

DRAFT

TOWN OF MATTAWA

POLICY AND PROCEDURE GUIDELINES FOR CONTACTS BY MEMBERS OF THE MATTAWA POLICE DEPARTMENT WITH PERSONS HAVING LIMITED ENGLISH LANGUAGE PROFICIENCY.

I. PURPOSE

A. The purpose of this Policy and Procedure is to establish guidelines, consistent with Title VI of the Civil Rights Act of 1964 and the Omnibus Crime Control and Safe Streets Act for departmental personnel to follow when providing services to, or interacting with, individuals who have limited English proficiency (LEP).

B. The Town of Mattawa Police Department recognizes the importance of effective and accurate communication between its employees and the community they serve. Language barriers can impede effective and accurate communication in a variety of ways. 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 Mattawa Police Department with safety, evidentiary, and ethical challenges. Ensuring maximum communication ability between law enforcement and all segments of the community serves the interests of both.

II. POLICY

It is the policy of this Department to take reasonable steps to provide timely meaningful access for LEP persons to the services and benefits that the Department provides to all departmentally conducted programs or activities. All police personnel shall provide free language assistance services to LEP individuals whom they encounter or whenever a LEP person requests language assistance services. All police personnel will inform members of the public that language assistance services are available free of charge to LEP persons and that the Department will provide these services to them.

III. DEFINITIONS

A. "Primary Language" means an individual's native tongue or the language in which an individual most effectively communicates. Police personnel should avoid assumptions about an individual's primary language.

DRAFT

EXAMPLE: Not all individuals from Central America speak Spanish fluently. Instead, some Central Americans may claim an indigenous language as their native tongue. Police personnel should make every effort to ascertain an individual's primary language to ensure effective communication.

- B. "Limited English Proficiency" (LEP) designates individuals whose primary language is not 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 may find these skills are 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 (target language).
- E. "Bilingual" is the ability to use two (2) languages fluently.
- F. "Police Department Authorized Interpreter" (PDAI) Bilingual persons hired by the Town of Mattawa who have been authorized to interpret for others in situations involving the Police Department.
- G. "PDAI" a list of persons who are bilingual and hired to act as interpreters. The list will be created and maintained by the Town Clerk/Treasurer and provided to the Police Department.

IV. PROCEDURE FOR ACCESSING INTERPRETATION SERVICES

A. Civilian Emergency Calls to 9-1-1

1. Since the Town of Mattawa does not have sufficient monetary resources to maintain its own emergency communications system, such services are performed by the Multi-Agency Communications Center (MACC), a county wide communications network located some sixty miles away at Moses Lake, Washington.

DRAFT

2. The Town of Mattawa does not set the operating procedures for MACC. All 9-1-1 calls originating in the Town of Mattawa are automatically routed to MACC. The Town understands that when a LEP call is received by MACC, that MACC uses the AT&T language line for interpretation services to determine the nature of the emergency.
3. The MACC dispatcher then contacts the Mattawa Police Department and advises them of the emergency. The Town has formally and officially requested that the MACC specifically advise the Mattawa Police Department that the emergency call is from a LEP person.
4. All Mattawa Police Department Personnel receiving the report of an emergency situation from MACC are to specifically inquire of the MACC dispatcher as to whether the call is from a LEP person.

B. Police Personnel Requesting Interpretation Services.

1. Responding Police Personnel Responsibilities

- a. Upon receipt of the report of an emergency situation from MACC, the officer receiving the report is to inquire of MACC if the situation involves a LEP person. The officer is to then immediately call an interpreter, or cause an interpreter to be called and notify the interpreter of the address of the incident. The interpreter is to go to a location sufficiently close to the scene to promptly interpret as soon as the officer secures the scene.
- b. The officer then is to immediately respond to the reported address which is the location of the incident. Upon arrival, the responding Officer is to survey the situation and determine if the situation is stable, i.e. the presence of armed persons and weapons: and if the situation is safe and stable, the officer is to then immediately call the interpreter to the scene.
- c. If possible, the officer will remove all persons involved in the situation to the Police Department along with the Interpreter and conduct the investigation there. If that is not possible, the investigation will be conducted at the scene, so long as it is secure.
- d. If none of the contracted interpreters are available, the office is to endeavor to use the language line interpreter services.

DRAFT

2. Exigent Circumstances

Police personnel are expected to follow the procedures hereinabove set forth. However, exigent circumstances may require some deviations. In such situations, personnel are to use the most reliable, temporary interpreter available. Examples may include the need to obtain descriptive information on a fleeing subject, or identifying information on an injured person. However, once an exigency has passed, all personnel are expected to revert to the general procedures set forth herein.

3. Family, Friends and Bystanders

In other than exigent circumstances, police personnel should only use family, friends or bystanders for interpreting in very informal, non-confrontational contexts, and only to obtain basic information at the request of the LEP person. 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, police personnel should not use minor children to provide interpreter services.

C. Contracted In-Person Interpretation Services

1. Contracted in-person interpretation services shall be available to all police personnel when interacting with LEP individuals. The responding police officer shall determine if interpretation services are needed and call the next name in rotation on the list of contracted interpreters. Each officer shall carry a list in his/her patrol vehicle at all times. While this service is available to all police personnel, it is best suited for investigative units operating under non-emergency situations, such as witness interviews and criminal interrogations.
2. Upon contact with the contracted interpreter, the Office is to obtain an estimated time of arrival, which must not be longer than thirty (30) minutes from the time of the contact phone call.
3. Upon the arrival of the contracted interpreter, the officer will examine the interpreter's identification and record the interpreter's name on the investigative report along with the interpreter's arrival and departure times. Once the interpreter is prepared, police personnel must ask all questions through the interpreter.

It is police personnel's responsibility to develop and ask any questions. Under no circumstances will an interpreter independently question a LEP

DRAFT

individual. The interpreter's role is to serve as a neutral third party, taking care not to insert his or her perspective into the communication between the parties.

4. If the officer believes that there is any conflict of interest with the assigned interpreter, bias or any other reason why the interpreter should be excused, the officer shall dismiss that person and call the next person on the list of contracted interpreters.
5. Any time that there may be a conflict of interest or bias on the part of the interpreter the officer will forward a memorandum to the Chief of Police who will note it on the list of contracted interpreters so that all police personnel are aware of it for future reference.
 - a. Civilian Emergency Calls Directly to the Police Department or Town Hall:
 1. Should an emergency call involving a LEP person come into either the Police Department or the Town Hall during office hours, the deputy clerk/treasurer (who is fully conversant in English and Spanish), shall be asked to immediately answer the call and interpret for the police department. Upon determining the nature of the call, the Office shall respond as set forth above.
 2. If the deputy clerk/treasurer is not available, the call shall be forwarded through the language line.
 3. The telephone system at both Town Hall and the Police Department shall be programmed so that all calls received by either phone after regular Office Hours shall automatically be routed to MACC, who will respond accordingly.

V. INTERROGATION, INTERVIEWS AND COMPLAINTS

A. Criminal Interrogations

1. A failure to protect the rights of LEP individuals during interrogations risks the integrity of any investigation. Police personnel must recognize that miscommunication during interrogations may have a substantial impact on the evidence presented in any related criminal prosecution. A qualified interpreter shall be used for all interrogations as the suspect's legal rights could be adversely impacted.

DRAFT

2. Contracted in-person interpretation persons shall be used at all times, without exception, in all criminal interrogations.
3. 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.

B. Crime Witness Interviews

1. These scenarios potentially involve statements with evidentiary value upon which a witness may be impeached in court. As such, accuracy is a priority. Accordingly, a contract interpreter will be used as an interpreter when taking any formal statement or interview.

C. Complaint Procedures for LEP Persons

1. Any LEP individual, who wishes to file a complaint with the Town of Mattawa regarding language access, or the discharge of Police Department duties, shall be provided with translated complaint forms.
2. The Mayor or his/her designee will immediately make an investigation as to the allegations in the complaint. If necessary, a contracted interpreter shall be used in conducting the investigation.
3. Within five working days of the filing of the complaint, the person conducting the investigation will provide written notice of the disposition of any LEP complaint in the complainant's primary language.
4. In the event formal disciplinary charges result from a LEP complaint, the Mayor will insure that a contracted in-person interpreter is available for any scheduled hearing.

VI. PROCEDURES FOR ACCESSING DOCUMENT TRANSLATION SERVICES

A. Identification and Translation of Vital Documents

1. The Chief of Police, with input from community-based organizations and guidance from the Department of Justice, shall be responsible for classifying all departmental documents as vital or non-vital, and determining into what languages the vital documents should be translated.

DRAFT

2. The Chief of Police will then be responsible to have the documents translated and distributed.

B. Translation of Investigative Documents

1. Should an investigator need a note, letter or other document translated for an investigation, a request will be forwarded to the Chief of Police, who shall thereupon approve or deny the request. If the request is approved, the services of a contracted interpreter shall be used.

VII. NOTIFYING THE PUBLIC ABOUT POLICE DEPARTMENT LANGUAGE SERVICES

- A. There shall be a sign posted in the most commonly spoken languages at the Town Hall, the Police Department and the U.S. Post Office Lobby stating that interpreters are available free of charge to LEP individuals involving any contact with the Mattawa Police Department Personnel.
- B. The Town shall also maintain translated written public forms and documents for LEP individuals. A list of these documents and forms along with the available languages is listed in Appendix A of this Policy and Procedure.
- C. Notification of the availability of translated forms and documents will be posted in the lobby of Town Hall and the Police Department Office, to inform LEP persons about which forms are readily available. In the case of illiteracy or languages into which materials have not been translated, such forms and documents will be read to LEP individuals in their primary language.

VIII. TRAINING - LANGUAGE ASSISTANCE POLICY AND INTERPRETER SKILLS.

- A. The Police Department will provide periodic training to personnel about the Department's LEP policies, including how to access departmental authorized interpreters, and on commonly accepted techniques for using interpreters., e.g. pausing to allow the interpreter a chance to interpret; speaking to the alleged victim or witness rather than to the interpreter; avoid saying, "ask her . . .", etc. The Department shall conduct such training for new recruits and at in-service training at least every two (2) years. Training shall initially be conducted within thirty (30) days of the effective date of this Policy, and within thirty (30) days of the hiring date of a new officer.
- B. Police department personnel identified as bilingual who are willing to act as interpreters will have their language skills assessed by a professional

DRAFT

interpreter. The Mayor or his/her designee shall obtain the services of a professional interpreter for this purpose.

- C. After assessment, those found proficient in interpreting into and from the target language will be placed conditionally on the Interpreter List. The language assessment for police personnel hired as bilingual shall be waived if the employee chooses to act as an interpreter. These employees will be placed conditionally on the Interpreter List.
- D. All police personnel conditionally placed on the Interpreter List must successfully pass the assessment called for herein above in subparagraph B. within one (1) year of hire. After successful completion of the assessment, the individual will be unconditionally placed on the Interpreter List.
- E. In order to successfully complete interpreter training, an interpreter must:
 - 1. demonstrate proficiency in and ability to communicate information accurately in both English and in the target language,
 - 2. have knowledge in both languages of any specialized terms or concepts peculiar to the Police Department and of any particularized vocabulary and phraseology used by the LEP person and,
 - 3. understand and adhere to their role as interpreters without deviating into a role as counselor, legal advisor, or other roles.
- F. Those persons who have been unconditionally placed on the Interpreter List must receive refresher training annually or they will be removed from the List. The Mayor or his/her designee shall be responsible for coordinating the annual refresher training and will maintain a record of training that the interpreters have received.

IX. MONITORING AND UPDATING LANGUAGE ASSISTANCE EFFORTS

A. Community Review:

The Mayor and the Chief of Police shall review contracted language access services utilization data, and consult with all then existing community based organizations at least quarterly within the first two years after this Plan is adopted, and every six months thereafter in order to determine if there are additional languages into which vital documents should be translated, and if the Plan is accomplishing its intended goals.

DRAFT

B. New Documents:

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

C. Collection of LEP Contact Data:

The Chief of Police or his designee will be responsible for collecting Police LEP contacts. This data may be collected through the review of MACC radio logs and billing statements submitted by the contracted in-person interpretation service providers.

The Mayor or his/her designee shall be responsible for assessing demographic data, reviewing contracted language access services utilization and consulting with community-based organizations to ensure that the Police Department is providing meaningful access to LEP persons to the services and benefits the Department provides in all Department-conducted programs or activities.

APPENDIX A

TRANSLATED DOCUMENTS:

1. Witness/victim statement forms.
2. Miranda warning.
3. Constitutional rights warnings.
4. Criminal Citation directions.
5. Infractions Citation directions.
5. Domestic Violence information
6. New Hope information
(Safe House location and directions for domestic violence victims).