

# Protocols for Interpreters Based on Employment Status

## Staff Interpreters

- Be aware of and follow your employer's specific protocols if law enforcement interrupts an ongoing interpreting encounter. Request a copy in advance.
- If no such protocols exist, recommend that your employer establish them to provide clear guidance.
- If protocols are unclear, seek immediate guidance from onsite management or counsel.
- Confer with the service provider (e.g., healthcare provider, lawyer, judge, presiding officer, teacher) about relevant protocols and other concerns to inform how to proceed.

## Contract Interpreters

- Before any assignment, verify whom to report to and what steps to follow if law enforcement interrupts an interpreting encounter.
- Carry the contracting entity's policy if any, or confer with the service provider (e.g., healthcare provider, lawyer, court staff, presiding officer, teacher) about relevant protocols and other concerns to inform how to proceed.
- If unaware of these steps ahead of time, pause the interpreting encounter and check with the contracting entity (provider or third party) to verify which protocols to follow.
- If the contracting entity cannot be reached, confer with the provider and use your best judgement, keeping in mind the consequences of your decisions.

In summary, if law enforcement interrupts an assignment:

- State your role and credentials
- Inform them that continuing to interpret falls outside of the scope of your assignment
- Encourage them to arrange for their own interpreter if needed
- Make your most informed decision on how you will proceed

**Legal Disclaimer:** This guidance is intended solely as a suggested protocol for professional conduct, in alignment with ethical principles, industry standards, and best practices. It does not constitute legal advice and should not be relied upon as such. Individuals should seek professional legal counsel if they deem it appropriate and necessary for their specific circumstances. The signatories encourage all interpreters to adhere to local, state, and federal laws where applicable.



Interpreter Guidance



# Guidance for Interpreters

## During Unexpected Law Enforcement Encounters

This guidance outlines steps for interpreters to follow if law enforcement unexpectedly interrupts an interpreting encounter. It is meant to help interpreters maintain their professional boundaries and meet their ethical obligations while preventing unintended negative consequences for all parties involved.



For brevity, “client” in this document refers to the limited English proficient individual(s), the Deaf, DeafBlind, DeafDisabled, Late-Deafened, Hard-of-Hearing, or sign language-user, who are receiving interpreting, while “provider” refers to the representative(s) of the organization(s) that has engaged the interpreter’s services.

## General Considerations for All Interpreters

### Interpreters work in the following settings:

- **Provider's premises** (e.g., hospitals, schools, law offices, courts, and other court-related and government offices)
- **Third-party locations** (e.g., legal aid organizations, community centers)
- **Private premises** (e.g., home visits)

### Interpreter employment statuses include:

- **Staff** – Directly employed by an organization.
- **Contract** – Contracted either directly through the provider or the client, or through a language service company.

**Interpreters should only meet with clients when providers are present.** Avoid entering private premises before ensuring the provider has arrived.

**Interpreters should carry or be prepared to provide both personal and professional identification** that clearly states their legal status, interpreter role and/or proof of licensure, certification, or other credentials, as applicable.

**Interpreters should have a contact number** for their superior, contracting entity, or legal support.

**Interpreters should prioritize their personal safety** and remove themselves from unsafe situations if necessary.

**Interpreters should report any law enforcement interruptions** to their employer or contracting entity immediately.

**Interpreters must be aware of any licensure or certification requirements** in their state for providing interpreting services for law enforcement, if applicable.

## Essential Steps During Law Enforcement Encounters

### Original Assignment Scope

- As the interpreter, your role extends solely to the scope of the original assignment as outlined by your employer or by the service agreement, statement of work, or purchase order that applies to your assignment.
- Law enforcement interruption marks a change in the scope of the original interpreting assignment.

### Law Enforcement Requests for Interpretation

- Law enforcement has no authority to compel interpreters to provide service. Contracting entities cannot unilaterally modify the scope of the assignment.
- If an interpreter is asked but does not wish to (or cannot) interpret for law enforcement, the interpreter may respond that the original assignment has concluded and that if law enforcement needs interpreting services, it can either provide its own interpreter or confer with the on-site provider about arranging interpreting services.
- In keeping with common standards of practice, the interpreter should interpret the aforementioned interaction to the client so that they understand what is taking place before concluding the assignment.
- Interpreters have the discretion to decide how to proceed beyond their assigned role, in accordance with policy and their own professional judgment, understanding that such decisions are made at their personal choice and responsibility.
- Interpreters who choose to remain and provide any type of assistance, including interpreting, outside of the scope of their original assignment may become a witness to subsequent events.

### Understand Legal Rights and Responsibilities

Always consult with qualified, professional legal counsel for advice pertaining to your specific situation.

- **Confidentiality:** Interpreters are not obligated to disclose private or confidential information unless court ordered.
- **Right to Remain Silent:** Interpreters, like all individuals, have the right not to answer law enforcement's questions unless legally compelled to do so.
- **No Signing of Documents:** Interpreters are not obligated to sign any documents or provide any information without the advice of legal counsel.
- **Warrant Verification:** If law enforcement presents a warrant, interpreters should not interfere. The provider should ensure the warrant is judicial (signed by a judge) and valid.

### Avoid Physical or Verbal Interference

- It is encouraged not to block or interfere with law enforcement activities.
- If permitted, document events (e.g., noting agent names or actions) without obstructing law enforcement.
- Stay calm and composed, avoid engaging in arguments or debates with law enforcement

### Adhere to Professional Ethics

- Maintain professional conduct in alignment with ethical and industry standards throughout the transition, regardless of your decision to stay or leave.
- Determine your course of action if a provider's instructions conflict with professional ethics or compromise your personal safety.
- Educate yourself on the potential consequences if you decide to intervene in the law enforcement interaction.
- Do not provide legal advice to the provider or client.
- Understand that every aspect of the interaction could be brought up in future legal proceedings or disciplinary action, such as being subpoenaed or called as a witness.
- Avoid perceived or actual conflicts of interest.