



CITY OF MADISON POLICE DEPARTMENT
STANDARD OPERATING PROCEDURE



Language Access Services

Eff. Date 01/31/2023

Purpose

The Madison Police Department (MPD) is committed to providing equal opportunity and equal access to all police resources and services in order to ensure full compliance with all civil rights laws. These guidelines further the MPD's commitment to broadening access to its services for our increasingly diverse residents, including those for which English is not their first language.

Language barriers can sometimes inhibit or even prohibit individuals with Limited English proficiency (LEP) 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 perpetrators, and community members can present the MPD with safety, evidentiary, and ethical challenges. Ensuring maximum communication ability between police officers and all segments of the community serves the interests of all.

Procedure

It is the standard operating procedure (SOP) of the MPD that members will take reasonable steps to provide timely, meaningful access for persons with limited English Proficiency (LEP) to the services and benefits the MPD provides.

In implementing this SOP, the MPD will inform members of the public that language assistance services are available free of charge as part of the MPD's community policing, outreach, and enforcement efforts. All MPD personnel shall provide free language assistance services to LEP individuals whenever the individual requests language assistance services or if it is evident that the individual is unable to effectively read, write, or understand English.

When available, MPD will attempt to use commissioned officers for interpretation/translation services. In the event an officer is not available, civilian employees may be considered to assist in translating. The following guidelines should be used:

- Contact the Officer-in-Charge (OIC) to discuss the case and determine if commissioned personnel are available.
- In the event civilians are to be used, consideration shall be given to the following:
 - Any request to use a civilian employee must first be approved by their supervisor before initiating contact with the employee.
 - Nature of the request (criminal investigation, obtaining information).
 - How extensive will their involvement be, where, in time, follow-up, potential court testimony, etc.
 - Safety of employee (in-person/by phone), officer should stand by.
 - Any personal conflicts for the employee to become involved.

While the employee can request not to provide translation, due to exceptional circumstances, the OIC or an MPD commander will have the final authority in deciding their use based on the needs of the MPD.

If a qualified MPD employee is not available, a certified interpreter can be accessed 24 hours/day seven days/week by the MPD via various services contracted by the City of Madison and the Dane County 911 Center including in-person assistance, telephonic interpretation, and/or audio visual aids. The OIC will maintain contact information to provide to all employees when needed.

Using family, friends, bystanders or others to interpret creates the potential for a breach of confidentiality, conflict of interest, or inadequate interpretation. MPD personnel should not request the assistance of family,

friends, or bystanders to serve as interpreters when communicating with an LEP individual who is the subject of a criminal investigation unless exigent circumstances exist and no MPD or City resources are available to assist. If this occurs, the non-availability of MPD or City resources should be documented in the officer's report. When interacting with an LEP individual in an informal, non-confrontational context (when the LEP individual is not the subject of a criminal investigation), officers may use friends, family, or bystanders to serve as interpreters if the LEP individual requests that the third party assist and the third party agrees to do so. Barring exigent circumstances or non-arrest situations, MPD personnel should avoid using minor children to provide interpretation assistance.

When considering requesting interpretation assistance from outside agency professionals (social workers, medical staff, etc.) MPD personnel should be cognizant of the potential for conflict of interest and breach of confidentiality. These requests should generally be avoided when communicating with an LEP individual who is the subject of a criminal investigation unless exigent circumstances exist and no MPD or City resources are available to assist. MPD personnel may request translation assistance from Dane County Human Services (DCHS) employees; the decision to assist is that of the individual.

Definitions

1. **Primary Language:** A primary language is an individual's native tongue or the language in which an individual most effectively communicates. The MPD should make every effort to ascertain an individual's primary language to ensure effective communication.
2. **Limited English Proficiency (LEP):** Limited English Proficiency designates individuals whose primary language is not English and who have a limited ability to read, write, speak, or understand English. This includes individuals who are deaf and hard of hearing.
3. **Interpretation:** 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.
4. **Translation:** Translation is the replacement of written text from one language (source language) into an equivalent written text in another language (target language).
5. **Bilingual:** Bilingual refers to the ability to use two languages proficiently.
6. **MPD Qualified Bilingual Member:** An MPD qualified bilingual member is a bilingual employee, who has identified themselves during the hiring process as being able to speak, read, and/or write a foreign language and who has the ability to communicate directly and accurately both in English and another language. Bilingual members may be fluent enough to communicate in a non-English language, but may not be sufficiently fluent to interpret or translate from one language into another.
7. **MPD Authorized/Qualified List:** The qualified list is an accounting of the MPD personnel who are bilingual and are authorized to act as interpreters and bilingual communicators. This list will be updated and modified on a yearly basis.

Public Notification of MPD Services

1. At each MPD building public entry point and lobby, signage shall be posted in multiple languages stating that interpreters are available free of charge to LEP individuals.
2. MPD shall post notification of the availability of translated forms and documents in the public lobby of each district station to inform LEP person about which forms are translated.

3. Additionally, language identification cards will be posted to enable the LEP person to point to the language they speak so the employee can inform the chosen interpretation service of the language required for interpretation.

Translation of Written Material

1. This plan shall be translated into Spanish (and other languages if deemed appropriate) and will be available in Spanish in any locations where the plan is posted in English.
2. In addition, the MPD will translate written materials that are distributed to the public (pamphlets, fliers, notices, posters, etc.) when reasonable.
3. Additional languages will be added or removed as deemed necessary through annual reviews conducted.

Website

The MPD will post various items on its website that are translated into Spanish; such items include forms, community-related announcements, and other information.

Cellular Phones

The MPD will provide cell phones to patrol officers with the Language Line number programmed to provide access to language interpretation services to members in the field.

Complaints

The MPD will offer a variety of ways in which LEP individuals can file a complaint against an employee. Community members can file a complaint online through our website, via telephone, in person, or by picking up a paper form at any of the district stations or public libraries.

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