**COALITION’S COMMENTS – Submitted 8/10/24**

***Interactions with Persons with Limited English Proficiency*, Special Order S02-01-05**

* This is the first policy in 12 years that addresses how CPD officers should interact with persons with Limited English Proficiency. Despite the lengthy delay, the policy is still only an interim step.
* CPD must engage the community to create the final LEP policy. Specifically, CPD should engage with the Coalition, which represents and serves persons with Limited English Proficiency throughout Chicago.
* **The policy must require CPD to use in-person certified interpreters or officers with certified language skills for *Miranda* warnings and custodial interrogations of persons with Limited English Proficiency.**

*Miranda* warnings are required so that a person understands their Fifth Amendment rights (such as the right to remain silent and the right to a lawyer) and does not involuntarily waive their rights when they are in police custody. A remote interpreter service provided by cellphone or video app cannot adequately evaluate through verbal or visual cues whether a person with Limited English Proficiency understands the officer’s warnings or questions. These remote interpreters may be unfamiliar with *Miranda* warnings or custodial interrogations and may fail to use appropriate or understandable terms, and the quality of the remote interpretation may be affected by service interruptions or the cellphone or tablet malfunctioning.

More troubling, using multilingual officers and staff, whose language fluency has not been certified or evaluated, increases the risk that *Miranda* warnings and custodial interrogations will be deceptive, coercive, intimidating, inaccurate, and confusing. Such interactions increase the likelihood of persons with Limited English Proficiency not understanding their Fifth Amendment rights and involuntarily waiving them, and also the risk of unlawful detention and incarceration of innocent people.

* **There are *no* circumstances where a child should interpret for CPD**.

The policy permits CPD officers to use children to interpret for family members or others when the officer deems there are “exigent circumstances.” *See* Sec. II.D.2 (“Barring the exigent circumstances listed in item II-D-1-a, Department members should not use minor children to provide interpreter services.”) Asking children to interpret for family members or others in exigent circumstances is traumatizing to children, is a conflict of interest, and is *dangerous* for everyone because children are not trained interpreters, do not have the emotional or intellectual capacity to understand the gravity of a police encounter, and simply may not understand the officer’s directions or the person’s responses.

* The policy should require CPD officers to document when and under what circumstances “non-Department civilians”, including children, are used to interpret; it also should require supervisory review of an officer’s determination of exigent circumstances. *See generally,* Sec. VIII.
* **The policy should not permit family members or friends to interpret for persons with Limited English Proficiency in criminal investigations**, **even if the conversation is informational in nature**. *See* Sec. II.D.2.b.

Even informational conversations may involve private information and raise conflicts of interest or require accurate interpretation of words that an unqualified family member or friend cannot provide. Further, by permitting officers to begin such conversations without requiring a certified interpreter, it will be more difficult for the officer to stop the conversation if the officer’s focus changes to assessing a reasonable articulable suspicion or probable cause for an arrest. Rather than permitting unqualified family members or friends to interpret for persons with Limited English Proficiency, CPD officers should use LanguageLine Solutions for informational conversations.

CPD’s draft policy on interactions with persons who are Deaf, Deafblind or Hard of Hearing gets this right – prohibiting the use of family and friends as interpreters in all criminal investigations (S02-07-00XX, Sec. VI.E) – and CPD must do the same here.

* **The policy must specify that multilingual officers and staff will be evaluated with a language exam that tests verbal, aural, and written proficiency.**
* **The policy must specify that persons with Limited English Proficiency may file a complaint with BIA or COPA about the unavailability of qualified interpreters or the poor quality of language interpretation provided by multilingual officers and staff or LanguageLine Solutions.** *See generally* Sec. IX.
* The policy requires the CPD’s Language Access Coordinator to collect, analyze, and interpret language access data (Sec. IV.B.). The policy also should require the Language Access Coordinator to evaluate the quality of services provided by engaging persons with Limited English Proficiency or with community or civil rights organizations that serve persons with Limited English Proficiency.