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41.12 ***Limited English Proficiency (LEP)***


The *Department* recognizes the importance of effective and accurate communication between its *employees* and the community; language barriers can impede, inhibit or even prohibit such communication. It is the policy of the *Department* to take reasonable steps to provide timely, meaningful access to the *Department's* programs and services for persons with *limited English proficiency*.

41.12.1 **Definitions**

- A. Primary Language means an individual's native tongue or the language in which an individual most effectively communicates. *Department employees should avoid assumptions about an individual's primary language. Employees should make every effort to ascertain an individual's primary language to ensure effective communication.*
- B. *Limited English proficiency* designates individuals whose *primary language* is not English and who have a limited ability to read, write, speak, or understand English. *LEP* individuals *may* be competent in certain types of communication (e.g., speaking or understanding), but still be *LEP* for other purposes (e.g., reading or writing). Similarly, *LEP* designations are context-specific: an individual *may* possess sufficient English language skills to function in one setting, but these skills *may* be insufficient in other situations.
- C. Interpretation is the act of listening to a communication in one language (source language) and orally converting it to another language (target language) while retaining the same meaning.
- D. Translation is the replacement of written text from one language (source language) into an equivalent written text in another language (target language).
- E. *Bilingual* refers to the ability to use two languages proficiently.

41.12.2 **Provision of Services**

Given the variety of ways in which *Department employees* interact with members of the community and the large number of languages that *may* be encountered, the *Department will* provide services to *limited English proficiency* persons through an

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ongoing effort to balance the four considerations, or factors, recommended for consideration by the U.S. Department of Justice:

1. The number or proportion of *LEP* persons encountered in the *Department's jurisdiction* or geographical area, including any seasonal, tourism, or other variations in the *LEP* population;
2. The frequency of contact between *LEP* individuals and the *employees* of the *Department*, its programs and services;
3. The nature and importance of the various types of encounters the *Department* has with *LEP* persons; and
4. The resources available to the *Department* and the costs associated with providing language services.

While all law enforcement activities are important, the four-factor analysis allows the *Department* to prioritize types of language services, and to ensure that appropriate language assistance resources are promptly available where most needed.

41.12.3 Available Services to Persons of *Limited English Proficiency*

- A. The *Department* will endeavor to provide assistance to *LEP* individuals using a variety of methods, including:
 1. Public notice of available services – notice shall be posted in the lobby of all police stations and police facilities that are open to the public of the availability of free language services for *LEP* persons. Translated forms and pamphlets, or a list of available translated forms and pamphlets, shall also be posted.
 2. Bilingual employees – individual employees who are proficient in two languages. If employees of this Department are not available, employees from other Town departments or surrounding law enforcement agencies may be used.
 3. Telephone interpreter service – the Communications section of the Department will maintain a list of telephonic interpreter services which

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may be contacted to assist employees in their communications with persons with limited English proficiency.

4. Volunteers – the Department will develop and maintain a list of qualified community volunteers who are able to provide interpreter services. These volunteers may be recruited from local community organizations, churches, businesses and educational institutions.
 5. Translated forms and documents – the Department will identify frequently used or vital forms and will arrange to have these forms translated into the languages commonly represented within the jurisdiction or geographic area served. The list of translated forms that is available at each station or substation should be posted in the lobby of all police stations and substations.
 6. Audio recordings – the Department may create audio recordings of critical information in the languages commonly represented within the jurisdiction or geographic area served. Such audio recordings may include, for example, the announcement of the service of a search warrant or arrest warrant.
 7. In-person translators – if available given Department resources, in-person translators may be requested in those situations in which they are absolutely necessary for effective handling of particular situation. Requests for in-person translators shall be referred to the division Commander for approval.
- B. Department employees should use family, friends or bystanders only for interpreting in very informal, non-confrontational contexts, and only to obtain basic information at the request of the LEP individual. Using family, friends, or bystanders to interpret could result in a breach of confidentiality, a conflict of interest, or an inadequate interpretation. Barring exigent circumstances, Department employees should not use minor children to provide interpreter services.

41.12.4 Procedures for Accessing *Interpretation* Services

41.12.4.1 9-1-1 Communications with *LEP* Callers



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- A. When a dispatcher receives a call and determines that the caller is *LEP*, the dispatcher *shall* inform the *LEP* caller that he or she *will* be placed "on hold." If the language is known, the dispatcher *shall* immediately determine whether there is a *bilingual employee on duty* who can respond and, if so, immediately establish a three-way call and follow the standard operating procedures used for all 9-1-1 calls.
- B. If there is no available *bilingual employee*, the dispatcher *will* contact the contracted telephonic *interpretation* service, establish a three-way call, and follow the standard operating procedures used for all 9-1-1 calls.
- C. The dispatcher *will* note that the 9-1-1 caller is an *LEP* individual and indicate the language, so that this information is provided to responding *officers*. Dispatchers *will* make every effort to dispatch a *bilingual officer* to the assignment, if available.

41.12.4.2 **Employees Requesting Interpretation Services**

Field situations vary widely in both importance and complexity. *Officers* have the responsibility, when in contact with any person, to ensure effective communications occurs. When dealing with a person with *LEP*, complete *translation* services *will* not be available in every circumstance. It is important that *officers* endeavor to provide effective communication, including at minimum the reason for the contact with the individual, any information needed and the meaning of any enforcement action that is taken. *Department employees* in the field in need of *interpretation* services in order to effectively communicate *will* attempt to identify the *LEP* individual's *primary language* (<https://www.dhs.gov/xlibrary/assets/crcl/crcl-i-speak-poster.pdf>) and request a *bilingual employee* or other *LEP* resource through Communications.

41.12.5 **Interrogation, Interviews, and Bookings**

- A. Criminal interrogations and interviews of witnesses and *victims* potentially involve statements with evidentiary value upon which a witness *may* be impeached in court. *Officers must* recognize that miscommunication during the interrogations or crime witness interviews *may* have a substantial impact on the *evidence* presented in any related criminal prosecution. Accuracy in *interpretation* in these situations is critical.

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- B. *Miranda warnings* and all other vital written materials *will* be available to the suspect or witness in his or her *primary language*. In the case of a language into which forms have not been translated and in the case of illiteracy, forms *will* be read to the suspect or witness in his or her *primary language* using a *bilingual employee* or if none is available, other *LEP* services.
- C. During the booking process, arrestees are queried on a number of critical issues, including medical condition of the arrestee, any required medications, and suicidal inclinations, among other things. *Officers* are to make every reasonable effort to ensure effective communication during the booking process.

41.12.6 Training; Language Assistance Policy and *Interpreter* Skills

The *Department* will provide periodic training to *employees* about the *Department's LEP* policies, how to access assistance for *LEP* persons and how to effectively work with telephone and in-person *interpreters*. Training *shall* initially be conducted for new recruits during field training, and for all *Department employees* every two years. Training *shall* include all management *personnel*.

41.12.7 Monitoring And Updating Language Assistance Efforts

The *Police Chief* may appoint a *LEP* Coordinator who is responsible for coordinating and implementing all aspects of the *Department's* services to *LEP* individuals, including:

- A. Assessing demographic data, reviewing contracted language access services utilization data, and consulting with community-based organizations to ensure that the *Department* is providing meaningful access to *LEP* persons in all *Department* programs or activities and *translations* of vital documents into needed languages.
- B. Annually reviewing all new documents issued by the *Department* and assessing whether they *should* be translated.
- C. Ensuring that the required signage is posted and visible to the general public at all stations and facilities that are open to the public.
- D. Establishing systems for and collecting data concerning *LEP* contacts by *Department* personnel.



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- E. Maintaining all records and files on community review, documents translated by the Department, LEP contact data, and analyses done of LEP data.

41.12.8 Complaint Procedures for *LEP* Persons

Any *LEP* individual who wishes to file a complaint with the *Department* regarding language access, or the discharge of *Department's* duties, *shall* be provided with translated complaint forms, if available. The assigned investigator *should* utilize the contracted in-person *interpretation* services when conducting any interviews of *LEP* complainants or witnesses. The investigator *will* provide notice of the disposition of any *LEP* complaint in the complainant's *primary language, if feasible*.

In the event of a meeting or hearing that involves the complainant, the *Department will* ensure that an *interpreter* is available.