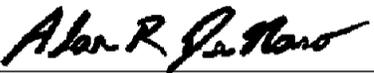


LIMITED ENGLISH PROFICIENCY SERVICES

<p>POLICY & PROCEDURE NO.</p> <div style="border: 1px solid black; padding: 10px; text-align: center;">81.2.15</div>	<p>ISSUE DATE: November 9, 2012</p>
	<p>EFFECTIVE DATE: November 9, 2012</p>
<p>Approved:  Chief of Police Date: <u>November 8, 2012</u></p>	<p>REVISION DATE:</p>

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 the Haverhill Police Department to take all reasonable steps to insure timely and equal access to all individuals, regardless of national origin or primary language (Title VI of the Civil Rights Act of 1964, § 601 , 42 U.S.C. 2000d)

DEFINITIONS

Limited English Proficient (LEP) - those individuals whose primary language is not English. If these individuals have a limited ability to read, write, speak, or understand English , they are limited English proficient.

FOUR FACTOR ANALYSIS

Since there are potentially hundreds of languages officers could encounter, the Haverhill Police Department will analyze four factors in determining those measures which will provide reasonable and meaningful access to various rights, obligations, services and programs to everyone. Because it is recognized that law enforcement contacts and circumstances will vary considerably, this analysis 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 officers 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 officers, programs or services;
- (c) The nature and importance of the contact, program, information or service provided; and,

- (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 officers.

QUALIFYING INDIVIDUALS

While this Department will not discriminate against or deny any individual access to services, rights or programs based upon national origin or any other protected interest or right, the above analysis will be utilized to determine the availability and level of assistance provided to any LEP individual or group.

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. Officers 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:

BILINGUAL STAFF

Individual officers and employees need not be certified as interpreters, but need only have a competent understanding of the language involved. When bilingual employees of this Department are not available, employees from other departments within the area may be requested by a supervisor depending on the circumstances.

WRITTEN FORMS AND GUIDELINES

This Department will endeavor to provide frequently used and critical forms and guidelines in languages most commonly represented within the community or a particular area. When appropriate, these forms will be conspicuously posted at the front counter and otherwise available upon request. For example, the Department's Personnel Complaint form and information about various department programs and services should be made readily available to LEP individuals.

AUDIO RECORDINGS

From time to time, the Department may develop audio recordings of important information needed by LEP individuals. For example, officers may be provided with a police service dog warning or crowd dispersal order for broadcast in a language most likely to be understood by involved LEP individuals.

TELEPHONE INTERPRETER SERVICES

The watch commander and communications supervisor will maintain a list of qualified interpreter services which may be contacted to assist LEP individuals upon approval of a supervisor.

COMMUNITY VOLUNTEERS

Depending on the circumstances, location and availability, responsible members of the community may be available to provide qualified interpreter services. Sources for these individuals may include local businesses, banks, churches, neighborhood leaders and school officials. In addition to such sources developed by individual officers, the Department will attempt to maintain and update a list of qualified community volunteers.

FAMILY AND FRIENDS OF LEP INDIVIDUAL

While family and friends of an LEP individual may frequently offer to assist with interpretation, officers should carefully consider the circumstances before relying on such individuals. For example, children should not be relied upon except in emergency or critical situations. Further, the nature of the contact and relationship between the LEP individual and the individual offering services must be carefully considered (e.g. victim/suspect).

POSTING OF AVAILABLE SERVICES

Forms printed in available languages should be maintained in a conspicuous location at the front counter and other appropriate areas such as a booking area. When such forms are either unavailable or inappropriate, the Department will post a conspicuous notice that LEP services may be available.

LEP CONTACT SITUATIONS AND REPORTING

While all police contacts, services and individual rights are important, this Department will utilize the four-factor analysis to prioritize language services so that they may be targeted where most needed because of the nature and importance of the particular law enforcement activity involved.

Whenever any member of this Department is otherwise required to complete a report or other documentation, and translation services are provided to any involved LEP individual(s), such services should be noted in the related report.

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 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 shall 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.

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 translation 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. As such, Department personnel providing translation services or forms in these situations will make every reasonable effort to accurately translate all communications with LEP individuals.

Employees providing translation services shall also be aware of the inherent communication impediments to gathering information from the LEP individual throughout the booking process or any other situation in which an LEP individual is within the control of Department personnel.

Because 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, it is important for this Department to make every reasonable effort to provide effective language services in these situations.

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. Because the scope and nature of these activities and contacts will inevitably vary, the Department recognizes that it would be virtually impossible to provide immediate access to complete translation services to every officer in the field. However, each officer and/or supervisor must assess each such situation to determine the need and availability for translation services to any and all involved LEP individuals.

Although not every situation can be addressed within this policy, it is important that an officer is 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 also, for example, be meaningless to request consent to search if the officer is unable to effectively communicate with an LEP individual.

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.

TRAINING

In an effort to ensure that all employees in public contact positions (or having contact with those in custody) are properly trained, this Department will provide periodic training in the following areas:

- (a) Employee awareness of LEP policies, procedures, forms and available resources.
- (b) Employees having contact with the public (or those in our custody) are trained to work effectively with in-person and telephone interpreters.
- (C) Training for management staff, even if they may not interact regularly with LEP individuals, in order that they remain fully aware of, and understand this policy, so they can reinforce its importance and ensure its implementation by staff.