

Dos and Don'ts to Help Law Enforcement Identify Victims, Witnesses, and Other Persons Who Are Limited English Proficient and Need An Interpreter

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Law enforcement will likely encounter victims, witnesses, and other persons who need an interpreter. Ideally, the officer will be able to identify if a person needs an interpreter in the first few moments of meeting a limited English proficient (LEP) person.⁴ To accomplish this, law enforcement may want to engage in some introductory dialogue—before any substantive interviewing—to detect if a person needs an interpreter to communicate fully and effectively with law enforcement officials. Here are some general Dos and Don'ts to keep in mind when encountering a potentially LEP person.

Dos

- Establish a friendly rapport and build trust.
- Ask questions that are open-ended instead of Yes/No questions. If a person is nodding their head or saying Yes/No, an officer might assume this person understands what is being said. When an individual is providing answers to open-ended questions, a police officer can observe how well a person can grasp and speak English, if at all.
- Ensure that you are creating a safe, positive environment. Keep your tone neutral (in an emergency situation) and friendly/warm (in a non-emergency situation). A seemingly innocuous question can sound accusatory if your tone implies it. For example, the questions “Where are you from?” or “How long have you lived here?” or “Where do you work?” may sound to an LEP person like the equivalent of asking, “Are you from this country?” or “Are you an immigrant?”
- To build trust and rapport it is important to be conscious of your non-verbal gestures and/or expressions that may be misinterpreted as uncaring or intimidating. Be conscious of the potential for your body posture to be intimidating. If safe, try to speak to the victim or witness at eye level instead of standing over them. Be aware of the fact that asking for identification could intimidate immigrant victims and witnesses.
- Be respectful of cultural differences. If a person is not looking you in the eye or does not want to be touched, this may be a direct result of their culture. For example, if a woman is wearing a headscarf, it may be that no man—outside her family and husband—is allowed to touch her. In this case, if you are standing next to her and see her backing away, don't necessarily take this as

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⁴ See, Benish Anver, Rocio Molina, Renuka Nagaraj, Leslye E. Orloff, Michael LaRiviere, and Stacey Ivie, Questions to Use for Crime Scene Identification of Limited English Proficient (LEP)

a sign that she is being uncooperative. When you are unsure, take notice of a person's body language and follow their nonverbal cues.

- Do positive outreach regularly in the community. By reaching out to faith-based initiatives or communicating with nonprofits and social service organizations that work with immigrant and LEP communities and are trusted by them, police can find new routes into communities. For example, a police representative could attend interfaith forums to monitor community tensions or to assist in conflict resolution between communities.
- Be aware that some community members may not report hate crimes to the police, but may feel more comfortable reporting them to social service agencies or religious leaders. If an LEP person has a positive image of law enforcement, he or she will feel safer talking to officers when they have been victims of, witnesses to or have information about crimes.
- Once an interpreter is secured, communicate to the LEP persons that you are a state or local law enforcement officer here to help the victim and to gather information about a crime. Explain that you are not DHS and that talking with you will not result in the victim or witness being reported to the Department of Homeland Security immigration enforcement authorities.

Don'ts

- Once the crime scene has been secured, do not ask questions that will elicit testimony or evidence prior to obtaining a qualified interpreter. Understand that if a person is indeed LEP, the person may unknowingly give responses that are either incorrect or not fully accurate. Examples include:
 - By answering Yes or No to a question that they did not understand
 - Providing accurate information in the LEP persons language that is inaccurately recorded in the police report because no interpreter or a non-qualified interpreter was used
- Do not ask a question about a person's immigration status so as to not intimidate him or her
- Do not speak louder or slower