



Policy Name:	USE OF INTERPRETERS AND TRANSLATORS		
Policy #:	OP 4.30.5	Last Updated:	2022-07-13
Issued By:	COMMUNITY POLICING BUREAU	Approved By:	SURREY POLICE BOARD
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RELATED POLICIES

AD 2.1 *Bias Free Policing*

OP 4.30.3 *Statements – Suspects*

OP 4.30.4 *Statements – Victims and Witnesses*

1. PURPOSE

- 1.1. To detail the processes for Surrey Police Service (SPS) to use interpreters and translators.
- 1.2. To ensure that processes are in place for the use of interpreters and translators that comply with *British Columbia Provincial Policing Standards* 6.1.1 (15) and (16) and with the *Memorandum of Understanding on Disclosure* between British Columbia Police Agencies and the British Columbia Prosecution Service (BCPS).

2. SCOPE

- 2.1. This policy applies to all Employees.

3. POLICY

- 3.1. Interpretation is the process of conveying the content of oral messages or sign language from one (source) language into a different (target) language.
- 3.2. Transcription converts a recording of spoken language into written text in the same language. Translation is the accurate transposition of written text from one (source) language to another (target) language. Transcription of audio or video into text in the original language must occur before translation of the text into a different language.

- 3.3. SPS recognizes that many people believe they are best able to express themselves in a language which is not English. SPS supports access to justice by providing an interpreter in these circumstances.
- 3.4. When statements are required for court proceedings, SPS will follow the procedures and standards outlined in the BC Prosecution Service's *Memorandum of Understanding on Disclosure* pertaining to interpretation, transcription, and translation (see Procedure below).
- 3.5. SPS will maintain a "Languages List" which contains information about SPS Members and Employees who are fluent in languages other than English (including sign language) and who can act as an interpreter in those languages. The Languages List will be kept up-to-date and will include the Member's or Employee's name, contact phone number, and languages in which they can communicate verbally, through sign language, and/or in writing.

4. PROCEDURE

Witnesses and Victims

- 4.1. During a call for service a Member may need to obtain information from a person who does not communicate in the same language as the Member, and therefore an interpreter may be required.
- 4.2. If no recorded statement is necessary (e.g., the matter is not criminal in nature), the Member must first seek the assistance of another SPS Member to interpret who understands the person's language or sign language. If no suitable SPS Member is available, it is acceptable to ask a family member of the person, or a community member, to interpret.
- 4.3. If no interpreter is available, Members may use an automated application (e.g., Google Translate), to obtain relevant information. However, if it is later determined that a recorded statement is required, an appropriate interpreter must be used, as outlined below.
- 4.4. If the matter is a criminal investigation, when determining whether to digitally record a victim or witness statement which may later require transcription and translation, the Member must consider the following:
 - i. the seriousness of the alleged offence(s) (e.g., offence against a person or property);
 - ii. the significance of the person's evidence to the investigation and any ensuing prosecution;
and
 - iii. the potential for that statement to form a stand-alone piece of evidence.

Note: The more serious the alleged offence(s) and the more significant the evidence, the more important it is that the statement be digitally recorded (video or audio) and taken with the use of an appropriate interpreter, so that the person can effectively communicate in the language in which they are most comfortable.

- 4.5. Given the time and cost associated with the transcription and translation of recorded statements, if the interview subject is not a material witness and their evidence is not required to prove the

elements of the offence, the Member must consider whether a verbal statement in conjunction with thorough note-taking of the information that the interpreter conveys, may be sufficient.

- 4.6. If the Member determines a recorded statement from a victim or witness is required but the Member is not fluent in the language used by the victim or witness, the Member will ask the Operational Communications Centre (OCC) to attempt to locate another Member who is fully fluent in that language to obtain the statement by consulting the SPS Languages List.
- 4.7. When a suitable Member is not available for a recorded victim or witness statement, the Member may use an interpreter who is fluent in the subject's language or sign language, who is a civilian (e.g., an SPS civilian Employee, or a community member), if they are not:
 - i. related to, or personally acquainted with, the victim, the witness, or the accused;
 - ii. a victim of or witness to the same matter under investigation; or
 - iii. someone who, for any other reason may not be impartial to the victim, witness, or accused.
- 4.8. If a suitable Member is unavailable to take the statement and no suitable civilian Employee or community member is available to interpret, Members must determine if the statement can wait until a suitable Member or suitable interpreter is available. If the matter is urgent, the Member will seek approval from their Supervisor to engage a Qualified Interpreter from an Interpretation Service (see Appendix C). As there is a cost associated with professional Interpretation Services, efforts must first be made to identify one of the prior noted alternatives.
- 4.9. If a Qualified Interpreter is unavailable, a Member may use the Most Qualified Interpreter Available when taking a statement:
 - i. from a person under arrest or detention; or
 - ii. that is likely to be tendered as evidence in court but the person will not likely be able to later testify (e.g., a person who has significant mental or physical health issues, a tourist from another country, or a young child).
- 4.10. In all cases where an interpreter or translator is used who is not a Member, the General Occurrence (GO) and/or Report to Crown Counsel must contain the following information:
 - i. how the person came to be the Interpreter (e.g., who located or recommended them);
 - ii. why this person was used (e.g., no SPS Member available);
 - iii. what was the individual's role in the investigation;
 - iv. a self-assessment of their language skill level in both the source and target languages, including their experience in Interpretation or Translation;
 - v. their qualifications or certifications, if any; and
 - vi. the interpreter will be carded as an entity ("other") to the PRIME-BC file, with their complete contact information.

Arrested or Detained Persons

- 4.11. Persons who are arrested or detained must fully understand why they are being arrested or detained and their rights under the *Canadian Charter of Rights and Freedoms (Charter)*. These persons must be offered and provided access to legal counsel in the language of their choice, via an interpreter if necessary.
- 4.12. If a Member believes that the arrested or detained person does not fully understand the reason for their arrest, detention, and/or their *Charter* rights, the Member must attempt to locate another Member to interpret. If no suitable Member is immediately available to interpret, the Member will seek permission from their Supervisor to use a Qualified Interpreter (see Appendix C). A Qualified Interpreter must be used to facilitate communication with a lawyer of the person's choice, or to Legal Aid, if the person wishes to communicate with legal counsel.
- 4.13. Warned statements taken from accused persons must be taken in the language that the person is most comfortable communicating in. If a Member is not available to obtain the warned statement, the Member must consult with their Supervisor about the use of a Qualified Interpreter. As warned statements must be transcribed and translated, Members must consider whether there is sufficient evidence of the offence available without a statement from the accused.

Transcription and Translation

- 4.14. If it is later determined that a statement taken in a language other than English will be submitted as evidence, the statement must be transcribed (from audio or video to text, in the source language) and translated (from text in the source language to text in English).
- 4.15. The transcription and translation of a statement must be provided by a Qualified Translator from one of the services listed in Appendix C. If a Qualified Translator is unavailable, a Most Qualified Translator may be used.
- 4.16. Prior to using a Qualified Translator or Most Qualified Translator for transcription and translation services, the assigned Member will first obtain a written quotation from the service provider. The assigned Member must receive their Supervisor's approval before proceeding with the transcription and translation. Given the costs associated with transcription and translation services, Members must consult with Crown to determine if transcription and translation is required.

People Who Are Deaf or Hard of Hearing

- 4.17. When attending calls for service involving a person who is deaf or hard of hearing, the Member must first consider whether a Member or another appropriate person is comfortable with and may effectively communicate in writing (e.g., using pen-and-paper and text messages). In these circumstances, obtaining a written statement (e.g., which they email to the Member) is generally acceptable.

- 4.18. If the person who is deaf or hard of hearing prefers to communicate using American Sign Language (ASL), or a written statement is not an option, an ASL Interpreter must be used, using the same criteria for spoken language interpretation.
- 4.19. If a person who is deaf or hard of hearing is arrested or detained, a Member may use written or printed text to inform the person of their *Charter* rights and official warning. If the person is held in custody at the Surrey Cellblock, a private video conference will be arranged between the arrested person and their legal counsel to facilitate communication.

APPENDIX A: DEFINITIONS

“Employee” means a sworn Police Officer or civilian employee appointed by the Surrey Police Board.

“Interpretation” means the process of conveying the content of oral messages or sign language from one (source) language into a different (target) language. Interpretation may be simultaneous or consecutive. It requires, among other things, excellent knowledge of both the source language and the target language.

“Member” means a sworn Police Officer appointed by the Surrey Police Board.

“Most Qualified Interpreter” means a person who has knowledge of both the source language and the target language and who is capable of interpreting accurately from one language to the other, but who does not meet the certification criteria of a Qualified Interpreter.

“Qualified Interpreter” is a person who has expert knowledge of both the source language and the target language. A Qualified Interpreter will be certified by the Interagency Language Roundtable (ILR) or the Society of Translators and Interpreters of BC (STIBC) or will be an associate member of the STIBC.

“Supervisor” means Team Leader, Manager, Sergeant, Staff Sergeant, Inspector, Superintendent, Deputy Chief Constable, Chief Constable, and any other person acting in a Supervisory capacity who is accountable for a particular area or shift on behalf of SPS.

“Transcription” means the act of converting an audio/video recording of spoken language into written text in the same language in which the recording was made.

“Translation” means the written transposition of text from one language to another, and which requires, among other things, excellent knowledge of the source language and mastery of the target language.

APPENDIX B: REFERENCES

British Columbia Provincial Policing Standards – Subject 6.1.1 – Promoting Unbiased Policing

Canadian Charter of Rights and Freedoms, Part I of the Constitution Act, 1982

Memorandum of Understanding on Disclosure between British Columbia Police Agencies and the British Columbia Prosecution Service, Ministry of Attorney General, Criminal Justice Branch and the Public Prosecution Service of Canada, British Columbia Region. 2020.

APPENDIX C: INTERPRETATION AND TRANSLATION RESOURCES

The following resources may be considered when an interpreter, transcriber, and/or translator is required.

NOTE: Because these services incur a fee for use which may be significant (especially if an after-hours callout is required), Members must consult their Supervisor before engaging one of these services. Members may be required to obtain a quote for services before engaging the service.

Members must confirm with the individual company regarding the qualifications and certifications of their interpreter or translator so that this information can be included in the Report to Crown Counsel.

American Sign Language and/or Deaf Interpreters:

1. **Wavefront Centre for Communication Accessibility**, Vancouver, BC. Monday-Friday 8:00 AM-4:00 PM. Community Interpreting Services: Voice: 604-731-9413, TTY: 778-327-4375, Fax: 604-736-7786, Facetime: communityis@icloud.com, Email: cis@wavefrontcentre.ca

Multi-Language Interpretation and Translation Services:

1. **DIVERSEcity Interpretation and Translation Services**, 13455-76 Ave., Surrey, BC V3W 2W3. Phone: 604-597-1358 (business hours) or **after-hours call 778-878-0478**. Email interpretation@dcrs.ca
2. **Options BC**, 13520-78th Ave, Surrey, BC V3T 4M4. Phone: 604-572-4060 ext. 21126, cell 236-833-5306, email lucas.ho@options.bc.ca (interpretation coordinator) or interpretation@options.bc.ca Regular office hours are Monday to Friday, 9:00 AM- 5:00 PM. For evenings and weekends, appointments must be booked in advance (no call-outs).
3. **Mosaic BC**, 5575 Boundary Rd., Vancouver BC V5R 2P9. Phone: 604-254-0469 or toll-free 1-877-475-6777. Email personal@mosaicbc.org Regular office hours are Monday to Friday, 9:00 AM-5:00 PM. 24-hour emergency response may be available.
4. **Languages In Motion**, #270-1231 Pacific Blvd, Vancouver, BV V6Z 0E2. Phone: 888-556-5541. Email info@languagesim.com web: <https://www.languagesim.com/vancouver/> Available 24 hours for phone or video interpretation using their proprietary application (smartphone, tablet, or computer), or in-person by appointment.