

**BAY CITY DEPARTMENT OF PUBLIC SAFETY
BAY CITY, MICHIGAN**

SECTION 1 - ADMINISTRATIVE
GENERAL ORDER

July 22, 2014
INDEX NO. 1.16

LIMITED ENGLISH PROFICIENCY SERVICES

I. 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. It is the policy of the Bay City Department of Public Safety to take all reasonable steps to ensure 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 USC § 2000 d).

II. DEFINITIONS

- A. Certified Foreign Language Interpreter** - A person who has passed a foreign language interpreter test administered the State Court Administrative Office or a similar state or federal test approved by the State Court Administrator, met all the requirements established by the State Court Administrator for this interpreter classification, and has registered with the State Court Administrative Office [Michigan Court Rule 1.111(A)(5)].
- B. Qualified Foreign Language Interpreter** - A person and/or entity that provides interpretation services in-person or by telecommunication equipment, provided that the person and/or entity has registered with the State Court Administrative Office, met the requirements established by the State Court Administrator for this interpreter classification, and been determined by the court after voir dire to be competent to provide interpretation services for the proceeding in which the interpreter is providing services [Michigan Court Rule 1.111(A)(7)].
- 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.
- D. Limited English Proficient (LEP)** - Designates individuals whose primary language is not English and who have a limited ability to read, write, speak or understand 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

**BAY CITY DEPARTMENT OF PUBLIC SAFETY
BAY CITY, MICHIGAN**

SECTION 1 - ADMINISTRATIVE
GENERAL ORDER

July 22, 2014
INDEX NO. 1.16

LIMITED ENGLISH PROFICIENCY SERVICES

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. Person Disabled in Communication** - A person who cannot fully understand legal proceedings or charges involving him/her because of difficulty in speaking or comprehending the English language.
- F. Translation** - The replacement of written text from one language (source language) into an equivalent written text (target language).

III. PROCEDURES

A. FOUR FACTOR ANALYSIS

Since there are potentially hundreds of languages department personnel could encounter, the Bay City Department of Public Safety will utilize the four factor analysis outlined in the U.S. Department of Justice *LEP Guidance to Federal Financial Assistance Recipients* available at the USDOJ website, <http://www.usdoj.gov>, in determining which measures will provide reasonable and meaningful access to various rights, obligations, services and programs to everyone. It is recognized that public safety contacts and circumstances will vary considerably. This analysis must remain flexible and requires an ongoing balance of the following four factors:

1. The number or proportion of LEP individuals eligible to be served or likely to be encountered by department personnel or who may benefit from programs or services within the jurisdiction of the Department or a particular geographical area.
2. The frequency with which LEP individuals are likely to come in contact with department personnel, programs or services.
3. The nature and importance of the contact, program, information or service provided.
4. The cost of providing LEP assistance and the resources available.

**BAY CITY DEPARTMENT OF PUBLIC SAFETY
BAY CITY, MICHIGAN**

SECTION 1 - ADMINISTRATIVE
GENERAL ORDER

July 22, 2014
INDEX NO. 1.16

LIMITED ENGLISH PROFICIENCY SERVICES

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 its personnel. While the Bay City Department of Public Safety 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.

The Bay City Department of Public Safety will utilize all reasonably available tools when attempting to determine an LEP individual's primary language in an effort to avoid misidentifying that language.

B. TYPES OF LEP ASSISTANCE AVAILABLE

Depending on the balance of the four factors listed above, the Bay City Department of Public Safety will make every reasonable effort to provide meaningful and timely assistance to LEP individuals through a variety of services, where reasonably 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. Department personnel 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, the assistance methods described in this section.

1. TELEPHONE INTERPRETER SERVICES

Language Line Services may be contacted directly or through Bay County Central Dispatch. These services shall be available, with the approval of a supervisor, to assist department personnel in communicating with LEP individuals via official cellular telephones. Their 24 hour hotline is 1-877-735-9770 and their administrative office can be reached at 1-800-752-6096.

**2. QUALIFIED AND CERTIFIED INTERPRETERS /
TRANSLATION AND INTERPRETATION COMPANIES**

A list of qualified and certified interpreters through the State Court Administrative Office along with other translation and

**BAY CITY DEPARTMENT OF PUBLIC SAFETY
BAY CITY, MICHIGAN**

SECTION 1 - ADMINISTRATIVE
GENERAL ORDER

July 22, 2014
INDEX NO. 1.16

LIMITED ENGLISH PROFICIENCY SERVICES

interpretation companies recommended by Bay County District Court shall be maintained at the command desk at the Law Enforcement Center. These services shall be available, with the approval of a supervisor, to assist department personnel with translation and interpretation services.

3. COMMUNITY VOLUNTEERS AND OTHER SOURCES OF INTERPRETATION

Responsible members of the community who have demonstrated competence in either monolingual (direct) communication and/or in interpretation and translation (as noted above) may be called upon to assist in communication efforts. Sources for these individuals may include neighboring law enforcement agencies, university languages and linguistics departments, local businesses, banks, churches, neighborhood leaders and school officials. Department personnel should ensure that community members are able to provide unbiased assistance. The nature of the contact and relationship between the LEP individual and the individual offering services must be carefully considered (e.g., victim/suspect). Except for exigent or very informal and non-confrontational circumstances, the use of an LEP individual's bilingual friends or family members, particularly children, are generally not recommended. Department personnel shall make case by case determinations on the appropriateness of using such individuals (for further guidance see Section V(3) of the USDOJ Final Guidance available at the USDOJ website, <http://www.usdoj.gov>).

C. LEP CONTACT SITUATIONS AND REPORTING

While all public safety contacts, services and individual rights are important, the Bay City Department of Public Safety will utilize the four factor analysis to prioritize language services so that these services may be targeted where they are most needed. A supervisor should be informed of any service requests other than those provided by the Department. Whenever any member of this department is required to complete a report or when other documentation and interpretation or translation services are provided to any involved LEP individual, such services should be noted in the related report.

**BAY CITY DEPARTMENT OF PUBLIC SAFETY
BAY CITY, MICHIGAN**

SECTION 1 - ADMINISTRATIVE
GENERAL ORDER

July 22, 2014
INDEX NO. 1.16

LIMITED ENGLISH PROFICIENCY SERVICES

1. RECEIVING AND RESPONDING TO REQUESTS FOR ASSISTANCE

To provide LEP individuals with meaningful access to public safety services when they are victims of, or witnesses to, alleged criminal activity or other emergencies, the Bay City Department of Public Safety has designated Bay County Central Dispatch 911 lines as its top priority for language services. While 911 calls shall receive top priority, reasonable efforts should also be made to accommodate LEP individuals seeking routine access to services and information by utilizing the resources listed in this policy.

2. FIELD CONTACTS AND INVESTIGATIONS

Field contacts will generally include such contacts as traffic stops, pedestrian stops, serving warrants and personal protection orders, pre-emptive action plans, home surveys, crowd/traffic control and other routine field contacts that may involve LEP individuals. The scope and nature of these activities and contacts will inevitably vary. Department personnel must assess each situation to determine the need and availability for translation services to all involved LEP individuals and utilize the methods outlined above to provide appropriate language assistance. Although not every situation can be addressed in this policy, it is important that department personnel are 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. For example, it would be meaningless to request consent to search if the person requesting is unable to effectively communicate with an LEP individual.

3. 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 certain steps to improve the chances of admissibility. This includes interviews conducted during an investigation with victims, witnesses and suspects. Identification and contact information for the interpreter (e.g., name, address) should be documented so that the person can be subpoenaed for trial if necessary. Any person selected as an interpreter and/or translator must have demonstrated competence in both English and the non-

**BAY CITY DEPARTMENT OF PUBLIC SAFETY
BAY CITY, MICHIGAN**

SECTION 1 - ADMINISTRATIVE
GENERAL ORDER

July 22, 2014
INDEX NO. 1.16

LIMITED ENGLISH PROFICIENCY SERVICES

English language involved and knowledge of the functions of an interpreter that allows for correct and effective translation, and should not be a person with an interest in the case. The person providing interpretation or translation services may be required to establish the accuracy and trustworthiness of the interpretation or translation to the court.

4. LEP INDIVIDUALS IN CUSTODY

To protect the rights of LEP individuals during arrest and custodial interrogation, the Bay City Department of Public Safety places a high priority on providing competent interpretation 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. Therefore, it is important for members of this department to make every reasonable effort to provide effective language services in these situations. The Prosecutor's Office should be contacted when this is not possible; especially with felony and domestic assault arrests.

5. INTERPRETER REQUIRED IN ARRESTS

Following an arrest of a person disabled in communication, the arresting officer shall immediately make arrangements to provide a qualified interpreter at the earliest possible time and at the place of detention. The officer shall, with the assistance of the interpreter, explain all charges filed and all procedures relating to the person's detainment and release. The officer shall inform his/her supervisor of the arrest and the need for a qualified interpreter. Prior to an interrogation, the arresting officer shall make available a qualified interpreter to assist throughout the interrogation or taking of a statement. The interpreter shall assist with other communications, including those relating to needed medical attention.

6. QUALIFIED INTERPRETER REQUIRED FOR PROPERTY SEIZURE

If the property of a person is seized incident to a lawful arrest or search, the seizing officer shall, upon request, make available to the person at the earliest possible time a qualified interpreter to assist the person in understanding the possible consequences of the seizure and the person's right to judicial review.

**BAY CITY DEPARTMENT OF PUBLIC SAFETY
BAY CITY, MICHIGAN**

SECTION 1 - ADMINISTRATIVE
GENERAL ORDER

July 22, 2014
INDEX NO. 1.16

LIMITED ENGLISH PROFICIENCY SERVICES

7. COMPLAINTS

The Bay City Department of Public Safety shall ensure access to LEP persons who wish to file a complaint regarding the discharge of department duties. The Department may do so by providing interpretation assistance to such individuals. If the Department responds to complaints filed by LEP individuals, the Department shall attempt to communicate its response in an accessible manner.

D. TRAINING

In an effort to ensure that all employees in public contact positions or who have contact with those in custody are properly trained, the Bay City Department of Public Safety will provide periodic training to personnel about LEP policies and procedures, including how to access department authorized, telephonic and in-person interpreters and other available resources.

By order of:


Michael J. Cecchini
Public Safety Director