

MONTPELIER POLICE DEPARTMENT

Limited English Proficiency (LEP)	Related Policies:
<i>This policy is for internal use only and does not enlarge an employee's civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can only form the basis of a complaint by this department for non-judicial administrative action in accordance with the laws governing employee discipline.</i>	
Applicable State Statutes:	
CALEA Standard:	
Note-this policy is required for any agency receiving federal funding.	

- I. **Purpose:** The purpose of this policy is to direct this agency's operational procedures when dealing with persons of Limited English Proficiency (LEP)
- II. **Policy:** It is the policy of this agency to provide equal protection and service to all persons. Toward this end the agency recognizes that officers will have contacts with individuals who have limited English proficiency and will take steps to ensure that these individuals receive equal services and treatment.
- III. **Definitions:**
 - A. **Limited English Proficiency Individual:** Individuals who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English can be limited English proficient, or "LEP." These individuals may be entitled to language assistance with respect to law enforcement services.
 - B. **Bilingual:** Fluency in two languages who are able to conduct law enforcement operations in either of the two languages.
 - C. **Interpretation:** involves the immediate communication of meaning from one language (the source language) into another (the target language). An interpreter conveys meaning orally, while a translator conveys meaning from written text to written text.
- IV. **Procedure:**
 - A. **Agency Responsibilities:**
 - a. This agency will take all reasonable steps to ensure that persons of limited English Proficiency have meaningful access to the services of this agency in accordance with a balancing of the following four factor test:
 - i. The number or proportion of LEP persons eligible to be served or likely to be encountered by this agency (In other words, demographically does the Town

or City have an LEP population group and if so what is the group and what is the level of the population proportionally);

- ii. The frequency with which LEP individuals come into contact with this agency;
- iii. The nature and importance of the particular services rendered by this agency, i.e. suspect, victim, complainant etc., and
- iv. The resources available to this agency and the cost of the particular step to be taken by the agency.

- b. Forms which are regularly provided to the public in English shall be translated to and provided for regularly encountered languages.
- c. The agency will maintain a language assistance plan which describes the translation and interpretation services the law enforcement agency plans to provide. (These services can include bilingual staff, contract interpreters and translators, private vendors accessible via telephone, or referral to the language services provided by other governmental agencies or non-profit organizations.)
- d. All sworn members as well as non-sworn members having public contact shall be trained regarding the language assistance plan with an emphasis on how to utilize the available resources.

B. Staff responsibilities: Sworn and non-sworn personnel shall take all reasonable steps to provide services to person of limited English proficiency.

a. Suspects:

- i. If an in-custody suspect is to be questioned, Officers shall ensure that suspects receive all constitutional rights in their native language by a certified interpreter. Officers will not use family, friends, or non-certified interpreters for this task.
- ii. If a suspect is going to be asked to consent to any procedure or search, the officers shall ensure that the suspect is asked for consent by a bilingual employee, a certified interpreter, or, after ensuring that the suspect can read, by use of a consent form translated to the suspect's native language.
- iii. If a suspect is to be held by the department in a holding cell, officers shall ensure that an appropriate method of medical and mental health screening which is normally done in English, is equally conducted in the detainee's native language.

b. Victims:

- i. Officers shall take all necessary steps obtain information from victims. Officers may use family, friends, or other persons present where immediate translation is necessary to quickly investigate or attempt to apprehend a suspect.
- ii. In serious cases, a victim's subsequent statements shall be taken by a bilingual employee or certified interpreter.

c. Witnesses:

- i. Officer shall ensure that all necessary information is obtained from witnesses to a crime, accident, or other law enforcement event requiring such

statements. In cases where time is of the essence officers may use others to assist in the immediate interpretation of the witnesses observations.

- ii. Where time is not of the essence and the officer is investigating a serious event, the officer shall seek the assistance of a bilingual employee or a certified translator.

d. Others Seeking Services:

- i. Officers shall take all reasonable steps, within the constraints of the resources of this agency, to provide services to any person of limited English proficiency to include reasonable efforts for an interpretation or translation of communications.

e. Other Services:

- i. Any programs or services which this agency conducts shall be reviewed to determine the demographic makeup of the target audience.
- ii. In cases where the target audience includes a proportion of LEP individuals, the agency shall take steps to deliver the program in a manner which enables the participation of those individual with LEP.