



POLICY & PROCEDURE

PORTAGE POLICE DEPARTMENT

SUBJECT: **LIMITED ENGLISH PROFICIENCY**

SCOPE: All Department Personnel
DISTRIBUTION: Policy & Procedure Manual

REFERENCE: Title VI of the Civil Rights Act of 1964,
§601.42 USC §2000 d

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PURPOSE: The purpose of this Policy & Procedure is to establish guidelines for the Portage Police Department to provide law enforcement services to all individuals with Limited English Proficiency (LEP) throughout the City of Portage and as much as reasonably possible not limit these services based on a language barrier. This Policy & Procedure is in compliance with Title VI of the civil Rights Act of 1964, §601.42 USC §2000 d.

This Policy & Procedure consists of the following numbered sections:

- I. DEFINITIONS
- II. POLICY
- III. PROCEDURES

I. DEFINITIONS

- A. Authorized Interpreter: An authorized interpreter has successfully completed interpreter training and is authorized to act as an interpreter or translator.

Southern Wisconsin Interpreting & Translation Services (SWITS) or Language Line Solutions (LLS) is the Department's primary interpreter service for law enforcement interactions.

Additionally, the Wisconsin Circuit Court System website has certified interpreters listed qualified for interpretation.

- B. Bilingual: The ability to communicate in two languages fluently, including the ability to communicate law enforcement terminology. Bilingual includes a variety of skill

levels. In order to be utilized to interpret or translate from one language into another by this Department, an individual must possess the skill, training and have demonstrated competence to do so.

- C. 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 and intent of the original discussion.
- D. Limited English Proficient (LEP): Designates individuals whose primary language is not English and who have limited ability to read, write, speak or understand English. LEP individuals may be competent in certain types of communication (speaking or understanding) but still be LEP for other purposes (reading, 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.
- E. Translation: The replacement of written text from one language (source language) into an equivalent written text (target language).

I. POLICY

- A. It is the policy of the Portage Police Department to take reasonable steps to ensure that persons with Limited English Proficiency (LEP) have meaningful access and an equal opportunity to participate in law enforcement services, regardless of national origin or primary language.
- B. Language assistance may be provided through use of competent bilingual staff, staff interpreters, contracts or formal arrangements with organizations providing interpretation or translation services, or technology and telephonic interpretation services. All members that may have direct contact with LEP individuals will be trained in effective communication techniques, including the effective use of an interpreter.
- C. The department will conduct a regular review of the language access needs of our population, as well as update and monitor the implementation of this policy and these procedures, as necessary.

II. PROCEDURES

- A. Availability Analysis: There are potentially numerous languages Department members could encounter.

The Department will utilize the four-factor analysis outlined by the U.S. Department of Justice LEP Guidance to assist in determining which language measures will provide reasonable and meaningful access to various rights, obligations, services and programs to everyone.

The four-factor analysis will ensure the flexibility to maintain balance between reasonably ensuring effective access by LEP individuals to critical services while not imposing undue burdens on the Department or Department members. The

process noted below will be utilized to determine the availability or level of assistance provided to any LEP individual or group. Department members will make reasonable efforts to determine the LEP individual's primary language in an effort to avoid misidentifying the correct language. This assessment is designated as the Four Factor Analysis:

1. The number or proportion of LEP individuals eligible to be served or likely to be encountered by Department members or who may benefit from programs or services within the Department's jurisdiction.
 2. The frequency with which LEP individuals are likely to come in contact with Department members, programs or services.
 3. The nature and importance of the contact, program, information or service provided.
 4. The cost of providing ELP assistance and the resources available.
- B. Types of LEP Assistance Available: Depending on the balance of the above four factors the Department will make every reasonable effort to provide meaningful and timely assistance to the LEP individual through SWITS or LLS. 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 members will document in any report whether the LEP individual elected to use interpreter services provided by the Department or some other source.
- C. Bilingual Staff: Authorized interpreters must be used for any criminal investigation. SWITS or LLS is the Department's primary interpreter service for criminal investigations. Bilingual staff need not be certified interpreters for non-criminal investigations, but must have demonstrated a level of competence to ascertain whether the member's language skills are best suited to bilingual communication, interpretation and/or translation. For non-felony investigations assistance to the LEP individual may be made through a bilingual Department staff member, the interpreter listing, or the SWITS or LLS interpreting service.
- D. Written Forms & Guidelines: The Department will determine the most frequently used and critical forms and guidelines and translate these documents into the languages most likely to be requested. Chief or designee will ensure critical forms are translated and available to Department members.
- E. Telephone Interpreter Services: Dispatch maintains a list of qualified interpreter's services who may be contacted to assist LEP individuals. Identified responsible members of the community who have demonstrated competence are noted on the list and may be called to assist in communication efforts.
TDD is available in the communication center for any hearing impaired calls.
- F. Emergency Calls to 9-1-1: Columbia County Dispatch will follow their protocols.

- G. Field Contacts, Enforcement or Investigations: These incidents include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd or traffic control and other routine field contacts that may involve LEP individuals. The scope and nature of these activities and contacts will vary. Department members must assess each situation to determine the need and availability for translation services to all involved LEP individuals.
- H. 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 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. Audio and video recorded interviews shall be obtained for any felony investigation. Every reasonable effort shall be made to utilize an interpreter from SWITZ, or a court interpreter or department bilingual officer for any felony investigation.
- I. Custodial Interrogations and Booking: In an effort to ensure the rights of LEP individuals are protected during arrest and custodial interrogation, the department places a high priority on providing competent interpretation during such situation. Every reasonable effort shall be made to utilize an interpreter from SWITS or LLS, or a court interpreter or department bilingual officer for any criminal interrogation or incarceration. As needed, reasonable efforts shall be made to obtain interpreting assistance for non-criminal arrests and incarceration. During custodial interrogations audio recordings of the interviews should be made when reasonably possible. Audio and video recorded interviews shall be obtained for all felony investigation/interrogation.
- J. Citizen Complaints: The department will assist LEP persons who wish to file a complaint regarding the actions of the department.
- K. LEP Reporting: Whenever any member of the department is required to complete an incident report or other documentation and interpretation or translation services were provided, sought or requested for any LEP individual, such services shall be noted in the incident report or other documentation.
- L. Community Outreach: Community outreach programs and other such services offered by the department are essential to maintain a partnership between the department and LEP individuals.
- M. Training: In an effort to ensure that all members in public contact positions are properly trained, the department will provide initial training during the new member orientation, PTO training process, or policy implementation. Periodic training to personnel regarding Department policies and procedures may be facilitated as needed.
- N. LEP Coordinator: The chief or designee will be the LEP coordinator. The LEP coordinator will be responsible for reviewing new documents to assess whether they should be considered vital documents to be translated.

Keith J. Klafke
Chief of Police

This Policy & Procedure cancels and supersedes any and all previous written directives relative to the subject matter contained herein.

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