

## 1.23 LIMITED ENGLISH PROFICIENCY

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# LIMITED ENGLISH PROFICIENCY

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## I. GENERAL CONSIDERATIONS AND GUIDELINES

The West Brookfield Police Department recognizes the importance of effective and accurate communication between its personnel and the community that they serve. Language barriers can impede effective and accurate communication in a variety of ways, presenting safety, evidentiary, and ethical problems. 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. Ensuring the ability to communicate between law enforcement and all segments of the community serves the interests of both.

## II. POLICY

The West Brookfield Police Department will take reasonable steps to provide timely, meaningful access to police services for LEP persons. Free language assistance services will be provided to all LEP individuals when necessary to facilitate appropriate communication. Where practicable, we expect that all interviews and interrogations using interpreter services be recorded. <sup>1</sup>[42.2.0(I)]

### **III. DEFINITIONS**

### **IV. PROCEDURES**

The West Brookfield Police Department will use law enforcement interpreters, civilian interpreters, and written interpretation documents to facilitate fair and equitable access and treatment to LEP individuals.

#### **TELEPHONE SERVICES**

Telephone Services are rendered by New Braintree Dispatch (C8). C8 is an accredited agency and will follow their written directive system.

#### **IN PERSON ENCOUNTERS**

When answering calls for service or offering other police services it is important to have clear communication. If a language barrier exists, the officer(s) should attempt to ascertain what language the subject they are interacting with speaks. If the subject's native language can be determined and an officer fluent in that language is on duty, that officer should be immediately dispatched to the call location. The fluent officer should then translate as necessary.

If there is not an officer on duty who is fluent in the caller's language, then police departments in the surrounding region should be contacted to determine if there is a fluent officer in one of those communities who is on duty and able to respond for mutual aid.

If a police officer who is fluent in the subject's language is not available, then a civilian may be used with approval from the Sergeant. If resources do not permit the use of an interpreter on location with the subject, then a third-party interpretation service should be utilized via telephone. This is the least preferable means of communication.

#### **INTERVIEWS AND INTERROGATIONS**

Accuracy in obtaining statements from victims, witnesses, and suspects in criminal cases can be vital to the successful conclusion of the case. It is important to use the proper resources when obtaining statements from a LEP individual for the purposes of a criminal investigation. Translation by telephone should only be used as a last resort in extraordinary circumstances. When conducting an interview/interrogation at West

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Brookfield Police Station, in those circumstances, all that would be required is for personnel to conduct the speakerphone translation in a room equipped for recording and to engage the recording equipment. Thus, it will be a rare case where the police will be unable to record the interview. **[42.2.0(I)]**

The procedures outlined in the policies on **Interviewing Victims and Witnesses** and **Interrogating Suspects** should be followed when speaking with a LEP individual for a criminal case with the addition of a translator. Preferably, a law enforcement translator should be used to translate the conversation in these cases. In rare circumstances a civilian may be used with the approval of the Sergeant, but only after attempts to locate a law enforcement translator have failed.

Family members, neighbors, friends, or parties who have ties to any aspect of the criminal case being investigated should not be used for translation purposes unless exigent circumstances exist.

### **TRANSLATION DOCUMENTS**

Officers will be issued language identification cards to assist in identifying the language spoken by a LEP individual they encounter. The cards will contain the statement, "Point to your native language?" written in various languages. The cards will allow LEP individuals to pick which language they speak in an easy to understand manner, in order to help avoid confusion.

Signs in several common languages will also be posted in the booking area and outside of the PSCC explaining that translation services are available.

Miranda rights forms, and consular notification forms in most languages are also available in the booking area for use when necessary.

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<sup>1</sup> COMMONWEALTH vs. GLENIS A. ADONSOTO. 475 Mass. 497 section 3