

**POLICY
368**

**EFFECTIVE
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**Eugene
Police Department**



Limited English Proficiency Services

368.1 PURPOSE AND SCOPE

Language barriers can sometimes inhibit or even prohibit individuals with limited English proficiency (LEP) from gaining meaningful access to, or an understanding of, important rights, obligations, and services. It is therefore the policy of this department to take all reasonable steps to ensure timely and equal access to all individuals, regardless of national origin or primary language at no cost to the individual (*Title VI of the Civil Rights Act of 1964, § 601, 42 USC 2000d*).

368.1.1 DEFINITIONS

Limited English Proficient (LEP): 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.

Interpretation: 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.

Translation: The replacement of written text from one language (source language) into an equivalent written text (target language.)

Bilingual: The ability to communicate in two languages fluently, including the ability to communicate technical and law enforcement terminology. Bilingual includes a variety of skill levels. For example, some bilingual individuals may be fluent enough to engage in direct communications in a non-English language, but insufficiently fluent to interpret or translate from one language into another. For example, a bilingual individual, depending on his or her skill level, could be utilized to communicate fluently in a non-English language, but not to interpret between two languages if he or she does not possess the specialized skills necessary to interpret between two languages effectively. In order to be utilized to interpret or translate from one language into another an individual must possess the skill, training, and demonstrated competence to do so. For purposes of this policy, in order to be identified as bilingual, employees must initially and periodically demonstrate, through a procedure to be established by the Department, their level of skill and

competence such that the Department is able to determine the purposes for which an employee's language skills may be used.

Authorized interpreter: A Eugene Police Department employee who is bilingual and has successfully completed department-prescribed interpreter training and who is authorized to act as an interpreter or translator.

368.2 FOUR-FACTOR ANALYSIS

Since there are potentially hundreds of languages department personnel could encounter, the Department will utilize the four-factor analysis outlined in the Department of Justice LEP Guidance to Federal Financial Assistance Recipients in determining which measures will provide reasonable and meaningful access to various rights, obligations, services, and programs to everyone. It is recognized that law enforcement contacts and circumstances will vary considerably. This analysis, therefore, must remain flexible and requires an ongoing balance of the following four factors:

- (a) The number or proportion of LEP individuals eligible to be served or likely to be encountered by department personnel or who may benefit from programs or services within the Department's jurisdiction or a particular geographic area.
- (b) The frequency with which LEP individuals are likely to come in contact with department personnel, programs, or services.
- (c) The nature and importance of the contact, program, information, or service provided.
- (d) The cost of providing LEP assistance and the resources available.

As indicated above, the intent of this analysis is to provide a balance that reasonably ensures meaningful access by LEP individuals to critical services while not imposing undue burdens on the Department or department personnel.

368.2.1 IDENTIFICATION OF LEP INDIVIDUAL'S LANGUAGE

The Department will utilize all reasonably available tools, such as language identification cards, when attempting to determine an LEP individual's primary language in an effort to avoid misidentifying that language.

368.3 TYPES OF LEP ASSISTANCE AVAILABLE

Depending on the balance of the above four factors, this department will make every reasonable effort to provide meaningful and timely assistance to LEP individuals through a variety of services, where available. LEP individuals may elect to accept interpreter services offered by the Department at no cost or choose to provide their own interpreter services at their own expense. Department personnel should document in any related report whether the LEP individual elected to use interpreter services provided by the Department or some other source. Department-provided interpreter services may include, but are not limited to, the assistance methods described below.

368.3.1 BILINGUAL STAFF

Employees utilized for LEP services need not be certified as interpreters. Employees who serve as interpreters and/or translators must have demonstrated competence in both

English and the non-English language involved and knowledge of the functions of an interpreter, including but not limited to the ethics requirements of interpretation (e.g., accuracy, completeness, confidentiality, impartiality, professionalism, avoidance of any conflict of interest). When bilingual employees of this department are not available, employees from other city departments who have the requisite training may be requested.

368.3.2 WRITTEN FORMS AND GUIDELINES

This department will determine the most frequently used and critical forms and guidelines and translate these documents into the languages most likely to be requested. The Department will arrange to make these translated forms available to department personnel and other appropriate individuals.

368.3.3 AUDIO RECORDINGS

From time to time, the Department may develop audio recordings of important information needed by LEP individuals for broadcast in a language most likely to be understood by involved LEP individuals.

368.3.4 TELEPHONE INTERPRETER SERVICES

The Communications Manager will maintain a list of qualified interpreter services (e.g., Language Line, qualified individuals) which, upon approval of a supervisor, can be contacted to assist LEP individuals.

368.3.5 COMMUNITY VOLUNTEERS AND OTHER SOURCES OF INTERPRETATION

Where competent bilingual department personnel or other City-certified staff are unavailable to assist, responsible members of the community who have demonstrated competence in either monolingual (direct) communication and/or in interpretation and translation (as noted in § 368.3.1 above) may be called upon to assist in communication efforts. Sources for these individuals may include neighboring police departments, university languages and linguistics departments, local businesses, banks, churches, neighborhood leaders, and school officials. Department personnel should ensure that community members are able to provide unbiased assistance. The nature of the contact and relationship between the LEP individual and the individual offering services must be carefully considered (e.g., victim/suspect). Consider having the community volunteer sign a confidentiality agreement before using the person's services.

Except for exigent or very informal and non-confrontational circumstances, the use of an LEP individual's bilingual friends or family members, particularly children, is generally not recommended, and department personnel will make case-by-case determinations on the appropriateness of using such individuals. (For further guidance see Section V(3) of the DOJ Final Guidance available at the DOJ [website](#).)

368.3.6 PROFESSIONAL INTERPRETERS

With approval of a supervisor, where circumstances dictate (e.g., a complex case where accurate translation is critical), the services of a professional interpreter may be utilized.

368.4 LEP CONTACT SITUATIONS AND REPORTING

Whenever any member of this department is required to complete a report or other documentation and interpretation or translation services are provided to any involved LEP

individual, such services should be noted in the report.

368.4.1 RECEIVING AND RESPONDING TO REQUESTS FOR ASSISTANCE

In order to provide LEP individuals with meaningful access to police services when they are victims of, or witnesses to, alleged criminal activity or other emergencies, this department has designated emergency calls to its 911 lines as its top priority for language services. Department personnel will make every reasonable effort to promptly accommodate such LEP individuals utilizing 911 lines through any or all of the above resources.

While 911 calls will receive top priority, it is also important that reasonable efforts be made to accommodate LEP individuals seeking more routine access to services and information from this department by utilizing all the methods listed in § 368.3 above.

368.4.2 EMERGENCY CALLS TO 911

When a 911 calltaker receives a call and determines that the caller is an LEP individual, the calltaker should quickly determine whether or not sufficient information can be obtained to initiate an appropriate emergency response. If language assistance is still needed, the calltaker will immediately use the contracted telephonic interpretation service directly for assistance in completing the call.

Dispatchers will make every reasonable effort to dispatch a bilingual officer to the assignment, if available.

368.4.3 FIELD ENFORCEMENT AND INVESTIGATIONS

Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control, and other routine field contacts which may involve LEP individuals. The scope and nature of these activities and contacts will inevitably vary. Department personnel must assess each situation to determine the need and availability for translation services to all involved LEP individuals and utilize the methods outlined in § 368.3 to provide appropriate language assistance.

Although not every situation can be addressed within this policy, it is important that department personnel are able to effectively communicate the reason for a contact, the need for information, and the meaning or consequences of any enforcement action taken with an LEP individual. It would, for example, be meaningless to request consent to search if the person making the request is unable to effectively communicate with the LEP individual.

368.4.4 INVESTIGATIVE INTERVIEWS

In any situation where the translation of an interview may contain information that might be used in a criminal trial, it is important to take certain steps to improve the chances of admissibility. This includes interviews conducted during an investigation with victims, witnesses, and suspects. In such situations, audio recordings of the interviews should be made when reasonably possible. Identifying and contact information for the interpreter (e.g., name, address) should be documented so that the person can be subpoenaed for trial if necessary.

Any person selected as an interpreter and/or translator must have demonstrated competence in both English and the non-English language involved and knowledge of the

functions of an interpreter/translator that allows for correct and effective translation, and should not be a person with an interest in the case. The person providing interpretation or translation services may be required to establish the accuracy and trustworthiness of the interpretation or translation to the court.

368.4.5 CUSTODIAL INTERROGATIONS AND BOOKINGS

In an effort to ensure the rights of LEP individuals are protected during arrest and custodial interrogation, this department places a high priority on providing competent interpretation during such situations. It is further recognized that miscommunication during custodial interrogations may have a substantial impact on the evidence presented in any related criminal prosecution.

In order to ensure that translations during criminal investigations are documented accurately and admissible as evidence, audio recordings of interrogations, victim interviews, and witness interviews should be used whenever reasonably possible.

Medical screening questions are commonly used to elicit information on individual's medical needs, suicidal inclinations, presence of contagious diseases, potential illness, resulting symptoms upon withdrawal from certain medications, or the need to segregate the arrestee from other prisoners; therefore it is important for members of this department to make every reasonable effort to provide effective language services in these situations.

368.4.6 COMPLAINTS

The Department will ensure access by LEP persons who wish to file a complaint regarding the discharge of department duties by ensuring that they are provided with information as to how to contact the Police Auditor.

368.4.7 COMMUNITY OUTREACH

Community outreach programs and other such services offered by this department have become increasingly recognized as important to the ultimate success of more traditional law enforcement duties. As such, this department will continue to work with community groups, local businesses, and neighborhoods to provide equal access to such programs and services to LEP individuals and groups.

368.5 TRAINING

In an effort to ensure that all employees in public contact positions (or having contact with those in custody) are properly trained, the Department will provide periodic training to personnel about department LEP policies and procedures, including how to access department-authorized telephonic and in-person interpreters and other available resources. LEP training will be provided for new employees and refresher training will be provided at least once every two years thereafter.

368.6 INTERPRETERS AND TRANSLATORS

Employees called upon to interpret, translate, or provide other language assistance will be trained annually on language skills competency (including specialized terminology) and ethical considerations.

- (a) Assessment: The Eugene Police Department personnel identified as bilingual who are willing to act as authorized interpreters will have their language skills assessed by a professional interpreter using a structured assessment tool established by the Department. Those employees found proficient in interpreting into and from the target language will be placed conditionally on the Authorized Interpreters List.
- (b) Training: All personnel conditionally placed on the Authorized Interpreters List must successfully complete the prescribed interpreter training within one year. After successful completion of interpreter training, the individual will be unconditionally placed on the Authorized Interpreters List. To complete interpreter training successfully, an interpreter must demonstrate proficiency in and ability to communicate information accurately in both English and in the target language; have knowledge in both languages of any specialized terms or phraseology used by the LEP person; and understand and adhere to the interpreter role without deviating into other roles such as counselor or legal advisor.
- (c) Refresher Course for Authorized Interpreters: Those persons who have been unconditionally placed on the Authorized Interpreters List must receive refresher training annually or they will be removed from the Authorized Interpreters List. The Training Section will be responsible for coordinating the annual refresher training and will maintain a record of training that the interpreters have received.

The LEP Coordinator will ensure that the Authorized Interpreters List is kept current and a copy of the current list is forwarded to Central Lane Communications.

368.7 SUPPLEMENTAL MATERIALS PROVIDED TO DEPARTMENT EMPLOYEES

The following materials will be made available to employees to assist in providing access and service to LEP individuals:

- Listing of bilingual employees, languages spoken, contact and shift information.
- Listing of department-certified interpretation services bilingual interpreters, languages spoken, contact and availability information.
- Phone number and access code of telephonic interpretation services.
- Language identification card.
- Translated *Miranda* warning cards and other frequently used translated documents.
- Any audio recordings/warnings that are developed in non-English languages.

368.7.1 MONITORING AND UPDATING LANGUAGE ASSISTANCE EFFORTS

The Chief of Police will appoint an LEP Coordinator who is responsible for coordinating and implementing all aspects of the Eugene Police Department services to LEP individuals.

The LEP Coordinator will assess demographic data, review contracted language access services utilization data, and consult with community-based organizations annually in

order to determine if there are additional languages into which vital documents should be translated.

The LEP Coordinator will also be responsible for annually reviewing all new documents issued by the Eugene Police Department to assess whether they should be considered vital documents and be translated.