

**THE BILL BLACKWOOD
LAW ENFORCEMENT MANAGEMENT INSTITUTE OF TEXAS**

Assessing the Need for a Language Proficiency Program

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ABSTRACT

The purpose of this study is to determine if requiring police officers to translate is a function of the job or is translating an additional duty beyond the scope of employment. A survey of ten law enforcement agencies is conducted. The findings show that only three agencies are currently compensating police officers for their ability to translate while two others are considering the proposition.

The research shows that minority communities are growing. With this growth, minorities have difficulty communicating with police officers, schools, and other organizations. One possible solution is to bring the ethnic make up of police department and other public services organizations to a level where they reflect the community they are serving. The data shows that law enforcement agencies are generally not keeping pace with the changing demographics of their community. Law enforcement agencies that are ethnically balanced with the community they serve, are less likely to face this issue.

The study focused on Midland Police Officers serving as translators. Since the Midland Police Department's workforce is not ethnically reflective of the community, the ten-fifteen police officers serving as translators are having to bridge the gap between a growing minority community and the police. The inquiry concludes that Spanish speaking Midland Police Officers are performing additional work when they are called to translate. Consideration should be given to offering police officers who test proficient, \$50 per month as part of the education/certificate incentives paid by the department.

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INTRODUCTION

The purpose of this research is to provide accurate and relevant information for police administrators and city officials to consider regarding the recognition and compensation of police officers qualified to translate in Spanish. This topic is controversial, but worthy of exploration. Although many public servants are serving as translators, this paper will emphasize police officers. The issue being examined is if requiring police officers to translate is a function of the job or is translating an additional duty beyond the scope of employment. This research will guide departments in the development of policies relating to a Language Proficiency Program.

Police Departments across the country are experiencing the effects of growing minority populations. Demographic studies show that minorities (Hispanic, Black, Asian) will collectively form the majority by the year 2080 (Person 619). The ability to communicate effectively with this growing community is becoming more difficult for public service organizations. Despite noble efforts, police departments have not diversified demographically to keep up with these changes. Diversifying police departments may alleviate this problem.

In conversations with Spanish speaking police officers, they feel inconvenienced by the number of times they are called to translate. These police officers experience frustration at a system they perceive as taking advantage of their position and skill. Bilingual police officers also initiate many public service contacts that are unsolicited by the public, where they must speak Spanish. However, this paper focuses on police officers being called to translate for non-Spanish speaking police officers.

In dealing with this dilemma, police organizations have several options. Short term alternatives include doing nothing to address the problem, have complainants get their own translator before calling for police assistance, have a list of certified translators on-call to respond as needed, or recognize employees who can translate proficiently. Doing nothing to address the problem is not feasible. Citizens demand police action when they call for assistance. Requiring

complainants to get their own translator is impractical. Citizens may not have that resource available. Having a list of certified translators on-call would alleviate the problem. The cost for a certified translator would be \$120 for ½ day and \$240 for a full day (Montez 1996). The downside to this proposition would be the time needed for a translator to respond where needed. The final short term alternative is to value the employees already on duty and to recognize them for language proficiency. A long term solution could be to bring the ethnicity of police departments closer to that of the community served.

Progressive departments are taking action to address this critical issue in law enforcement. The Midland Police Department has recognized the need to improve its relationship with a growing Hispanic community. The department offers a Citizen's Police Academy taught entirely in Spanish by select police officers and civilian personnel. The third Citizen's Police Academy is scheduled to begin in early October 1996. The academy is fashioned after the popular Citizen's Police Academy's that we have taught in English for a number of years. Non-English speaking citizens discover policing in a positive learning environment. Citizens' questions include, What percentage of collected fines are paid to the police officer who writes the citation? Does the law allow police officers to beat prisoners? These questions and myths make it critical for police departments to have police officers who can communicate effectively and dispel these beliefs.

HISTORICAL CONTEXT

Police officers serving as translators are not a new phenomenon. Isidro "Sid" Trevino became a Midland Police Officer in 1953. Being the lone Hispanic police officer in the area, Trevino was often called to other jurisdictions to assist in investigations involving non-English speaking persons. "When there was a criminal case, like a murder, and there was a Hispanic involved in it, and they could not communicate with him, they would call me and I would go to their town, and I would help them out" (Isidro "Sid" Trevino 1992). Trevino provided a great

service not only to his community, but to the entire Permian Basin of West Texas. Since the time Trevino worked for the department, there have been many changes in personnel with the number of Spanish speaking police officers increasing.

In the Spring of 1992, two Midland patrol officers were having a discussion on a back channel of the recently purchased 800 megahertz radio system. The new radio system had two primary channels and at least six back channels accessible to patrol officers. As the patrol officers discussed where they were going to clear for their supper break, one patrol officer told the other to hurry up because, “tengo hambre,” which meant “I am hungry” in Spanish. The patrol officers continued their tour of duty after taking a meal break. Both patrol officers reported for duty the following day. During roll call, they were confronted by their shift commander. The lieutenant admonished the police officers and told them Spanish was not approved to be spoken over the police radio, regardless of the channel it was spoken on. The lieutenant held up a copy of a Midland Police Department policy that clearly stated, “English will be the only language spoken on the police radio” (Midland Police Department). The patrol officers did not respond. A few days later, several Spanish speaking police officers united and approached the chief of police (Concerned Employees 1992). The police officers requested the policy be changed. With the new radio system, police officers had many more channels to use and should not be restricted from speaking Spanish. The police officers explained to Chief Czech that they felt discriminated against. The police officers asked: Why was it that the department saw it fit to send Spanish speaking police officers all over town to serve as translators, however, these same police officers were prohibited from speaking Spanish when they chose to? Chief Czech decided to change the policy which now states that English will be the only language spoken on the two primary policy frequencies. Police officers are now allowed to speak Spanish on any channel other than the two primary frequencies.

This confrontation brought attention to the entire subject of police officers serving as

translators. In reviewing the City of Midland job description, translating is not specifically expressed as an essential function of the job. Under the broad category of “other important duties,” is the general statement, “perform all other duties as assigned” (Job Specification-Police Officer). After reviewing the job description, police officers began questioning the validity of being ordered to translate.

There are many examples where Spanish speaking police officers are called to translate. These police officers feel they are being forced to do additional work. When a police officer stops a person suspected of driving while intoxicated and the suspect cannot speak English, the police officer must call for a Spanish speaking police officer. To avoid two police officers doing the work that could be done by the Spanish speaking police officer, the originating police officer can resume his duties, forcing the Spanish speaking police officer to complete the process. The originating police officer must only complete a short report on the probable cause of the initial traffic stop. The Spanish speaking police officer is forced to document the sobriety test, the actual arrest of the person, the videotaped interview, the statutory warning, and the actual intoxilizer exam. This time consuming assignment prevents the Spanish speaking police officer from initiating his own police activity and requires him to serve as a translator at the leisure of other police officers. Spanish speaking police officers feel exploited. In another example, when a department has 30 detectives, with only one speaking Spanish, the demand for his skills can be great. In this situation, the Spanish speaking detective also happens to be a lieutenant. Since he is the one detective who can speak Spanish, this lieutenant is the only mid-manager in the police department that is forced to perform his duties not only as a lieutenant, but as a detective. Assigned a caseload like other line officers, the lieutenant has to make contacts on cases, interview suspects and victims, and assist other detectives with their cases. These examples are only a few that are experienced daily. These illustrations support arguments that police officers do perform additional duties when they must also serve as translators.

REVIEW OF LITERATURE OR PRACTICE

There is limited information on the topic of compensation or recognition of employees who have the ability to translate, or to perform other police duties which may be outside the scope of employment. I did find data and survey results that suggest that when the ethnicity of police departments is closely reflective of the communities they serve, that the translating issue can become a non-issue.

EMPLOYEE COMPENSATION

Different agencies and organizations have tried to address the issue. Law enforcement and government agencies found include: Miami Airport Police Department, Customs Inspectors, Palm Beach Police Department, San Antonio Police Department, Los Angeles Police Operators, Houston Police Department, and the City of San Antonio.

The Houston Police Department began its language proficiency program in January 1994. Because of large minority populations, two languages were selected for compensation. They were Spanish and Vietnamese. Police officers are required to take an oral examination to determine their language proficiency before a three-member board of qualified examiners. Police officers are rated on a scale according to proficiency. Those who demonstrate proficiency receive \$150 per month. Police officers are required to recertify every three years (1994).

Customs inspectors in Miami threatened to stop speaking Spanish unless the Treasury Department agreed to discuss pay bonuses for employees who use their language skill. After meeting with Treasury Officials an agreement was made where Spanish speaking Treasury Agents now receive a 5% increase for this skill.

The City of San Antonio compensates bilingual police officers, dog catchers, building inspectors, or anyone else who works with the public \$50 per month for their language skill. Employees must take an hour long test to qualify for the incentive. Compensation is viewed in San Antonio as a reward for a skill that makes it easier for someone to do his or her job. In San

Antonio, they believe that bilingual workers do more work (Odessa American 1996).

Los Angeles Police Department compensates police operators for their ability to speak Spanish. The 5% bonus each month amounts to \$165. Although Los Angeles does not tabulate the number of calls that are forwarded to bilingual operators, it is believed that at least 420,000 or 11% of all calls for service were handled by these operators. This did not include the number of calls for service the bilingual operators answered themselves. The situation in Los Angeles has placed much pressure on bilingual operators. Even with the monetary increase, bilingual operators still feel their work is not appreciated (Odessa American 1996).

There has also been controversy in recognizing the value of bilingual employees in the work place. Los Angeles Police Operators have alleged that they are working in a hostile work environment because they are making more than their monolingual counterparts (Law Enforcement News). At an Office Depot in Delray Beach Florida, bilingual employees began organizing a boycott of the chain, criticizing a policy that emphasizes English-only in business transactions (Odessa American 1996). Employees were using their Spanish speaking skill to promote business within the ethnically diverse community. Groups that propose English only language advocate that no subsidy be paid to people who speak two languages.

ETHNICITY IN POLICING

The research suggests that in order for departments to better relate to communities is for the ethnicity of police personnel to be reflective of the community served. The City of Midland is an ethnically diverse community of more than 100,000 inhabitants. In 1986, Hispanics accounted for 15.6% of Midland's population (Wright 139). In 1990, the census reported an increase in Hispanics to 21.4% of the population. Whites represented 70% of the population and Blacks 8%. This reinforces national studies that report that by the year 2050, the population will be divided almost evenly between minorities and non-Hispanic whites (Swingle). Bringing the ethnic makeup of the police department closer in line with the communities served would relieve

the work load for the few bilingual police officers who are forced to translate and communities would be better able to associate with the police.

The Midland Police Department's application brochure stresses values such as protecting the constitutional rights afforded to every citizen, maintaining trust and confidence, and professional excellence in the department. In order to accomplish these values, Midland has stepped up its recruiting efforts. The research suggests that police officers should be aggressively recruited to reflect the demographic composition of the communities they police, especially in minority neighborhoods (Washington Crime New Services 1). McNamara (1995) reports that minorities who see a police force without minority officers will not believe the police are there to protect them.

Midland has strived to have a workforce that is reflective demographically with the city at large. Tables 1 & 2 show the distribution and ethnicity of Midland police officer in 1993 and 1996.

Table 1 (1993)

	WHITE	HISPANIC	BLACK	TOTAL
SWORN	124/83.2%	20/13.4%	5/3.4%	149
CIVILIAN	30/88.2%	3/8.8%	1/2.9%	34
TOTAL	154/84.2%	23/12.6%	6/3.3%	183

Table 2 (1996)

	WHITE	HISPANIC	BLACK	ASIAN	TOTAL
SWORN	131/82.3%	22/13.8%	4/2.5%	2/1.2%	159
CIVILIAN	44/88%	6/12%	0	0	50
TOTAL	175/83.7%	28/13.4%	4/1.9%	2/.9%	209

These numbers show that the City of Midland Police Department's ethnicity is not reflective of the community served. This data is not unique to Midland. The Austin Police Department's

ethnicity is also not reflective of their community (Austin American-Statesman 1992). The Crime and Justice in Texas (1995) reported that only 16% of all police officers in the State of Texas were Hispanic, while 25.5% of the state population is Hispanic.

The Dallas Independent School District has similar problems. The Latino student population in Dallas has increased to where they now comprise 43.4% of the student body. The district is in dire need for more bilingual teachers. One quarter of the districts enrollment which is over 36,400 students, have limited English skills (Dallas Morning News 1995). Their research found that Latino students related better to Latino teachers who can better understand them. The parents felt comfortable dealing with teachers who could speak Spanish.

SURVEY

I conducted a survey of ten law enforcement agencies in the State of Texas to see how they have addressed this issue. A copy of the survey results is contained in Appendix 1. Questions included the size of the agency, location, number of employees, ethnicity of the department/population served, and if language proficiency was recognized and/or compensated. The results show that three agencies are compensating police officers for their ability to translate. Two others are still in the review process and five are not thinking of compensating police officers. Of the ten agencies, the ethnicity of the El Paso Police Department and El Paso Sheriff's Department were the only ones reflective of the ethnicity of the community. In talking to police officers from these agencies, they feel that compensating employees for translating is not necessary because the agency and community mirror one another.

In comparing and contrasting these findings, I find a majority of concerns being voiced by the rank and file. These are the people actually doing the work. In each agency, employees have spoken out demanding compensation for doing additional work. These claims have not been refuted by employers. Employers also agree that the department should be ethnically reflective of the community served.

DISCUSSION OF RELEVANT ISSUES

The five issues of this research focus on: demographic changes in society, ethnic makeup of police departments, police officers being required to serve as translators or perform other duties, police officers wanting recognition and/or compensation for specialties, and what other police agencies are doing to address this topic.

Demographic studies show that minorities will collectively form the majority by the year 2080. The Midland Police Department recognizes these changes and has taken steps to actively recruit from college institutions that have a large number of minorities such as San Houston State University, Sul Ross State University, and San Marcos State University. However, bringing departments to the level where they are reflective ethnically with the communities they are serving is going to take many years.

The number of police personnel able to translate on the Midland Police Department is about fifteen. With more than 200 employees, these employees stay very busy. The department does not track the number of times bilingual police officers are called to translate. However, it is usual to hear requests for translators daily. The main concern of these employees is that they are being forced to translate when translating is not specified in their job description. Police personnel are not hired because of their ability or inability to speak Spanish. The department recognizes that Spanish speaking employees are being asked to do more and have even taken steps toward increasing the number of personnel who can speak “Survival Spanish” and basic Spanish. These classes are offered to personnel who wants to learn the basics of Spanish.

The Midland Police Department is hesitant to offer compensation and/or recognition to employees who are bilingual. Other police officers have voiced concern that personnel doing other specialties should also be compensated such as: intoxilizer operators, female officers for their ability to search female prisoners, field training officers, and others. Each of these specialties must be thoroughly reviewed through a need analysis to either support or not support

the claim. Regarding some of these areas: The department does provide field training officers one hour of overtime each day they have a probationary police officer in training. Female police officers asked to search female prisoner is not absolute. Male police officers can search female prisoners. However, there are strict standards and policy to guide personnel. Intoxilizer operators are required to maintain certification and proficiency. Consideration for additional compensation should be given to these police officers because they are required to maintain this difficult proficiency and face court scrutiny.

The survey results showed that there are three police departments who are compensating police personnel for language proficiency. The three agencies were Houston, Ft. Worth, and the Harris County Constable Precinct 4. Of these three, I found that the Houston Police Department had done the most comprehensive study. In 1990, a group of Houston Police Officers began studying the possibility of being compensated for translating. The City of Houston's Hispanic and Vietnamese population were growing. Police officers convinced the Mayor and City Council that translating was indeed outside the scope of the job description. By city ordinance, the City of Houston began compensating police officers \$150 each month if they tested proficient in either Spanish or Vietnamese. In talking to Houston Police Officers, they say that many police officers are attending college classes to learn Spanish or Vietnamese in order to take advantage of the incentive.

The constraints and opportunities in compensating police officers for their ability to serve as translators are legitimate. In Los Angeles, Spanish speaking operators reported feeling tension from other monolingual operators who were not receiving language proficiency compensation. A majority of police officers I talked to tend to disagree with any policy that would support compensation for Spanish speaking police officers for language proficiency. The reason I see to justify this position is that non-Spanish speaking majorities in police departments lack understanding of the work involved in translating and the exploitation felt by police officers who

are forced to translate. Should Spanish speaking police officers feel lucky to just have a job?

There are opportunities to be gained for both departments and police officers. The research shows that minority communities relate better with bilingual police officers. Having police officers who already speak Spanish or encouraging others to learn can also provide monetary incentives. Compensation would show police officers that their skill is of value to the organization. The situation that could be created is a Spanish speaking police officers refusing to translate. This would create major organizational problems.

The Midland Police Department has an education/certification incentive program where police officers can earn up to a maximum of \$450 per month. These incentives are paid for completion of : Texas Commission on Law Enforcement Officers Standards and Education Certifications Intermediate (\$60), Advanced (\$110), and Master (\$150)), Associates Degree (\$99), Bachelor's Degree (\$180), Master's Degree (\$230), Doctorate (\$280), the Law Enforcement Management Institute (\$75), and the Federal Bureau of Investigation National Academy (\$75). Compensation for police officers who test proficient in Spanish could be added to this list. Compensating ten to fifteen police officers \$50 per month would cost the department between \$500 and \$750 per month. Based on the cost of hiring translators through the Federal Court, compensating police officers already on duty would be more cost effective. The benefit of having bilingual police officers who are satisfied that their skill is appreciated would be valuable. A system similar to what is being used by the Houston Police Department could be used to test police officers for proficiency.

CONCLUSIONS/RECOMMENDATIONS

The purpose of this research was to provide accurate and relevant information for police administrators and city officials to consider regarding the recognition and compensation of police officers qualified to translate in Spanish. The research has focused on police officers, however, a claim can also be made regarding the recognition and compensation of civilian police personnel

and other public service employees for language proficiency. This issue reaches out to all organizations who are dealing with a demographically diverse population.

Demographic studies show that minority populations are growing across the country. As police departments move toward increasing their minority work force, there is an immediate need to address the issue of police officers having to translate. With police departments not tracking the number of times police officers are requested to serve as translators, it is difficult to determine the daily need. In Midland, it is not the exception, but the rule to hear police officers requesting the services of a Spanish speaking police officer daily. In order for the police to meet their mandate of serving the public, two-way communication is critical. Communities with growing minority populations (Vietnamese, Portuguese, others), must study the need to recognize or compensate police officers who are able to communicate with these citizens.

In studying this issue, it is important to consider two important values. First, one should focus on the position and not the person. There are many people in an organization that are over skilled for the job. It would not be recommended to start compensating employees for their value to the organization. This could be a costly proposition. However, the ability of any police department to accomplish its objective, which is to serve and protect the community, can only be accomplished with police officers who are able to communicate with the community. Secondly, one should contemplate the value of fairness. If police departments are demanding and expecting more from its Spanish speaking police officers, compensation should be considered.

The data suggests that police officers merit compensation consideration for their Spanish speaking skill. The Hispanic population of Midland has grown to more than 25%. With a police department represented by only 13% Hispanics, and only ten to fifteen police officers capable of speaking Spanish, the need to value these employees and their skill is great. An incentive of \$50 should be paid to police officers each month for language proficiency.

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APPENDIX A

Department	Ethnicity of Department				Ethnicity of City				Are Officers Compensated?
	White	Black	Hispanic	Other	White	Black	Hispanic	Other	
Ft. Worth P.D.	85%	10%	5%	--	57%	22%	20%	1%	Yes
Harris County Constables Pct. 4	90%	5%	5%	--	90%	5%	5%	--	Yes
Houston P.D.	69%	16%	15%	--	74%	17%	9%	--	Yes
Waco P.D.	80%	10%	10%	--	60%	23%	16%	--	No?
Jefferson County Sheriff's Office	85%	10%	5%	--	50%	20%	20%	10%	No?
Corpus Christi P.D.	45%	5%	50%	--	45%	5%	50%	--	No
El Paso Sheriff's Office	7%	3%	90%	--	18%	3%	79%	--	No
El Paso P.D.	29%	1%	70%	--	21%	6%	72%	--	No
Huntsville P.D.	95%	2%	3%	--	60%	30%	10%	--	No
Abilene P.D.	75%	6%	19%	--	76%	7%	16%	--	No
Midland P.D.	84%	2%	13%	1%	70%	8%	21%	--	No?