

Seattle Police Department

Policies and Procedures

Section

17.270

Title:

17 - Patrol Operations

Chapter:

270 - Interpreters/Translators

POLICY

Our Department values exceptional responsiveness to special community needs, and equal protection in its service to all citizens. Whenever possible, sign language interpreters and translators shall be utilized when dealing with hearing impaired persons and persons who are non-English speaking. RCW 2.42.120 mandates when a law enforcement agency must provide sign language interpreters.

I. Definitions

A. Hearing impaired: A person who is deaf, deaf-blind (both hearing and visually impaired), or hard of hearing.

II. Contact With Hearing Impaired Persons

A. Interpreters will be used:

1. When interviewing a hearing impaired person as a witness, victim, or suspect concerning a criminal investigation, or
2. When conducting a criminal investigation involving a minor child as a witness, victim, or suspect and the parent(s), guardian, or custodian is hearing impaired.

B. If a hearing impaired person is arrested, the arresting officer shall arrange at the earliest time for a qualified interpreter for notification of rights, warnings, interrogation, or the taking of a statement.

C. No Department employee who has responsibilities other than interpreting may be appointed as a qualified interpreter.

D. Use of an Intermediary Interpreter (RCW 2.42.120(4))

1. An intermediary interpreter is a person who uses specific signs and gestures instead of actual sign language.
2. If the communications mode or language of the hearing impaired person is not readily interpretable, the interpreter or hearing impaired person shall notify the appointing authority who shall appoint and pay an intermediary interpreter to assist the qualified interpreter.

E. Responsibility for Interpreter Costs

1. When conducting a criminal investigation, the law enforcement agency shall pay for a qualified interpreter throughout the investigation in the following circumstances:
 - a. Interviewing a hearing impaired person, whether as a victim, witness, or suspect, or
 - b. Interviewing a minor child whose parent, guardian, or custodian is hearing impaired, whether as a victim, witness, or suspect.

F. Resources

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1. All Field Units in need of sign language interpreter services should make their requests through the on-duty Chief Dispatcher.
2. Detective Units wishing to make appointments for interpreter services can contact the designated interpreter service during normal business hours. To locate interpreters, contact the Chief Dispatcher in the Communications Section.
3. When communications personnel receive a 911 call from a hearing impaired person and the call requires the dispatch of patrol units to conduct a criminal investigation, the Communications Section will automatically contact an interpreter to respond. The Officer responding to the investigation will be notified via voice transmission that an interpreter will be enroute. Field Units desiring to cancel the response of an interpreter through Radio will normally require a field supervisor's approval.

III. Interview and Interrogation of Non-English Speaking Persons

- A. Ask the person if they understand, read or write English.. Ask the person what their native language is and if they can speak, read or write in their native language. Document that these questions were asked, and the response the person gave, in the *General Offense Report*.
- B. Request an employee who speaks the person's native language. Avoid casual use of persons at the scene to translate during interrogations. Current case law has disallowed admission of suspects' statements into court if the translation was done by a person at the scene.
 1. The Communications Section maintains a current list of employees who can speak foreign languages.
- C. Use the Communication and Language Line for interpreting if a Department employee is not available to translate.
- D. For Spanish speaking persons, advise them of their Miranda rights from the *SPD Explanation of the Constitutional Rights* (Spanish version) (form 9.28.4), available from the Quartermaster. Have the person read the form out loud and sign the form to ensure they fully understand the rights and warnings. Document this in the *General Offense Report*.
 1. For DUI incidents, use the Spanish version of the *Implied Consent Warning* (form 8.4). Have the subject read and sign the form to ensure they fully understand the warnings. Document this fact in the DUI paperwork or, if completed, the *General Offense Report*.
- E. Communication and Language Line (CALL) Interpreter service is also available for officers when interviewing non-English speaking citizens. The Language Line is a 24-hour service and provides translation in 140+ languages. To use the Language Line:
 1. Dial 625-5011
 2. When the SPD 911 Center operator answers, state:
 - a. Your name
 - b. Serial number
 - c. Unit number or call sign,
 - d. Your request to be connected with the Language Line, and
 - e. The specific language you need translated. (If the language is not known, then say "unknown", and follow this with general information such as "Asian" or "East Indian", etc).
 3. The SPD 911 Center operator will dial the Language Line. When the Language Line central operator answers, the SPD 911 operator will identify which agency is calling, what language is requested, and your serial number. The SPD 911 operator will then disconnect from the conference call.

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4. The Language Line central operator will connect you with the appropriate interpreter and will then withdraw from the connection. The interpreter will give you their identification number.

a. Officers must inform all parties (through the interpreter) that the call is being recorded. Also state the current date and time, and the telephone number you are calling from. This is a matter of providing notice, not of requesting consent. If necessary, the tape recording can be subpoenaed.

b. Tell the translator the exact information you need.

c. When the translator has received your request (and if you are not using conference calling, on two phones, or a speaker phone) give the phone to the subject.

d. When the translator has obtained the information, they will instruct the subject to return the phone to you.

e. The translator will relay the information to you and await further requests.

f. When you have concluded your use of the service, say "end of call."

5. Include the following details in the *General Offense Report*:

a. The telephone number that you made the 625-5011 call from,

b. The starting time of the call,

c. The ending time of the call, and

d. The language of the subject.