

<p style="text-align: center;"><b>East Haven Police Department</b></p> 	<b>Type of Directive:</b> <b>Policies &amp; Procedures</b>		<b>No. 301.4</b>
	<b>Subject/Title:</b> <b>Language Assistance Plan</b>	<b>Issue Date:</b> <b>November 29, 2016</b>	
		<b>Effective Date:</b> <b>January 1, 2017</b>	
	<b>Issuing Authority:</b> <b>Honorable Board of Police Commissioners</b>	<b>Review Date:</b> <b>Annually</b>	
<b>References/Attachments:</b> N/A		<b>Rescinds:</b> <b>301.3</b>	<b>Amends:</b> <b>N/A</b>

## I. PURPOSE

- A. The purpose of this directive is to set forth the policies and procedures of the East Haven Police Department regarding effective guidelines, consistent with Title VI of the Civil Rights Act of 1964 and the Omnibus Crime Control and Safe Streets Act of 1968, for departmental personnel to follow when providing services to, or interacting with, individuals who have Limited English Proficiency (LEP).
- B. Limited English Proficient (LEP) persons refers to those individuals whose primary language is not English and who are unable to effectively read, write, speak or understand English.

## II. POLICY

- A. It is the policy of the East Haven Police Department that members will take reasonable steps to provide timely, meaningful access for persons with limited English Proficiency (LEP) to the services and benefits the EHPD provides. To that end the Department has created the Language Assistance Plan (LAP) reflected by this directive.
- B. In implementing this policy, the Department will inform members of the public that language assistance services are available free of charge to LEP persons, provided through the Department's Language Assistance Plan (LAP), a part of the Department's community policing and enforcement efforts. All EHPD personnel shall provide free language assistance services to LEP individuals whenever an LEP individual requests language assistance services or it is evident that the individual is unable to effectively read, write or understand English.

### **III. Definitions**

- A. A primary language is an individual's native tongue or the language in which an individual most effectively communicates. The EHPD personnel 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). 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.
- F. EHPD Authorized Interpreter (EHPDAI) is a bilingual EHPD employee who has been authorized to interpret for others in certain situations.
- G. EHPDAI List is an accounting of EHPD personnel who are bilingual and are authorized to act as interpreters. The Training Division will create and maintain the list and provide it to Dispatch.

### **IV. GENERAL GUIDELINES AND CONSIDERATIONS**

- A. Language barriers can sometimes inhibit or even prohibit individuals with limited English proficiency (LEP) from accessing and/or understanding important rights, obligations, and services, or from communicating accurately and effectively in difficult situations. Hampered communication with LEP victims, witnesses, alleged perpetrators, and community members can present the EHPD with safety, evidentiary, and ethical challenges. Ensuring maximum communication ability between law enforcement and all segments of the community serves the interests of all.

### **IV. THE PROCESS FOR SELECTING SPANISH AS THE PRIMARY LANGUAGE FOR THE LANGUAGE ASSISTANCE PLAN**

- A. The East Haven Police Department utilized the U.S. Department of Justice's "Four Factor Analysis,"<sup>1</sup> from Title VI, to determine which LEP populations will be served.
  - 1. EHPD conducted a demographic analysis of data obtained from the U.S. Census Bureau and the American Community Survey, administered by the US Census

Bureau (Factor 1). The EHPD also analyzed data from City-Data.com, and the National Center for Education Statistics.

2. Pursuant to examination of these data, the Department identified the most commonly used language by LEP individuals as **Spanish**. Therefore, the Department will use Spanish as the language that has been identified for its language assistance plan. Essential public documents will be translated into Spanish as practicable.
3. On a case by case basis the Department shall take reasonable steps to provide timely, meaningful access to all persons with limited English Proficiency (LEP) to the services and benefits the EHPD provides in all EHPD programs and activities.

## **V. NOTIFYING THE PUBLIC ABOUT EHPD'S LANGUAGE SERVICES**

### **A. Language Assistance Coordinator (LAC)**

1. The chief shall appoint a sworn member to serve as the EHPD Language Assistance Coordinator. The duties and responsibilities of the LAC are
  - a. Coordinating the implementation of all aspects of the EHPD's services to LEP individuals.
  - b. Reviewing the Department's Language Line usage and requests for EHPDAI's (see below) to see that EHPD is adequately addressing the needs of LEP individuals.

### **B. Signage**

1. At each EHPD building public entry point and lobby, the LAC shall post signage in Spanish stating that interpreters are available free of charge to LEP individuals. The EHPD shall also maintain translated written forms and documents for LEP individuals.
2. The LAC shall post notification of the availability of translated forms and documents in the public lobby of the EHPD to inform LEP persons about which forms are translated.
3. Additionally, language identification cards will be posted to enable the LEP person to point to the language he speaks so the employee can inform the Language Line interpreter of the language required for interpretation.

### **C. Website**

1. The Police Department will post various items on its website that are translated into Spanish such as announcements and other information.

### **D. Translation of Written Material**

1. This plan shall be translated into Spanish (and other languages if deemed appropriate) and will be available in Spanish in any locations where the plan is posted in English.

2. In addition, the Department will translate written materials that are distributed to the public (pamphlet, flyer, notice, poster, etc.) when reasonable.
3. Additional languages will be added or removed as deemed necessary through annual reviews conducted.
4. Should a Commanding Officer identify a need for a specific document to be translated, a memorandum will be forwarded to the LAC. The LAC will review the request; confirm that no similar document has already been translated; and then process the request through the appropriate vendor.

E. Cell phones

1. The Department will provide cell phones to patrol supervisors with the Language Line number programmed to provide access to language interpretation services to members in the field.

## **VI. HIRING GOALS FOR BILINGUAL STAFF**

- A. The Town will use demographic data from public sources and service data collected to assist in hiring bilingual staff to meet the needs of LEP residents in the Town, in accordance with Town of East Haven Civil Service rules and regulations.
- B. Recent changes to Civil Service regulations have created incentives for foreign language proficiency by adding points to the score on applications of qualified applicants who speak another language in addition to English.

## **VII. PROFICIENCY OF EHPDAI STAFF**

- A. The LAC will identify outside experts to determine the qualifications of bilingual staff to act as EHPDAI's and arrange their designation for this role.
- B. Once certified as EHPDAI's, these Department members will be required to verify their proficiency on a biennial basis. EHPDAI's will not be required to verify their proficiency after initial testing if the language tested is their native language or they have scored in the Advanced, Superior, or Distinguished categories as rated by the American Council on the Teaching of Foreign Languages (ACTFL) or at the Advanced or Educated Professional Level as rated by the Language Proficiency Test administered by the LanguageLine Academy.

## **VIII. HIRING OF CONTRACT INTERPRETERS**

- A. If no EHPDAI interpreter is available and contracted interpreters are needed for in-person interpretation, services shall be available to all EHPD personnel when interacting with LEP individuals. The Shift Commander or Dispatch will be the central conduit for connecting personnel in the field to an appropriate interpreter.

## **IX. TRAINING OF EHPD PERSONNEL**

- A. A minimum of one hour of training will be provided for instruction on the Department's Language Assistance Plan to inform officers of the procedures to follow in obtaining

interpretation services for LEP individuals while in the field or in a Department facility. Training shall also be given during roll call.

- B. Training sessions are specifically designed to train personnel in how to:
  - 1. Identify a customer's primary language.
  - 2. Use the Department LAP cell phone.
  - 3. Work with telephonic interpreters.
  - 4. Work with interpreters.

## **X. PROCEDURES FOR ACCESSING INTERPRETATION SERVICES**

### **A. Calls to 9-1-1**

#### **1. 9-1-1 Communications with LEP Callers**

- a. Dispatchers, supervisors, and other call takers will be required to dispatch an EHPDAI to an incident involving an LEP individual if necessary and/or requested when the EHPDAI is available (and if the language is known by the EHPDAI bilingual staff member). Call takers shall note in the CAD and when dispatching patrol units that the caller is an LEP individual and indicate the language (if known).
- b. The Department's direct services may be provided in the field or at East Haven Police Headquarters. Officers are trained at in-service training to obtain interpretation services as necessary when dealing with a LEP individual by requesting from dispatch the response of an EHPDAI or via Language Line for telephonic interpretation.
- c. The decision of whether to use Language Line or a live interpreter is to be made by the shift commander based on the totality of the circumstances (language required, availability of live interpreters, exigency of the situation, etc.).
- d. If an EHPDAI is not available, the Department will utilize Language Line Solutions' services (or a similar vendor if Language Line Solutions is no longer available). Dispatch and/or officers in the field will communicate with the Language Line if an EHPDAI is not available. Patrol supervisors are equipped with Department cell phones programmed with the Language Line's phone number.
- e. Police recruits may be used for interpretation as necessary prior to their graduation from the Police Academy.

### **B. EHPD Personnel Requesting Interpretation Services**

#### **1. Responding EHPD Personnel Responsibilities**

- a. EHPD personnel in the field in need of interpretation services will attempt to identify the LEP individual's primary language through the use of the language identification card and immediately contact Dispatch.
- b. Exigent circumstances such as the need to obtain descriptive information on a fleeing suspect, or identifying information of an injured person may require a variation on the general procedure. In such situations, personnel are to use the most reliable, temporary interpreter available, such as an EHPD member who is bilingual in the target language or has enough of the target language to provide limited assistance. Once an exigency is resolved, all personnel are expected to revert to the general procedures.
- c. In other than exigent circumstances, EHPD personnel may use family, friends or bystanders for interpreting, but only in informal, non-confrontational contexts, and with the approval of the LEP individual. Using family, friends, or bystanders to interpret in other situations could result in a breach of confidentiality, a conflict of interest, or an inadequate interpretation.
- d. Barring exigent circumstances or non-arrest situations, EHPD personnel should not use minor children to provide interpreter services.

## **XI. INTERROGATION AND INTERVIEWS**

- A. Any formal interrogations of LEP individuals who request language assistance must be provided with an EHPDAI, (or a bilingual officer from another law enforcement agency), or from interpretation services through the Language Line. Any formal statement taken that could adversely affect a suspect or witness' legal rights requires the use of a qualified interpreter.
- 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 the contracted interpretation services.

## **XII. COMPLAINTS**

- A. Any LEP individual, who wishes to file a complaint with the EHPD regarding language access, or the discharge of EHPD's duties, shall be provided with translated Internal Affairs (IA) complaint forms.
- B. The assigned IA investigator shall utilize an EHPDAI or the contracted in-person interpretation services when conducting any interviews of LEP complainants or witnesses.
- C. The Internal Affairs Officer (IAO) will provide written notice of the disposition of any LEP complaint in the complainant's primary language.

- D. In the event that formal disciplinary charges result from a LEP complaint, the IAO shall insure that an EHPDAI or contracted in-person interpreter is available for any scheduled hearings.

### **XIII. REVIEW AND UPDATING LANGUAGE ASSISTANCE EFFORTS**

- A. The Department's Language Access Coordinator (LAC) will supervise the Department's language assistance plan and monitor the success of the plan. The LAC shall assess demographic data, review contracted language access services utilization data and modify the LAP as necessary on an annual basis.
- B. Community Review: The LAC will consult with community-based organizations annually in order to determine the LAP's effectiveness and whether there are additional languages into which vital documents should be translated.
- C. Documents: The LAC will be responsible for annually reviewing all new documents issued by the EHPD to assess whether they should be considered vital documents and be translated.

---

<sup>i</sup> "Recipients are required to take reasonable steps to ensure meaningful access to their programs and activities by LEP persons. While designed to be a flexible and fact-dependent standard, the starting point is an individualized assessment that balances the following four factors: (1) The number or proportion of LEP persons eligible to be served or likely to be encountered by the program or grantee; (2) the frequency with which LEP individuals come in contact with the program; (3) the nature and importance of the program, activity, or service provided by the program to people's lives; and (4) the resources available to the grantee/ recipient and costs." Federal Register/Vol. 67, No. 117/Tuesday, June 18, 2002/Notices, p. 41459.