



**BURLINGTON POLICE DEPARTMENT  
DEPARTMENT DIRECTIVE**

**DD13.01 – Interacting with Persons with Limited English Proficiency**

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**POLICY:** It is the policy of this department to provide police services in an equal and impartial manner. This policy includes providing police services to those who have limited English proficiency that officers either observe or become aware of based upon the circumstances presented or information obtained. The Burlington Police Department policy is to take reasonable steps to provide timely, meaningful access to translation services for persons of limited English proficiency. Whenever an employee determines, or has been told in good faith, that a person may be incapable of establishing effective communication, the employee should, as soon as practical, provide proper interpretation resources.

**PURPOSE:** To ensure that language barriers do not exclude persons from receiving services from the Burlington Police Department or prohibit personnel from performing their jobs effectively, while maintaining compliance with Federal law. Per Title VI of the Civil Rights Act of 1964, the Omnibus Crime Control and Safe Streets Act of 1968, and the Vermont Public Accommodations Act, officers are required by state and federal law to ensure adequate and appropriate communication and services that will not discriminate against any person.

For the purposes of this Directive, “Limited English Proficiency [LEP]” refers to any person who does not speak English as their primary language and who has a limited ability to read, speak, write or understand English.

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**I. OFFICER RESPONSE**

- A. Successful police contact with citizens is characterized by effective communication between the officer and the citizen whether the citizen is a suspect, victim, witness or complainant. Officers encountering a limited English proficiency individual must take additional steps to ensure that the communication is effective and that the individual has meaningful access to critical services.
- B. Officers shall be cognizant that language barriers can inhibit individuals from accessing police services or understanding important rights, obligations or available services. Officers shall strive to communicate effectively and accurately with all citizens in order to best serve the interests of the department and the community.

**II. PROCEDURES – LEP**

- A. **Interactions or services in which the needs are of short duration and reasonably simple in content:** Not all interactions with LEP persons require translation services. BPD employees interacting with persons of limited English proficiency will ensure that they are able to communicate pertinent information, whether in person or by phone. If an officer perceives a language barrier, the employee is to make all reasonable efforts to minimize confusion with the individual and still be able to accommodate the individual’s needs to provide the service to them.
- B. **Interactions on motor vehicle traffic stops or ordinance violations:** Routine motor vehicle stops and the issuance of traffic citation or municipal ordinance violations will not normally require the

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services of a certified interpreter. In situations where the need to obtain only basic information, such as address or date of birth, is needed, an officer may utilize family, friends, or bystanders. Officers are expected to be aware of potential inadequate interpretation by these sources. *The officer may not ask a passenger in the vehicle to interpret the violation.*

If an officer stops a driver with limited English proficiency for suspected DUI, the officer can attempt to conduct roadside dexterities by explaining the exercises in writing on a note pad. For officer safety, a secondary unit should be called to the scene if this measure is taken. If the driver requests an interpreter, a certified interpreter must be provided for the dexterities to be admissible. If an interpreter is not immediately available for roadside, the officer should proceed based on other observations, facts and circumstances when deciding if reasonable suspicion exists.

- C. **Criminal investigations in which an individual is a suspect, victim or witness:** These scenarios potentially involve statements with great investigative and evidentiary value. In accordance with the Department's Directive for Criminal Investigations (Directive number pending), officers are expected to obtain the most accurate statements possible. Whenever an officer, based on their perceptions or knowledge, becomes aware of a suspect/witness/victim who is unable to clearly and concisely communicate, every attempt to obtain appropriate translation and interpretation services should be exhausted. This means to first identify the individual's primary language and attempt to locate an in-person translator. If an appropriate translator is not available, the field supervisor is to be notified immediately. The Field Supervisor is responsible for locating in-person or telephonic services for translation resources. When an interpreter is not available, the officer will offer the victim or witness the option to provide a final statement with the officer and an interpreter at a later date.
- D. **Situations involving Miranda warning and/or obtaining a formal, sworn statement:** Whenever an individual suspected to have limited English proficiency is in any situation requiring "knowing" and "voluntary" actions of that person, or a situation where the suspect's or witness' legal rights could be adversely impacted, an officer shall only use an appropriate, qualified translator. When a translator arrives, the officer shall record the interpreter's name and company affiliation and the interpreter's arrival and departure time. Whenever possible, preference is to also have any interactions with an officer, individual and interpreter audio and/or video recorded. During booking/processing, if the arrestee requests the services of an interpreter the officer/employee **must** attempt to contact a certified interpreter for immediate services by following the procedures set forth in this directive.
- E. **Exigent circumstances:** All BPD personnel are expected to utilize authorized interpretation services; however exigent circumstances may require some deviations. In such situations, personnel are to use the most reliable, temporary interpreter available, per a field supervisor's approval, to obtain immediate pertinent information. However, once an exigency has passed, all personnel are expected to revert to the general procedures outlined in this Directive.
- F. **Use of family, friends and minors for interpretation:** Family, friends and minors should only be used for interpreting in non-confrontational, informal situations and only to obtain basic information. Use of family or friends may result in a conflict of interest, breach of confidence or inadequate/inaccurate interpretation. Except in exigent circumstances, minor children should not be used to provide interpreter services in any criminal investigation.

The individual of limited English proficiency has the right to choose to use a friend or family member to supplement any interpreter chosen by the police, or to hire their own professional

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interpreter at their own expense. In any such circumstance the expressed choice should be documented by the officer and the identity of any such supplemental interpreter recorded in the officer's report.

**III. DEPARTMENT RESOURCES:**

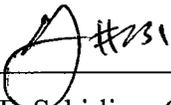
A. **Hiring Certified Sign Language Interpreters:** The following options should be followed when an officer/employee needs the services of a certified interpreter:

1. Monday – Friday, 8:00 AM – 4:00 PM, contact the Vermont Interpreter Referral Service (VIRS) at 1-800-639-1519.
2. After business hours, contact the nearest interpreter directly, using the emergency list attached to this directive, or <http://www.virs.org> for an updated emergency list. An official updated list is also located at <http://www.vocrehab.vt.gov> under “Resources.”

B. **Non-English Speaking Persons:**

1. Language identification guides (“I speak” guide books) will be made available to all officers to assist in identifying citizens’ primary language.
2. A current list of employees certified and authorized to translate for BPD will be accessible by members of Dispatch and Supervisors.
3. A telephone interpretation service is available 24 hours a day, providing in-person interpreters and telephonic services for less complex situations.

*Reviewed and adopted by the Burlington Police Commission on February 26, 2013.*

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Michael E. Schirling, Chief of Police

15 MARCH 2013  
Effective Date