Addressing Language Access in Police Departments:

Salem, MA, Police Department Models Compliance

Salem, Massachusetts, with a population of approximately 43,132, has a police force of 90 officers and uses a community policing model. Like many jurisdictions across the country, the population of Salem includes many residents with Limited English Proficiency (LEP).

Officer Michael LaRiviere joined the Salem Police Department in 1989 and is currently the department’s Victim Services Officer (VSO). In this capacity, Officer LaRiviere investigates a wide range of crimes including domestic violence, sexual assault, elder abuse and crimes against undocumented and LEP victims. Over the course of his career, VSO LaRiviere experienced firsthand the challenges of responding to and investigating crimes against LEP persons. In the past, he and his colleagues would rely on others at the scene, community members close by who were able to speak the victim’s language or bilingual officers.

Prior to being assigned as VSO, Michael was the Domestic Violence Liaison Officer and through this work, and subsequent involvement in national efforts to combat domestic violence, he became aware of federal laws and regulations that require the provision of meaningful access to individuals with LEP, and some fundamental problems in Salem’s approach. With this information, and at the direction of Salem Police Chief Mary E. Butler, VSO LaRiviere was tasked with implementing steps to improve the police department’s response to LEP individuals.

Federal Requirements on LEP Access

LEP individuals suffer discrimination when they cannot effectively communicate their needs. An LEP victim of domestic violence may even be arrested if law enforcement officers rely on the assailant to interpret for them. This problem was addressed in 1964 with passage of the Civil Rights Act. Title VI of that act requires federally funded programs to provide access to services regardless of race, color, or national origin. Additionally, the (LEP) Executive Order 13166, issued in August of 2000, also states that people with LEP should have meaningful access to federally conducted and federally funded programs and activities, which include most police departments across the country that receive federal funding assistance through grants, training, use of equipment, donations of surplus property, and other assistance.

The Department of Justice created a model Language Access Plan that agencies receiving federal funding can adapt to their needs. The plan can be a work in progress, identifying LEP communities, finding qualified interpreters, training and finding funding. In addition to having a plan for interpretation, materials available for the public should be translated in languages identified as
representative of the community. The following chart illustrates all the various components involved in a good language access plan.

Developing an Effective Language Access Plan

Indicators that Language Access Needs Addressing

A simple self-assessment of the following factors can identify signs that the department needs a policy and/or plan to address language access:

- Officers rely on children or relatives to interpret at the scene.
- Bilingual officers are used as interpreters, in addition to their other job responsibilities.
- No formal arrangements are in place to hire competent interpreters.
- Staff does not know who or how to contact for interpretation services.
- Staff turn away LEP individuals.
- No translated materials are available.

The Benefits of Using Qualified Interpreters

Many police departments rely on bilingual officers or staff. Often this amounts to the bilingual person listening for several minutes and then summarizing in a few words the gist of what the person said. In contrast, qualified interpretation provides word for word or sentence by sentence interpretation allowing the whole story to unfold just as it would for an English speaker. While a bilingual officer may be able to assist in exigent circumstances, just speaking the language does not qualify a person to interpret, especially where legal terms may be used. Interpretation is a specialized skill and qualified interpreters increase the safety of officers and the people to whom they respond. They can help with identifying offenders and locating weapons. Qualified
interpreters can capture admissible statements such as excited utterances. Ultimately, qualified interpretation can ensure offender accountability.

Conversely, where qualified interpretation is unavailable, mistaken identification of offenders or risks to law enforcement or others may result. Sometimes victims will be arrested. Formal interrogations are usually taped. When the case goes to court these taped statements are examined by court certified qualified interpreters. Examinations that reveal misinformation and inconsistencies can severely weaken the case, and a failed prosecution can mean more trauma to the victim, her children, and other witnesses.

Resources available for qualified interpretation include the Language Line and/or video remote interpretation. Additionally, immigrant community partners, health care providers and schools can be sources for finding appropriate interpreters.

Increasing the Availability of Qualified Interpreters

While specialized settings like medical, legal, or court settings require interpreters with further training, most day to day situations, require only "qualified" interpreters. Qualified interpreters have completed training, are fluent in both languages and understand interpreter ethics and canons. With proper training, bilingual officers and other community members can become qualified interpreters. The main concern is a clear understanding what is expected, for example, interpreting exactly and not paraphrasing what someone is saying. Proper training teaches the dos and don'ts of interpreting.

Using Qualified Interpreters for an Interrogation or Interview

When police officers who have been qualified as interpreters are called upon to interpret in a formal police setting, the officer steps out of his or her role as a police officer while interpreting. They do not ask questions or follow up on their own. Instead, the officer conducting the interview controls the situation.

When a language line is used, officers should determine the location of the interpreter on the line, to avoid the likelihood that the interpreter is part of the same small immigrant community as the interviewee. Also, when using a language line, officers should feel free to ask for a different interpreter if they cannot understand the person or the LEP individual appears confused. This should also be done when using a qualified face-to-face interpreter, regardless of the inconvenience of locating another interpreter. Interpreters must remain in their role throughout the interview and refrain from engaging in any side conversations before, during, or after the interview. The suspect or witness...
should be escorted out before the interpreter to avoid any conversation that might taint the integrity of
the interview.

**Exigent Circumstances**

In urgent situations, the Department of Justice allows for the use of the most reliable temporary interpreter
available. If a child is the only person who can help officers secure the scene, it is permissible to speak to
that child, but only to acquire exigent information necessary to secure the scene and keep everyone
involved safe.

However, once the scene is secured and an investigation or interrogation is underway, qualified
interpreters must be used to ensure that the legal rights of a suspect or witness are not negatively
affected. Written materials must also be provided in any regularly encountered language.

**How the Salem Police Department addressed Language Access**

In June of 2017, SPD organized three 2-day statewide trainings for interpreters, held at the Salem Police
Headquarters. Over 50 bilingual officers, service providers and civilian government employees attended
the training which covered the do’s and don’ts of interpreting. Participants practiced interpretation skills
and were educated on the requirements of Title VI and Executive Order 13166. Upon completion,
attendees were prepared to act as “qualified interpreters” assisting law enforcement and others
committed to providing meaningful access for LEP individuals. While some of the attendees live and work
outside of the immediate Salem and surrounding area, approximately 75-80% of those who attended
agreed to be on a list to expand the department’s capacity to address different languages. With this, the
Salem Police Department has direct access to “qualified Interpreters” in Spanish, Mandarin, Cantonese,
Greek, Vietnamese, Polish and Khmer.

In addition, the department:

- Acquired contracts with Language Line Solutions to provide over the phone interpretation.
- Purchased dedicated cell phones issued to the patrol division and Criminal Investigations to be
  used in the field for interpretation via telephone.
- Installed specialized interpreter telephones in keys areas of the department (booking, interview
  and investigations) for interpretation via telephone at the police department.
- Is in the process of acquiring 4 audio/video all-inclusive interpreter stations to be utilized both
  in the field and at the station providing remote face-to-face interpretation and sign language.
  These are all-inclusive, ready to assemble, rolling adjustable stands with secure iPad enclosure
  with tilting head, medical grade power cord, and an external speaker.
- Is developing an official Language Access Policy to take the place of procedural memoranda
  issued as the effort progressed.

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