3-09/004.00 - Limited English Proficiency and Language Assistance Plan

It is the policy of the Los Angeles County Sheriff's Department to provide accurate and effective communication with members of the public regardless of their level of English proficiency. The Department shall strive to eliminate or reduce, to the maximum extent practicable, limited English proficiency (LEP) as a barrier to accessing assistance or utilization of Department programs and services.

Limited English proficient individuals are defined as persons who do not speak English as their primary language and who have a limited ability to read, write, speak, or understand English. LEP individuals may be competent in English for certain types of communication (e.g., speaking or understanding) but may still be LEP for other purposes (e.g., reading or writing).

Department members shall take reasonable steps to ensure effective communications with LEP individuals that is clear, coherent, and accurate when providing assistance, programs, or services on behalf of the Department. Personnel will use qualified bilingual persons as translators and interpreters as set forth in this policy. A "qualified bilingual person" as used in this plan is a qualified County interpreter (MPP 3-02/180.00, Bilingual Bonus), including employees or persons available through the civilian volunteer program or persons available through the Sheriff's Information Bureau bilingual services program who have passed the Los Angeles County fluency examination for the language involved. Immigration authorities shall not be used as interpreters for law enforcement matters relating to individuals in Department custody, even if otherwise qualified. Language assistance should be provided at a time and place that avoids the effective denial of assistance, service, or rights to the LEP person.

The Department shall prioritize the translation of vital forms including Public Complaint forms, Inmate Complaint forms, Miranda Rights cards, Inmate Services forms, and Order to Disperse cards.

The Department shall take reasonable steps to translate the LASD.org website into multiple languages, reflective of the communities served.

Desk Operations

Dispatch personnel who receive emergency calls for service from LEP individuals shall utilize the 24-hour, telephone-based Language Line Solutions translation service on the 9-1-1 emergency phone system unless the desk personnel are qualified bilingual person(s) for the language involved, or are self-identified as proficient in the relevant language. Department personnel capable of in-language communication should be dispatched as the primary responder or assisting unit for scenes involving LEP persons whenever possible.

To communicate with LEP individuals in the field, Department members should, as follows:

1. First, engage in direct in-language communication (i.e. without interpretation or translation between English and the non-English language) with the individual if the member is: a) a qualified bilingual person in the relevant non-English language; or b) is self-identified as proficient in the relevant non-English language. Each station shall maintain separate lists of members who are either qualified bilingual or self-identified as proficient in a non-English language.

2. If the member is unable to engage in direct in-language communication, he/she shall obtain interpretation assistance of a Department member who is qualified as bilingual or self-identified as bilingual in the relevant non-English language.

3. If unable to engage in either of the above, and for the limited purpose of obtaining preliminary information in the field, a Department member may use bilingual family, friends, or bystanders for interpreting in very informal, non-confrontational contexts. If follow-up information or an investigation is needed, within a reasonable amount of time, the Department member or supervisor should contact the LEP individual using a qualified bilingual member, self-identified bilingual members, or Language Line Solutions to confirm the preliminary information collected and to obtain additional information.

Even for the limited purpose of obtaining preliminary information in the field in informal, non-confrontational contexts, Department members should be aware that using bilingual family, friends, or bystanders to interpret could result in a breach of confidentiality, a conflict of interest, or an inadequate interpretation. Department members should avoid using persons biased for or against one of the parties or minor children under the age of 12 to assist in interpretation unless there is no available alternative. Department members should also avoid using a family member as an interpreter in a matter involving domestic violence absent exigent circumstances.

4. If the above options are unavailable or inadequate, Department member(s) shall, when reasonably safe to do so, use the non-emergency number for Language Line Solutions services, (800) 523-1786, which can be accessed from any telephone. Give the service dispatcher the station's specific 6-digit ID number. (For further information, refer to the Desk Manual.)

Exceptions

In the following circumstances, interpretation must be provided through telephonic language assistance or a qualified/self-identified bilingual Department member:

- An LEP person requests the assistance of an interpreter;
- A Department member intends to make an arrest that is based solely on information from an LEP person and the Department member is not confident that the interpretation provided by a family member, friend, or bystander is reliable and/or accurate;
- Department members are requesting consent to search from an LEP person and the only authority for the search rests on the consent;
- Department personnel are conducting custodial interviews or interrogations; or
- Department members are conducting pre-planned, coordinated follow-up interviews with known LEP persons after a first report has been completed. In conducting pre-planned field investigations or canvassing, Department members should make efforts to anticipate the need for language interpretation and be prepared to obtain language assistance through telephonic language assistance or a qualified/self-identified bilingual Department member.

Exigent Circumstances

In exigent circumstances, Department members are to use the most reliable temporary option available, including bystanders. Examples of exigency may include but are not limited to: medical emergencies; situations in which the life or safety of civilians are threatened; the immediate need to obtain descriptive information on a suspect; the need to obtain identifying information of an injured person; the need to avoid delay that will create a Terry Stop violation. Deputies shall not be subject to discipline for failure to immediately utilize Language Line Solutions when doing so would pose a risk to safety or interfere with the management of a critical incident.

Once the exigency has passed and within a reasonable amount of time, Department members or supervisors shall obtain language assistance consistent with this policy. The determination of 'reasonable amount of time' shall take into account the totality of the circumstances, including scene safety and resource availability. The use of a temporary interpretation option, the exigent circumstances that necessitated such use, and the steps made for follow-up interpretation shall be memorialized in the incident report.

Personnel Complaints

Any LEP individual who wishes to file a complaint about an employee shall be provided with a complaint form and informational materials in the appropriate non-English language and/or be provided appropriate translation and interpretation services from a qualified bilingual person in order to file a complaint. If a complaint is submitted in a non-English language, the response to the complaint, when practicable, shall be in the language submitted by the complainant. This may be accomplished through the use of qualified bilingual Department personnel or translation services currently available to the Department.

Each station shall have a sign displayed in the front lobby printed in English and other prevalent languages for that Department station service area as determined by the unit commander, containing the Department's public complaint phone number. In the event a LEP individual indicates they cannot read the posted information, Department members shall provide appropriate language services from a qualified/self-identified bilingual Department member or Language Line Solutions services.

Station Facilities

Each station, in the respective booking/detention areas, shall prominently display signage, printed in English as well as the prevalent spoken language(s) for that Department station service area as determined by the unit commander, detailing information regarding access to the Bail Commissioner, the Public Defender's Office, information on minor childcare, and the prisoner's right to complete three phone calls. In the event a LEP

individual indicates they cannot read the posted information, Department personnel shall provide appropriate language services from a qualified/self-identified bilingual Department member or Language Line Solutions services.

Custody Facilities

To maintain consistency and uniformity, each facility shall post both the English and Spanish versions of the Custody Services Division Inmate Rules and Regulations as listed in Custody Division Manual section 7-33/000.00, “Inmate Rules and Regulations.” For those inmates who are unable to read English or Spanish, provisions shall be made for qualified/self-identified bilingual jail staff or other Department personnel to verbally instruct them or provide them with material, in an understandable form, regarding jail rules and disciplinary procedures and penalties. If no such qualified/self-identified jail staff or personnel are available, jail staff shall provide appropriate language services from Language Line Solutions services.

Community Engagement and Outreach

Providing meaningful access to LEP individuals should also be considered in existing and future outreach and education initiatives within the Department. Department personnel should take steps to assess whether LEP individuals may be part of an LASD organized community forum and should, to the extent practicable, ensure information about the forum or programs are sufficiently relayed in the appropriate language.

It may be necessary to translate press releases particularly where the newsworthy event involves a large number of LEP individuals or if translation of the press release may garner useful information to the public.

LEP Data Collection and Analysis

The use of a qualified bilingual person, self-identified LASD bilingual personnel, a civilian, or the Language Line Solutions service shall be memorialized in the incident report. To facilitate follow-up, contact information for civilians who provide language assistance should be included in the incident report.