

TOWN OF MATTAWA
LANGUAGE ASSISTANCE PLAN

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

1. PURPOSE

A. The purpose of this Policy and Procedure plan (Plan) 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 Town of Mattawa (Town) and the Town of Mattawa Police Department (MPD) departmental personnel to follow when providing services to, or interacting with, individuals who have limited English proficiency (LEP).

B. The Town and the MPD recognize 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 MPD with safety, evidentiary, and ethical challenges. Ensuring maximum communication ability among town officials, law enforcement, and all segments of the community serves the interests of all.

II. POLICY

It is the policy of the Town to take reasonable steps to provide timely and meaningful access for LEP persons to all of the services and benefits the Town provides. The Town will inform members of the public, through the methods described in Part VII of this agreement, that language assistance services are available at the Town Hall free of charge during regular business hours.

It is the policy of the MPD to take reasonable steps to provide timely meaningful access for LEP persons to the services and benefits that the MPD 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 MPD 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. Personnel should avoid assumptions about an individual’s primary language.

EXAMPLE: Not all individuals from predominantly Spanish-speaking Countries speak Spanish fluently. Instead, some may speak an indigenous language. 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).
- E. “Bilingual” is the ability to speak two languages fluently and communicate directly and accurately in both English and another language. Bilingual ability should be assessed.
- F. “Police Department Authorized Interpreter” (PDAI) is a bilingual person hired by the Town of Mattawa who has been authorized to interpret for others in situations involving the MPD.
- G. “PDAI list” is a list of persons who are bilingual and authorized to act as interpreters. The list will be created and maintained by the Town Clerk/Treasurer and provided to the MPD.
- H. “ Contracted Interpreter” is a person hired for the purpose of providing qualified interpreting services.

IV. PROCEDURE FOR ACCESSING INTERPRETATION SERVICES

A. Town Services

1. The Town shall employ at least one bilingual (English and Spanish) employee during regular business hours to ensure that LEP persons have reasonable access to the Town's services, benefits, and programs. It should be noted that the Town presently employs a bilingual person in the following positions: deputy clerk/treasurer and public works employee. In addition, all three members of the Town's Planning Commission are bilingual in English and Spanish.

B. Civilian Emergency Calls to 9-1-1

1. Since the Town 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 communication network located some sixty miles away at Moses Lake, Washington.
2. The Town 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 MPD and advises them of the emergency. The Town has formally and officially requested that the MACC specifically advise the MPD that the emergency call is from a LEP person.
4. All MPD 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.
5. MPD and Town personnel will inform the MACC immediately of any problems encountered in using the system, and will work with the MACC and other county law enforcement to provide feedback to allow the MACC to continuously review and improve the quality of 9-1-1 services for LEP callers.

C. Police Personnel Requesting Interpretation Services

1. Responding Police Personnel Responsibilities- unless the responding officer is bilingual as defined in Section III, MPD personnel shall proceed as follows:

- a. If the officer comes in contact with an individual and determines that an interpreter is required, he or she will attempt to identify the LEP individual's primary language through the use of a language identification card provided to the officer by the MPD, or other reliable method, and immediately call the next person in rotation on the interpreter list.
- b. 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 him or her 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.
- c. 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.
- d. 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.
- e. If in-person interpreters are not available, the officer is to use telephonic interpreter services.

2. Exigent Circumstances

MPD personnel are expected to follow the procedures above. However, exigent circumstances may require some deviations. In such situations, personnel are to use the most reliable, temporary interpreter available. Example 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 general procedures set forth herein.

3. Family, Friends and Bystanders

In other than exigent circumstances, MPD personnel should only use family, friends or bystanders for interpreting in very informal, non-confrontational context, 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 involving immediate threat to health and safety while awaiting an appropriate interpreter, MPD personnel should not use minor children to provide interpreter services.

D. Contracted In-Person Interpretation Services

1. Qualified contracted in-person interpretation services shall be available to all MPD personnel when interacting with LEP individuals. The responding MPD officer shall determine if interpretation services are needed and call the next name in rotation on the list of qualified contracted interpreters. Each officer shall carry a list in his/her patrol vehicle at all times. While this service is available to all MPD personnel, it is best suited for investigative units operating under non-emergency situations, such as witness interviews and criminal interrogations.
2. The Town of Mattawa has entered into written contracts with four interpreters.
3. Upon contact with the qualified contracted interpreter, the officer 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.
4. 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, MPD personnel must ask all questions through the interpreter.

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

5. 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 qualified contracted interpreters.
6. 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 or Police who will note it on the list of qualified contracted interpreters so that all MPD personnel are aware of it for the future reference.

E. Civilian Emergency Calls Directly to the MPD or Town Hall:

1. Should an emergency call involving a LEP person come into either the MPD or the Town Hall during office hours, the deputy clerk/treasurer (who is fully conversant in English and Spanish), shall be asked immediately to answer the call and relay the information to the MPD. Upon determining the nature of the call, an officer shall respond as set forth above.
2. If the deputy clerk/treasurer is not available or if the caller speaks a language other than Spanish, the call shall be forward through the telephonic interpretation service.
3. The telephone system at both Town Hall and the MPD shall be programmed so that all calls received by either phone after regular office hours shall automatically be routed to MACC, which 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. MPD personnel must recognize that miscommunication during interrogations may have a substantial impact on the evidence present in any related criminal prosecution. A qualified contract interpreter shall be used for all interrogations as the suspect's legal rights could be adversely impacted.
2. Qualified contracted in-person interpreters shall be used at all times, without exception, in all criminal interrogations involving LEP individuals.

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 qualified contracted interpretation service.

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 qualified contract interpreter will be used when taking any formal statement or interview from an LEP individual.

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 MPD duties, shall be provided with translated complaint forms. The forms will be available at the Town Hall, police station, and designated sites. The staff member handling complaint forms and complaint intake is _____, and may be reached at _____. The complaint forms may be filed at the office of _____, or mailed to _____.
2. The Mayor or his/her designee will immediately make an investigation as to the allegations in the complaint. If necessary, a qualified 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 ensure that a qualified contracted in-person interpreter is available for any scheduled hearing.
5. There shall be a sign posted in the most commonly spoken languages at the Town Hall, the MPD, and the U.S. Post Office lobby stating the right to file a complaint under Title VI of the Civil Right act of 1964 and the steps for filing a complaint.

VI. PROCEDURES FOR ACCESSING DOCUMENT TRANSLATION SERVICES

A. Identification and Translation of Vital Documents

1. The Mayor, with input from the Mayor's Language Access Committee¹ community-based organizations, and the U.S. Department of Justice, shall be responsible for classifying all town documents as vital or non-vital, and determining into what languages the vital documents should be translated. The Mayor or his or designee will be responsible for ensuring translation and distribution of the documents.
2. The Chief of Police, with input from the Mayor's Language Access Committee, community-based organizations, and the U.S. 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. The Chief of Police will be responsible for ensuring translation and distribution of the documents.

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, consistent with the requirements of the law. The services of a qualified contracted translator shall be used for such translations.

VII. NOTIFYING THE PUBLIC ABOUT THE TOWN AND MPD LANGUAGE SERVICES

- A. There shall be a sign posted in the most commonly spoken languages at the Town Hall, MPD and the U.S. Post Office Lobby stating that language assistance service are available free of charge to LEP individuals involving contact with MPD 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 Plan.
- C. Notification of the availability of translated forms and documents will be posted in the lobby of Town Hall and the MPD Office, to inform LEP persons

¹Pursuant to section IX(A) of this Plan, the Mayor shall establish a Language Access Committee comprised of Mattawa residents who are familiar with the issues facing LEP individuals.

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.

- D. The Town shall use local media, such as Spanish Language newspaper and radio stations, to publicize the availability and translation services for LEP individuals residing the Town. The Town shall consult with community groups when identifying and selecting the media sources that it will employ to publicize the availability of language assistance, to ensure their effectiveness.
- E. The Town shall publicize the availability of town services to Spanish speaking LEP individuals at events that are well attended by the Hispanic LEP community, such as the weekend flea market that the town sponsors and is overseen by Reverend Alfredo Gut. Reverend Gutierrez is bilingual in English and Spanish and is highly respected by the Town residents.

VIII. TRAINING- LANGUAGE ASSISTANCE POLICY AND INTERPRETER SKILLS.

- A. The Town and the MPD will provide periodic training to personnel about their 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.
 - 1. The Town shall conduct training for newly hired personnel upon the commencement of their employment. In addition, all Town personnel shall participate in a training every two years. Training shall initially be conducted within 30 days of the effective date of this Plan.
 - 2. The MPD shall conduct such training for new recruits and at in-service training at least every two years. Training shall initially be conducted within thirty days of the effective date of this Plan, and within thirty days of the hiring date of a new officer.
- B. The Town and MPD personnel identified as bilingual who are willing to act as interpreters will have their language skills initially assessed by a professional interpreter. The Mayor or his/her designee shall obtain the services of a qualified professional interpreter for this purpose.
- C. After the initial assessment, those found proficient in interpreting will be placed conditionally on the PDAI list. The initial language assessment for MPD personnel

hired, as bilingual shall be waived if the employee chooses to act as an interpreter. These employees will be placed conditionally on the PDAI List.

- D. All Town and MPD personnel conditionally placed on the PDAI List must successfully pass the training called for herein below in subparagraph E. within one (1) year of hire. After successful completion of the training, the individual will be unconditionally placed on the PDAI 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 vocabulary and phraseology used by LEP persons generally encountering the MPD 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 PDAI 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 PDAI have received.
- G. Contracted in-person interpreters shall be to the same assessment and training requirements as Town and MPD personnel who conduct interpreter and translation services. This ensures that contracted in-person interpreters will provide adequate interpretation and/or translation services to LEP individuals in need.

IX. MONITORING AND UPDATING LANGUAGE ASSISTANCE EFFORTS

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

A. Community Review:

The Mayor shall establish a Language Access Committee comprised of Mattawa residents who are familiar with the issues facing LEP individuals.

The Mayor and the Chief of Police shall review contracted language access services utilization data, and consult with the Mayor's Language Access Committee and 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.

B. New Documents:

The Mayor, with the assistance of the Mayor's Language Access Committee, shall review all new documents that the Town issues to assess whether they should be classified as vital documents and be translated.

The Chief of Police will be responsible for annually reviewing all new documents and be translated.

C. Collection of LEP Contact Data:

The Chief of Police or his designee will be responsible for collecting MPD 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 and the review of the police reports. To facilitate LEP contact data collection, when interpretation services are used, police officers will be instructed to indicate in the police report the name of the interpreter used or in the event that a commercial telephonic interpretation service was used, the name of the commercial telephonic interpretation service used.

The Mayor or his or 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 Town and MPD are providing meaningful access to LEP persons to the services and benefits provided in all Town and MPD-conducted programs or activities.

APPENDIX A

TRANSLATED DOCUMENTS:

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

8. Event Permit Application.
9. Mattawa Police Department Official Complaint Form.
10. Policy and Procedure Guidelines for Contracts by members of the Mattawa Police Department and town of Mattawa employees with persons having limited English language proficiency.
11. Liter Ordinance 8.12.010.
12. Fence Permit.
13. Conditional Use Permit.
14. Dog License Permit.
15. Business License.