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OF ACLU, INC.

Illinois

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Dear Counsel and Monitor Hickey:

Thank you for meeting with the Coalition on November 14, 2024, to discuss Special Order S02-01-5, Interactions with Persons with Limited English Proficiency. We were disappointed that two days before meeting with the Coalition to discuss our public comments and recommendations, CPD published the policy. The policy, however, expressed CPD's intent to continue to revise the policy with the Illinois Office of the Attorney General and the Independent Monitoring Team, after community feedback. With this in mind, we repeat the recommendations in our October 11, 2024 letter and we write to memorialize the Coalition's additional recommendations that arose during our recent discussion.

CPD should hire in-person interpreters for *Miranda* warnings and custodial interrogations.

The published policy permits officers to use remote interpreters via LanguageLine and multilingual officers whose language skills have not been evaluated to interpret in the provision of *Miranda* warnings, preliminary investigations, and custodial interrogations. *See* S02-01-05, Sec. II.D. As we discussed, not only does this policy violate paragraph 65 of the Consent Decree, but best practices recognized for twenty years by the U.S. Department of Justice and implemented by the San Francisco Police Department involve the use of in-person certified interpreters and officers whose language skills have been evaluated.

CPD's policy on Interactions with Persons who are Deaf, DeafBlind, or Hard of Hearing, gets this issue right. It requires Department-approved interpreters, who are people contracted to interpret, to provide *Miranda* warnings, interviews, and interrogations. *See* Section VI.A.2. The policy only allows the use of LanguageLine remote interpreters in situations where constitutional rights are not at issue, such as general communications.

CPD explained that it hires in-person interpreters from LanguageLine for some of its interactions with persons with limited English proficiency, but it does not have contract interpreters available on call, unlike it does for persons who are deaf, deafblind, or hard of hearing. The Coalition urged the City to hire and use certified interpreters for the provision of *Miranda* warnings and custodial interrogations, even if it is not able to find a contractor for all languages and all hours.

CPD must narrow the exigent circumstances where officers ask children to interpret.

The Coalition reiterated its position that CPD should never ask children to interpret for officers because it is traumatizing, a conflict of interest, and could be dangerous for all involved. Again, CPD's policy on Interactions with Persons who are Deaf, DeafBlind, or Hard of Hearing, contains no exigent circumstances exception permitting children to interpret for officers.

CPD explained that the exigent circumstances exception which allows children to interpret, was included to address life or death emergencies where the officer could not wait for an interpreter to arrive. The Coalition recommended narrowing the exception further because the exigent circumstances in the policy also included "potential loss or destruction of evidence," which is not a life-or-death emergency. *See* Section II.D.1.a. Afterward, CPD agreed to examine narrowing the exigent circumstances further.

The Coalition repeated its recommendation that CPD require a supervisory review of circumstances justifying non-certified community members interpreting, including children, as a necessary accountability measure.

The policy specifically should prohibit officers from asking alleged abusers and their relatives to interpret for others when responding to domestic violence calls.

CPD acknowledged that it is already policy for officers to speak to alleged abusers and victims separately and agreed that it would never want an alleged abuser to interpret for a victim. CPD agreed to examine the Coalition's proposal to make necessary revisions.

COPA and BIA complaint processes must include complaints about the quality of interpretation.

CPD explained that it incorporated the COPA and BIA processes used in other policies, which primarily define misconduct as violations of a policy. *See* Section IX. The Coalition recommended that the process should explain that people can complain about the quality of interpretation.

The Language Access Feedback Report should be revised and used to evaluate access.

When the Coalition asked how the Language Access Feedback Report was used, CPD said it was still developing the process and mentioned that after the LanguageLine was used, a person had the option to complete a voluntary survey. The Coalition urged CPD to quantify the answers in the report so that CPD's Language Access Coordinator can evaluate the data and look for any systemic problems with the translation of documents or interpretations. To complement the voluntary surveys provided by LanguageLine, CPD should also create a process where anytime an officer interacts with a person with limited English proficiency, the officer provides the person the report to complete.

CPD should also revise the report's rating scale for interpretation. The rating is skewed positively because it starts with "excellent" and ends with "fair," but it does not allow someone to rate the interpretation as "poor/bad." Additionally, the Spanish translation of the report inaccurately translates "fair" as "regular" but regular also means normal in Spanish.

The policy and documents must be translated for communities that are 5% of the population, including Hindi and Urdu-speaking communities.

CPD recognized that it must provide language access to communities that are more than 5% of Chicago's population, which includes Hindi and Urdu-speaking communities. The policy and the documents linked in Section I.D. are only in English, Arabic, Chinese, Polish, and Spanish. The Coalition recommended the policy and these documents be translated into Hindi and Urdu as soon as possible.

There should be a yearly evaluation of multilingual officers' language skills.

Finally, the Coalition and counsel appreciated the update on CPD's efforts to evaluate the language skills of multilingual officers with testing provided by Berlitz in the upcoming months. We urge CPD to prioritize this evaluation and to make it a yearly requirement for officers to retain their language certification to interpret.

We remain available to engage with CPD, the Office of the Illinois Attorney General, and the Independent Monitoring Team on revisions to this important policy.

Sincerely,

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