

Policy: 1139.4, Limited English Proficiency

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I. PURPOSE

The purpose of this policy is to establish effective guidelines, consistent with Title VI of the Civil Rights Act of 1964 and the Omnibus Crime Control and Safe Streets Act of 1968, for agency personnel to follow when providing services to, or interacting with, individuals who have Limited English Proficiency (LEP).

II. POLICY

It is the policy of the Orlando Police Department to take reasonable steps to provide meaningful access to all individuals in any encounters with the Department regardless of their national origin or limited ability to speak, read, write, or understand English.

III. DEFINITIONS

Bilingual: The ability to speak two languages fluently and communicate directly and accurately in both English and another language.

Direct Communication: Monolingual communication in a language other than English between a qualified bilingual Department employee or representative and an LEP individual (e.g., Spanish to Spanish).

Interpretation: The act of listening to a communication in one language and orally converting it into another language, while retaining the same meaning.

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

OPD Authorized Interpreter: A bilingual OPD employee or independent contractor who has been authorized to interpret for others in certain situations.

OPD Interpreter List: An accounting of OPD personnel and independent contractors who are bilingual and are authorized to act as an interpreter. The Communications Division will maintain the list of OPD interpreters.

Primary Language: Means the language in which an individual is most effectively able to communicate.

Translation: The replacement of written text from one language into an equivalent written text in another language. Translation also requires special knowledge and skills.

IV. PROCEDURES

1. COMMUNICATIONS DIVISION RESPONSIBILITIES

1.1 COMMUNICATIONS DIVISION PROCEDURES FOR ACCESSING TRANSLATION SERVICE

The Orlando Police Department (OPD) Communications Division is committed to providing emergency translation/interpretation services to non-English-speaking citizens of Orlando. OPD will contract with a private translation/interpretation service that is available 24 hours a day, 7 days a week. The translation service will only be used by 911 operators who answer 911 emergency calls. Any interpreter or translation service used by any individual other than the contracted service provider is a violation of Florida Statute [365.171](#).

1.2 911 OPERATOR RESPONSIBILITIES

The 911 Operator should follow the current Communications Standard Operating Procedures for handling calls related to LEP callers.

1.3 LIST OF BILINGUAL EMPLOYEES

The Communications Division will maintain a current list of all bilingual employees. Contact information will be maintained in the OneDrive Foreign Language List.

2. ACCESSING INTERPRETATION SERVICES

2.1 OPD PERSONNEL IN THE FIELD

OPD personnel in the field in need of interpretation services will attempt to identify an available on-duty bilingual employee who will assist with the call for service or self-initiated call. If no on-duty bilingual officer is immediately known to the officer, the officer will contact the Communications Division who will review the OPD interpreter list to identify a qualified interpreter.

2.2 USE OF FAMILIES, FRIENDS, OR BYSTANDERS AS INTERPRETERS

OPD personnel should only use family, friends, or bystanders for interpreting in very informal, non-confrontational contexts, and only to obtain basic information at the request of the LEP individual. Using family, friends, or bystanders to interpret could result in a breach of confidentiality, conflict of interest, or an inadequate interpretation. Barring exigent circumstances, OPD personnel should not use minor children to provide interpreter services.

3. CRIMINAL INVESTIGATIONS DIVISION (CID) INTERVIEW AND INTERROGATIONS

3.1 INTERVIEWS AND INTERROGATIONS

Criminal investigation interviews and interrogations potentially involve statements with evidentiary value. A failure to protect the rights of LEP individuals during arrests and interviews and interrogations presents risks to the integrity of the investigation. All interviews and interrogations shall be conducted by sworn personnel in the primary language of the person being interviewed. If the investigating detective does not speak the same primary language as the interviewee, the detective will contact a bilingual sworn member to either interview or interrogate the individual or to translate the detective's questions and the individual's answers.

3.2 MIRANDA WARNINGS AND OTHER WRITTEN MATERIALS

Miranda warnings, and all other written materials, will be available to the suspect or witness in his or her primary language.

The Legal Department has approved the use of the Miranda warning translations available through www.mirandawarningtranslations.com. The website provides both audible translations and downloadable PDF versions of the Miranda warning in multiple languages, including Spanish, Haitian Creole, and Portuguese. These translations have been prepared and compiled by court-certified experts.

When using these translations, officers should activate their body-worn camera and ensure that the individual understands each enumerated Miranda right. Before any custodial questioning begins, the individual should acknowledge their understanding of each right through a verbal response or other clear affirmative indication captured on the recording.

Officers who are sufficiently proficient in a suspect's language may also verbally translate the Miranda warnings, regardless of whether that language is available on the website. The website translations are an approved resource but are not the exclusive means of providing Miranda warnings. If a translation is not available on the website, or if the suspect is illiterate, the Miranda warnings should be read by an officer who is sufficiently proficient in the suspect's language to accurately communicate the warnings and assess the suspect's understanding. In all cases,

the officer should ensure the suspect understands each enumerated Miranda right, obtain a verbal or other clear affirmative acknowledgment of that understanding, and document the advisement on the body-worn camera before any custodial questioning begins.

3.3 TRANSCRIPTION OF INTERVIEWS AND INTERROGATIONS

Transcriptions will be conducted by OPD employees assigned as a transcriber. If an investigation or interrogation is conducted in a language other than English, and no OPD transcriber is available to transcribe in the language, the transcription will be sent out to a transcription company.

4. FILING A COMPLAINT BY AN LEP INDIVIDUAL

4.1 FILING A COMPLAINT

Any LEP individual who wishes to file a complaint with OPD shall be provided with a translated Internal Affairs (IA) Citizen Complaint Form. The complaint will be assigned to an IA investigator who speaks the same primary language as the complainant and can translate the complaint, when possible. If no IA investigator can interpret or translate in the complainant's primary language, a detective from the Criminal Investigations Division (CID) will then be utilized for these purposes. If no CID detective is identified, the IA manager will then contact the Communications Division to access employees from the Interpreter List. The IA manager is responsible for ensuring the IA Complaint Forms are up to date and are available in multiple languages.

5. MONITORING AND UPDATING LANGUAGE ASSISTANCE EFFORTS

5.1 ROLES AND RESPONSIBILITIES

LEP Coordinator: The Chief of Police will assign a current employee as the LEP Coordinator. The LEP Coordinator is responsible for coordinating and implementing all aspects of the OPD's services to LEP individuals.

Community Review: The LEP Coordinator shall assess demographic data, review contracted language services utilization data, and ensure that the most common citizen languages are represented in the published documents.

Documents: The LEP Coordinator will be responsible for annually reviewing all new documents issued by the OPD to assess whether they should be considered vital documents and be translated. The coordinator will request brochures and documents be translated into the necessary languages identified during the review process. The brochures available in other languages should include the Domestic Violence Brochure, Victims' Rights Brochure, and Miranda Warning Cards. IA Citizen Complaint forms are electronic and should be reviewed on the OPD Website.

Domestic Violence Brochures: The Violent Crimes Unit Supervisor(s) ensures that all Domestic Violence brochures are up to date, translated as appropriate, and are provided to the Quartermaster Unit.

Victims' Rights Brochures: The OPD Legal Advisor ensures that Victims' Rights brochures are up to date, translated as appropriate, and are provided to the Quartermaster Unit.

Quartermaster Unit: The Quartermaster Unit is responsible for ensuring that all other brochures or documents identified for translation are in full supply in the Quartermaster Unit.

V. FORMS AND APPENDICES

None

VI. REFERENCES

This policy rescinds Policy and Procedure 1139.3

Related Policies: Not Applicable

Related Laws: Florida Statute [365.171](#)