



# MILWAUKEE POLICE DEPARTMENT

## STANDARD OPERATING PROCEDURE

### 190 – LIMITED ENGLISH PROFICIENCY (LEP) / HEARING IMPAIRED PERSONS

**GENERAL ORDER:** 2022-XX  
**ISSUED:** May 9, 2022

**EFFECTIVE:** May 9, 2022

**REVIEWED/APPROVED BY:**  
Assistant Chief Nicole Waldner  
**DATE:** April 1, 2022

**ACTION:** Amends General Order 2016-54 (September 23, 2016)

**WILEAG STANDARD(S):** NONE

#### **190.00 PURPOSE**

It is the policy of the Milwaukee Police Department to ensure that a consistently high level of service is provided to all individuals, including those who have a limited ability to speak, read, write, or understand the English language and those who are hearing impaired. This policy serves as a guide for all members with detailed instructions for using foreign language interpretation and translation services for individuals with limited English proficiency (LEP), and sign-skilled interpretation services for the hearing impaired.

#### **190.05 DEFINITIONS**

##### **A. QUALIFIED FOREIGN LANGUAGE INTERPRETER**

A qualified bilingual person who the department authorizes as an interpreter to listen to a communication in one language and orally convert to another language while retaining the same meaning.

##### **B. QUALIFIED FOREIGN LANGUAGE TRANSLATOR**

A qualified bilingual person who the department authorizes as a translator to replace written text from one language with equivalent written text in another language.

##### **C. QUALIFIED SIGN LANGUAGE INTERPRETER**

A qualified person who the department authorizes to accurately sign to a hearing impaired person what is being spoken by another person, and voice to a hearing person what is being signed by the individual who is hearing impaired.

##### **D. QUALIFIED INTERPRETER/TRANSLATOR ROSTER**

A roster of department members who are qualified as foreign language or sign language interpreters and are authorized to act as interpreters for the department. The Human Resources Division will create and maintain the roster and periodically provide the Technical Communications Division with the most updated version.

#### **190.10 PROCEDURE**

- A. Department members are to abide by the following procedures set forth in this standard operating procedure at all times absent exigent circumstances. The AT&T Language Line

is available to assist in communicating with limited English proficient individuals via emergency and non-emergency calls to the department. Furthermore, to assist members to properly conduct interviews, investigations, and customer service requests, the Technical Communications Division shall keep a Qualified Interpreter/Translator Roster. The Technical Communications Division shall also keep contact information of approved private agencies that provide certified foreign language interpretation, or translation, and hearing-impaired interpretation services.

- B. In non-exigent circumstances, department members should avoid the use of family, friends, or bystanders for interpreting. Family, friends, and bystanders should be used in a very informal, non-confrontational context, and only to obtain basic information at the request of the limited English proficient individual. Using family, friends, or bystanders to interpret beyond obtaining basic information from the limited English proficient person could result in a breach of confidentiality, a conflict of interest, or inadequate interpretation. Barring exigent circumstances, department members should not use minor children to provide interpreter services.

**Note: SOP 190.10(B) does not apply to the citizen complaint process. Any limited English proficient person can have an authorized adult he/she chooses to represent him/her when filing a citizen complaint.**

- C. The department shall solicit department members as volunteers to provide qualified foreign language translation, qualified foreign language interpretation or qualified sign language interpretation services. The qualified department volunteers shall form the basis of a qualified interpreter/translator roster of department members willing to provide interpreter/translator services. Such roster will be developed and maintained through the city of Milwaukee Self Service "Language Skills" component of Profile Management.
- D. The department, absent exigent circumstances, shall assign interpreter/translator duty only to department members who have voluntarily placed their names on the Qualified Interpreter/Translator Roster. The department shall compensate those members eligible for compensation under the terms of their respective collective bargaining agreement or [Chapter 350](#) of the City Ordinance for interpretation/translation services.
- E. Nothing in this procedure set forth will prevent the Chief of Police or his/her designee or any supervisory officer from ordering any department member of lower rank capable of providing interpreter/translation services to provide such services in the event of exigent circumstances.
- F. LIMITED ENGLISH PROFICIENCY (LEP) EMERGENCY AND NON-EMERGENCY CALLS
1. An AT&T Language Line is available to assist department members in understanding persons that speak languages other than English.
  2. Telecommunicators handling foreign language requests shall contact the AT&T Language Line utilizing the One Touch "language line" button in the "frequently used" area of the Guardian screen.

3. Telecommunicators are to remain on the line while the AT&T central operator puts the call through to the interpreter who will give an identification number. The telecommunicator shall then tell the interpreter exactly what information is needed and facilitate a conference call, which shall be recorded, for the member requesting the service (telecommunicators making the call for another department member may drop out of the call if no longer needed). When members have completed the call they will say, "End of call."
4. Department members may contact telecommunicators by telephone (414-933-4444). They shall inform the telecommunicator that they need foreign language interpretation/translation services of a particular language. If uncertain of the language for foreign language services, the AT&T service will assist in obtaining the appropriate interpreter. Department members may also contact the AT&T Language Line directly utilizing the phone number and information contained within their calendar book.

#### G. GENERAL REQUESTS FOR INTERPRETER OR TRANSLATOR

1. When department members come in contact with a person with limited English proficiency in the field or at the member's work location, and the foreign language of the person cannot be determined, the department member must present the person with a *Language Identification Flashcard* (form PL-6) to allow the person to place a check mark in the box for the language he/she speaks or reads. Form PL-6 shall be readily accessible to department members in squad vehicles, bicycles, motorcycles, and on foot patrol.
2. Police members in need of a qualified interpreter or translator shall inform their dispatcher by radio.
3. Civilian members or office personnel in need of a qualified interpreter or translator shall notify their shift commander, who will then, notify a Technical Communications Division supervisor.
4. A Technical Communications Division supervisor will make the necessary arrangements for a qualified interpreter or translator from the Qualified Interpreter/Translator Roster or an appropriate agency.
5. Any additions, deletions, or information changes to the Qualified Interpreter / Translator Roster shall be made through the city of Milwaukee Self Service "Language Skills" component of the profile management.

#### H. INVESTIGATIONS AND COMPLAINTS

1. Interview/Interrogation
  - a. A Spanish version of the Miranda warnings card must be used before interrogating Spanish-speaking individuals with limited English proficiency. Individuals who speak a primary language other than Spanish must have the Miranda warning read to them in their own language by a qualified interpreter.

- b. A qualified foreign language interpreter or translator must be present when a person with limited English proficiency is being questioned by department members, whether the individual is a suspect, witness, victim, or any other person interviewed regarding a criminal investigation. Communicating with people in a language that they understand ensures due process and maintains the integrity of an investigation. Foreign language interpreters and translators shall not provide counseling, legal advice, or perform any other role that deviates from accurate and precise interpretation or translation.

## 2. Investigations

Interviews conducted during criminal investigations provide statements with potential value to a case. Accuracy is essential to the integrity of any investigation. Therefore, a qualified foreign language interpreter or translator must be used when taking any formal statements from individuals with limited English proficiency. Foreign language interpreters and translators shall not provide counseling, legal advice, or perform any other role that deviates from accurate and precise interpretation or translation.

## 3. Complaints

- a. If an individual with limited English proficiency is filing a citizen complaint, the supervisor receiving the complaint must ensure that a qualified interpreter or translator is present.
- b. The supervisor must first seek the assistance of another supervisor who is a qualified interpreter or translator, and can interpret or translate in the complainant's language before seeking the assistance of a department approved interpretation or translation agency from the listing maintained by the Technical Communications Division.
- c. Based on standard department policy, no provisions of this section shall limit the right of any person who wishes to file a complaint to have an agent represent him or her during the process, whether or not the complainant is a person with limited English proficiency.

### **190.15 SIGNAGE**

All districts and other work locations open to the public must have a Free Interpretation Poster for public display to inform individuals that the Milwaukee Police Department offers free interpretation and translation services for individuals with limited English proficiency. The poster will be displayed in English, Spanish, and Hmong. The Printing and Stores Section will update the posters with other foreign languages as needed, based on the city of Milwaukee foreign language demographics.

### **190.20 LIMITED ENGLISH PROFICIENCY (LEP) QUALIFICATIONS AND UPDATES**

- A. Department members who wish to be identified as a qualified foreign language interpreter or translator in either Spanish or Hmong shall complete a *Second Language Capabilities Questionnaire* and provide it to the Human Resources Division.

- B. Members who submit a *Second Language Capabilities Questionnaire* to the Human Resources Division will be placed on the department's Qualified Interpreter/Translator Roster for the specified language.
- C. A department approved qualified foreign language interpreter or translator must:
1. Be proficient in the ability to communicate information accurately in both English and the targeted foreign language.
  2. Have knowledge in both languages of any specialized terms or concepts peculiar to the department, and of any vocabulary or phraseology used by the person with limited English proficiency.
  3. Fully understand and adhere to their role as a foreign language interpreter and/or translator, and shall only conduct word for word interpretation or translation or by using words that maintain the same meaning, without deviation.
- D. The department will provide periodic updates and training to all members regarding the LEP policy, LEP legal updates, and other information that the department deems necessary.

#### **190.25 ADDITIONAL RESOURCES FOR FOREIGN LANGUAGE SERVICES**

##### **AMERICAN RED CROSS**

Interpreters in 33 languages are available on a 24-hour basis through a volunteer service

#### **190.30 GUIDELINES FOR THE HEARING IMPAIRED**

- A. It is the policy of the Milwaukee Police Department to ensure that a consistently high level of service is provided to all community members, including those who are deaf or hard of hearing. This department has specific legal obligations under the Americans with Disabilities Act and the Rehabilitation Act. To carry out these policies and legal obligations, the department instructs its officers and employees as follows.
1. People who identify themselves as deaf or hard of hearing are entitled to a level of service equivalent to that provided to others.
  2. The department will make every effort to ensure that its officers and employees communicate effectively with people who have identified themselves as deaf or hard of hearing.
  3. Effective communication with a person who is deaf or hard of hearing involved in an incident, whether as a victim, witness, suspect, arrestee, or other persons connected to the situation, is essential in ascertaining what actually occurred, the urgency of the matter, and the specifics of the situation.
  4. Various types of communication aids - known as "auxiliary aids and services" are

- used to communicate with people who are deaf or hard of hearing. These include use of gestures or visual aids to supplement oral communication; an exchange of written notes; use of a computer or teletypewriter; use of assistive listening devices (to amplify sound for persons who are hard of hearing); or use of qualified oral or sign language interpreters.
5. The type of aid that will be required for effective communication will depend on the individual's usual method of communication, and the nature, importance, and duration of the communication at issue.
  6. In many circumstances, oral communication supplemented by gestures and visual aids, an exchange of written notes, use of a computer, or use of an assistive listening device may be effective. In other circumstances, qualified sign language or oral interpreters are needed to communicate effectively with persons who are deaf or hard of hearing. The more lengthy, complex, and important the communication, the more likely it is that a qualified interpreter will be required for effective communication with a person whose primary means of communication is sign language or speech reading. For example:
    - a. If there has been an incident and the officer is conducting witness interviews, a qualified sign language interpreter may be required to communicate effectively with someone whose primary means of communication is sign language.
    - b. If a person is asking an officer for directions to a location, gestures and an exchange of written notes will likely be sufficient to communicate effectively and a sign language interpreter is often not required.
  7. To serve each individual effectively, primary consideration should be given to the communication aid or service that works best for that person. Officers must ask persons who are deaf or hard of hearing what type of auxiliary aid or service they need. Officers must defer to those expressed choices, unless there is another equally effective way of communicating, given the circumstances, length, complexity, and importance of the communication, as well as the communication skills of the person who is deaf or hard of hearing.
  8. The department is not required to provide a particular auxiliary aid or service if doing so would fundamentally alter the nature of the law enforcement activity in question, or if it would cause an undue administrative or financial burden. Only the Chief of Police, or his or her designee, may make this determination.
  9. The input of people who are deaf or hard of hearing who are involved in incidents is just as important to the law enforcement process as the input of others. Officers must not draw conclusions about incidents unless they fully understand, and are understood by, all those involved, including persons who are deaf or hard of hearing.
  10. Auxiliary aids or services are to be provided free of charge.

## B. ON-CALL INTERPRETER SERVICES

1. The Technical Communications Division will maintain a list of sign language and oral interpreting services that are available (on-call 24 hours per day) to provide qualified interpreters as needed. Each of these services will be chosen after having been screened for the quality and skill of its interpreters, its reliability, and other factors. The Technical Communications Division will update this list annually.
2. A qualified sign language or oral interpreter is one who is able to interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary. Accordingly, an interpreter must be able to sign to the deaf individual (or interpret orally to the person who does not use sign language) what is being said by the hearing person and to voice to the hearing person what is being signed or said by the deaf individual. The interpreter must be able to interpret in the language the deaf person uses (e.g., American Sign Language or Signed English) and must be familiar with law enforcement terms and phrases. Because a qualified interpreter must be able to interpret impartially, a family member, child, or friend of the individual who is deaf may not be qualified to render the necessary interpretation because of factors such as professional, emotional, or personal involvement, or considerations of confidentiality. Additionally, although a "qualified" interpreter may be certified, a certified interpreter is not necessarily "qualified," if he or she is not a good communications match for the deaf person (e.g., where the deaf person uses Signed English and the interpreter uses American Sign Language) or the situation (e.g., where the interpreter is unfamiliar with law enforcement vocabulary). Certification is not required in order for an interpreter to be "qualified."

## C. TTY AND RELAY SERVICES

In situations when a nondisabled person would have access to a telephone, officers must provide persons who are deaf or hard of hearing the opportunity to place calls using a text telephone (TTY, also known as a telecommunications device for deaf people, or TDD). Officers must also accept telephone calls placed by persons who are deaf or hard of hearing through the Telecommunications Relay Service.

## D. TECHNIQUES FOR OFFICERS TO COMMUNICATE EFFECTIVELY

Officers must review and have a working knowledge of [Guide for Law Enforcement Officers When In Contact With People Who Are Deaf or Hard of Hearing](#). This document reviews how officers should communicate effectively in the types of situations officers will encounter. These situations include:

1. Issuing a noncriminal or motor vehicle citation.
2. Communicating with a person who initiates contact with an officer.
3. Interviewing a victim or critical witness to an incident.
4. Questioning a person who is a suspect in a crime.

5. Making an arrest or taking a person into custody.
6. Issuing *Miranda Warnings* to a person under arrest or in custody.
7. Interrogating a person under arrest or in custody.

#### E. PROCEDURES FOR OBTAINING AUXILIARY AIDS AND SERVICES

Officers must utilize the following auxiliary aids as appropriate, when available, to communicate effectively:

1. Use of gestures.
2. Use of visual aids.
3. Exchange of written notes.
4. Use of computers.
5. Use of assistive listening devices.
6. Use of teletypewriters (TTYs).
7. Use of qualified oral or sign language interpreters.

### **190.35 HEARING IMPAIRED SERVICES**

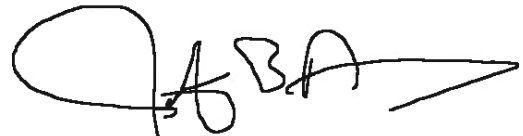
- A. The Telephone Device for the Deaf (TDD) feature of the telephone system allows communication with hearing impaired persons via alternating text keyboard messaging over standard telephone lines. Telephones at telecommunicator stations are equipped with the TDD feature.
- B. TDD calls may be identified by/received as:
  1. An electronic tone (activated by the caller via their TDD).
  2. Silence (all silent calls are treated as potential TDD calls).
  3. A synthesized voice (alerts that a call is from TDD).
  4. A relay announcement (notifies that a call is coming from TDD).
  5. A Telecommunication Relay Service (TRS). TRS services act as intermediaries in calls for services, wherein an operator relays information via a traditional phone with the telecommunicator and via a TDD with the caller requesting service. The largest percentage of TDD calls received by the department are TRS calls.
- C. If a TDD call becomes disconnected, or it is unknown/unclear what the need is, telecommunicator shall attempt to re-connect the caller via TDD at the number displayed



when the call rang-in. If there is no answer on the call back, telecommunicators shall create a "call for police" assignment at the displayed address and include in the text that the origin of the call was an interrupted/disconnected TDD contact.

**190.40 RESOURCES FOR THE HEARING IMPAIRED**

- A. SOUTHERN WISCONSIN INTERPRETING AND TRANSLATION SERVICES, LTD.  
American Sign Language and foreign language interpreter services  
P.O. Box 196  
Delavan, WI 53115  
(262) 740-2590 Phone  
(262) 740-2592 Fax  
Email: [southern@swits.us](mailto:southern@swits.us)
- B. PROFESSIONAL INTERPRETING ENTERPRISE, LLC  
American Sign Language services only (no foreign language interpreter services)  
6510 West Layton Avenue, Suite 2  
Greenfield, WI 53220  
(414) 282-8115 Voice/TTY  
(414) 282-8117 Fax  
(888) 801-9393 Voice/TTY (toll free)  
Email: [picoordination@pieinc-wi.com](mailto:picoordination@pieinc-wi.com)



JEFFREY B. NORMAN  
CHIEF OF POLICE

JBN:mfk