt standards within two months to
543 determine what individuals or vendors other than employees may
544 provide interpreting service in addition to LCDES-provided telephone
545 interpreters in those situations specified above.

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547 **IX. Monitoring and Updating Language Assistance Efforts**

- 548 A. The Chief of Police or designee will serve as the LEP coordinator, and
549 therefore, be responsible to implement and coordinate all aspects of
550 Hazleton Police Department services to LEP individuals.

- 551 1. The LEP coordinator must review and update this policy semiannually.
552 The review will include, at a minimum, an analysis of the telephone
553 interpreter data, department LEP incident data, training records,
554 complaints, and annually, the latest demographics for the City of
555 Hazleton. After considering LEP encounters and demographic data,
556 the LEP coordinator will determine whether forms and signs should be
557 translated into additional languages.
- 558 2. Personnel encountering LEP individuals speaking languages other
559 than Spanish must notify the LEP coordinator of the language/nature of
560 the contact.
- 561 3. The LEP Coordinator must seek community feedback regarding
562 proposed amendments to this Policy.
- 563 4. The LEP Coordinator must maintain records of the number of Bilingual
564 Employees, and devise and implement a program to recruit, hire, and
565 retain additional Spanish speaking Bilingual Employees and
566 Authorized Interpreters.