
Limited English Proficiency Services

325.1 PURPOSE AND SCOPE

This policy provides guidance to members when communicating with individuals with limited English proficiency (LEP) (42 USC § 2000d).

325.1.1 DEFINITIONS

Limited English proficiency (LEP) individual - Any individual whose primary language is not English and who has a limited ability to read, write, speak or understand English. These individuals may be competent in certain types of communication (e.g., speaking or understanding) but still exhibit 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 these skills may be insufficient in other situations.

325.2 POLICY

It is the policy of the Town of Cheektowaga Police Department to reasonably ensure that LEP individuals have meaningful access to law enforcement services, programs and activities, while not imposing undue burdens on its members.

The 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.

325.3 PURPOSE

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. This Department will make every reasonable effort to provide meaningful and timely assistance to LEP individuals. Officers should document 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:

325.4 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.

325.5 TELEPHONE INTERPRETER SERVICES

Officers in need of translation services in the field, may call 911 from their cell phones. Identify yourself to Central Police Services and they will connect you directly to the appropriate translation interpreter.

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The department will provide interpreter services which may be contacted to assist LEP individuals upon approval of a supervisor. The interpretation service to be used by the department will be Language Line Services. See procedural manual 325 for more information.

325.6 IN PERSON INTERPRETER SERVICES

The department may provide an interpreter which may be contacted to assist LEP individuals, if required, upon approval of a supervisor. In-Person interpretation will be provided by the International Institute, which can be contacted at 883-1900 ext:308

325.7 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).

325.8 LEP CONTACT SITUATIONS AND REPORTING

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

325.9 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 a reasonable effort to accurately translate all communications with LEP individuals.

Medical screening questions are commonly used to elicit information on an 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, therefore it is important for this Department to make a reasonable effort to provide effective language services in these situations.

325.10 FIELD ENFORCEMENT AND INVESTIGATIONS

Field enforcement includes but is not limited to contacts such 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

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immediate access to 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.

325.11 TRAINING

To ensure that all members who may have contact with LEP individuals are properly trained, the Department will provide periodic training on this policy and related procedures, including how to access department-authorized telephonic and in-person interpreters and other available resources.

The Personnel Development Unit Lieutenant shall be responsible for ensuring new members receive LEP training. Those who may have contact with LEP individuals should receive refresher training at least once every two years thereafter. The Personnel Development Unit Lieutenant shall maintain records of all LEP training provided, and will retain a copy in each member's training file in accordance with the established records retention schedule.