



Approved:
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622. Limited English Proficiency Services

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622.1: PURPOSE AND SCOPE

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

622.1.1: DEFINITIONS

Authorized interpreter - A person who has been screened and authorized by the Department to act as an interpreter and/or translator for others.

Interpret or 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.

Limited English Proficient (LEP) - 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 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 these skills may be insufficient in other situations.

Qualified bilingual member - A member of the Albany Police Department, designated by the Department, who has the ability to communicate fluently, directly and accurately in both English and another language. Bilingual members may be fluent enough to communicate in a non-English language but may not be sufficiently fluent to interpret or translate from one language into another.

Translate or translation - The replacement of written text from one language (source language) into an equivalent written text (target language).

622.2: POLICY

It is the policy of the Albany 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.

622.3: LEP COORDINATOR

- a. The Chief of Police shall delegate certain responsibilities to an LEP Coordinator who shall be appointed by, and directly responsible to, the Division Captain or the authorized designee.
- b. The responsibilities of the LEP Coordinator include, but are not limited to:
 - 1) Coordinating and implementing all aspects of the Albany Police Department's LEP services to LEP individuals;
 - 2) Developing procedures that will enable members to access LEP services, including telephonic interpreters, and ensuring the procedures are available to all members;
 - 3) Ensuring that a list of all qualified bilingual members and authorized interpreters is maintained and available to each Shift Supervisor and Police Support Services Manager. The list should include information regarding the following:
 - A. Languages spoken;
 - B. Contact information;
 - C. Availability.
- c. Ensuring signage stating that interpreters are available free of charge to LEP individuals is posted in appropriate areas and in the most commonly spoken languages;
- d. Reviewing existing and newly developed documents to determine which are vital documents and should be translated, and into which languages the documents should be translated;
- e. Annually assessing demographic data and other resources, including contracted language services utilization data and community-based organizations, to determine if there are additional documents or languages that are appropriate for translation;
- f. Identifying standards and assessments to be used by the Department to qualify individuals as qualified bilingual members or authorized interpreters;
- g. Periodically reviewing efforts of the Department in providing meaningful access to LEP individuals, and, as appropriate, developing reports, new procedures, or recommending modifications to this policy;
- h. Receiving and responding to complaints regarding department LEP services;
- i. Ensuring appropriate processes are in place to provide for the prompt and equitable resolution of complaints and inquiries regarding discrimination in access to department services, programs and activities.

622.4: FOUR-FACTOR ANALYSIS

- a. Since there are many different languages that members could encounter, the Department will utilize the four-factor analysis outlined in the U.S. Department of Justice (DOJ) Guidance to Federal Financial Assistance Recipients, available at the DOJ website, to determine which measures will provide meaningful access to its services and programs.
- b. It is recognized that law enforcement contacts and circumstances will vary considerably. This analysis, therefore, must remain flexible and will require an ongoing balance of four factors, which are:
 - 1) The number or proportion of LEP individuals eligible to be served or likely to be encountered by department members, or who may benefit from programs or services within the jurisdiction of the Department or a particular geographic area;
 - 2) The frequency with which LEP individuals are likely to come in contact with department members, 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.

622.5: TYPES OF LEP ASSISTANCE AVAILABLE

- a. Albany Police Department members should never refuse service to an LEP individual who is requesting assistance because of that person's limited English proficiency, nor should they require an LEP individual to furnish an interpreter as a condition for receiving assistance.
- b. The Department will make every reasonable effort to provide meaningful and timely assistance to LEP individuals through a variety of services.
- c. The Department will utilize all reasonably available tools when attempting to determine an LEP individual's primary language.
- d. LEP individuals may choose to accept department-provided LEP services at no cost or they may choose to provide their own.
- e. Department-provided LEP services may include, but are not limited to, the assistance methods described in this policy.

622.6: WRITTEN FORMS AND GUIDELINES

- a. Employees called upon to interpret, translate, or provide other language assistance, will be trained annually on language skills competency including specialized terminology.
 - 1) Assessment: The Albany Police Department personnel identified as bilingual who are willing to act as authorized interpreters will have their language skills assessed by a professional interpreter

using a structured assessment tool established by the Administrative Lieutenant.

Those employees found proficient in interpreting into and from the target language will be placed conditionally on the Authorized Interpreters List.

- 2) Training: All personnel conditionally placed on the Authorized Interpreter List must successfully complete the prescribed interpreter training within one year. After successful completion of interpreter training, the individual will be unconditionally placed on the Authorized Interpreter List. To complete interpreter training successfully, an interpreter must demonstrate proficiency in and ability to communicate information accurately in both English and in the target language; have knowledge in both languages of any specialized terms or phraseology used by the LEP person; and understand and adhere to the interpreter role without deviating into other roles such as counselor or legal advisor.
 - 3) Refresher Course for Authorized Interpreters: Those persons who have been unconditionally placed on the Authorized Interpreter List must receive refresher training annually or they will be removed from the Authorized Interpreter List. The Administrative Lieutenant shall be responsible for coordinating the annual refresher training and will maintain a record of training that the interpreters have received.
- b. The LEP Coordinator will ensure that the Authorized Interpreters List is kept current and a copy of the current list is forwarded to the Communications Center.

622.7: AUDIO RECORDINGS

The Department may develop audio recordings of important or frequently requested information in a language most likely to be understood by those LEP individuals who are representative of the community being served.

622.8: AUTHORIZED INTERPRETERS

- a. Any person designated by the Department to act as an authorized interpreter and/or translator must have demonstrated competence in both English and the involved non-English language, must have an understanding of the functions of an interpreter that allows for correct and effective translation, and should not be a person with an interest in the department case or investigation involving the LEP individual.
 - 1) A person providing interpretation or translation services may be required to establish the accuracy and trustworthiness of the interpretation or translation in a court proceeding.
- b. Authorized interpreters must pass a screening process established by the LEP Coordinator which demonstrates that their skills and abilities include:
 - 1) The competence and ability to communicate information accurately in both English and in the target language.
 - 2) Knowledge, in both languages, of any specialized terms or concepts peculiar to this department

and of any particularized vocabulary or phraseology used by the LEP individual.

- 3) The ability to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.

622.8.1: SOURCES OF AUTHORIZED INTERPRETERS

- a. The Department may contract with authorized interpreters who are available over the telephone. Members may use these services with the approval of a supervisor and in compliance with established procedures.
- b. Other sources may include:
 - 1) Qualified bilingual members of this department or personnel from other City departments;
 - 2) Individuals employed exclusively to perform interpretation services;
 - 3) Contracted in-person interpreters, such as state or federal court interpreters, among others;
 - 4) Interpreters from other agencies who have been qualified as interpreters by their employing agency.

622.8.2: COMMUNITY VOLUNTEERS AND OTHER SOURCES OF LANGUAGE ASSISTANCE

- a. Language assistance may be available from community volunteers who have demonstrated competence in either monolingual (direct) communication and/or in interpretation or translation (as noted in above) and have been approved by the Department to communicate with LEP individuals.
- b. Where qualified bilingual members or other authorized interpreters are unavailable to provide assistance, approved community volunteers who have demonstrated competence may be called upon when appropriate.
 - 1) Department members should carefully consider the nature of the contact and the relationship between the LEP individual and the volunteer to ensure that the volunteer can provide neutral and unbiased assistance.
 - 2) While family or friends of an LEP individual may offer to assist with communication or interpretation, members should carefully consider the circumstances before relying on such individuals. For example, children should not be relied upon except in exigent or very informal and non-confrontational situations.

622.9: CONTACT AND REPORTING

Whenever any member of this department is required to complete a report or other documentation and interpretation services are provided to any involved LEP individual, such services should be noted in the related report. Members should document the type of interpretation services utilized and whether the individual elected to use services provided by the Department or some other identified source.

622.10: RECEIVING AND RESPONDING TO REQUESTS FOR ASSISTANCE

The Albany Police Department will take reasonable steps and will work with the Department of Human Resources to develop in-house language capacity by hiring or appointing qualified members proficient in languages representative of the community being served.

622.10.1: EMERGENCY CALLS TO 9-1-1

- a. Department members will make every reasonable effort to promptly accommodate LEP individuals utilizing 9-1-1 lines.
- b. When a 9-1-1 call-taker receives a call and determines that the caller is an LEP individual, the call-taker shall quickly determine whether sufficient information can be obtained to initiate an appropriate emergency response.
- c. If language assistance is still needed, the language is known, and a qualified bilingual member is available in the Communications Center, the call shall immediately be handled by the qualified bilingual member.
- d. If a qualified bilingual member is not available or the call-taker is unable to identify the caller's language, the call-taker will contact the contracted telephone interpretation service and establish a three-way call between the call-taker, the LEP individual and the interpreter.
- e. Communications Specialists will make every reasonable effort to dispatch a qualified bilingual member to the assignment, if available and appropriate.
- f. While 9-1-1 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.

622.11: FIELD ENFORCEMENT

- a. Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts that may involve LEP individuals.
- b. Members and/or supervisors must assess each situation to determine the need and availability of language assistance to all involved LEP individuals and utilize the methods outlined in this policy to provide such assistance.

- c. Although not every situation can be addressed in this policy, it is important that members are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action. For example, it would be meaningless to request consent to search if the officer is unable to effectively communicate with an LEP individual.
- d. If available, officers should obtain the assistance of a qualified bilingual member or an authorized interpreter before placing an LEP individual under arrest.

622.12: INVESTIGATIVE FIELD INTERVIEWS

- a. In any situation where an interview may reveal information that could be used as the basis for arrest or prosecution of an LEP individual and a qualified bilingual member is unavailable or lacks the skills to directly communicate with the LEP individual, an authorized interpreter should be used.
 - 1) This includes interviews conducted during an investigation with victims, witnesses and suspects. In such situations, audio recordings of the interviews should be made when reasonably possible. 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.
- b. If an authorized interpreter is needed, officers should consider calling for an authorized interpreter in the following order:
 - 1) An authorized department member or allied agency interpreter;
 - 2) An authorized telephone interpreter;
 - 3) Any other authorized interpreter.
- c. Any Miranda warnings shall be provided to suspects in their primary language by an authorized interpreter or, if the suspect is literate, by providing a translated Miranda warning card.
- d. The use of an LEP individual's bilingual friends, family members, children, neighbors or bystanders may be used only when a qualified bilingual member or authorized interpreter is unavailable and there is an immediate need to interview an LEP individual.

622.13: CUSTODIAL INTERROGATIONS

- a. Only qualified bilingual members or, if none is available or appropriate, authorized interpreters shall be used during custodial interrogations.
- b. Miranda warnings shall be provided to suspects in their primary language by the qualified bilingual member or an authorized interpreter.
- c. In order to ensure that translations during custodial interrogations are accurately documented and are admissible as evidence, interrogations should be recorded whenever reasonably possible.

- d. See guidance on recording custodial interrogations in the [Interview and Interrogations: Policy 502](#).

622.13.1: INTERPRETER REQUIRED IN ARRESTS

An officer who arrests a person who cannot readily understand or communicate the English language shall, prior to any interrogation or the taking of a statement, make available a qualified interpreter to assist throughout the interrogation or taking of the statement. Fees and expenses of the interpreter will be paid as specified by Oregon law ([ORS 133.515](#)).

622.14: BOOKINGS

- a. When gathering information during the booking process, members should remain alert to the impediments that language barriers can create.
- b. Members should seek the assistance of a qualified bilingual member whenever there is concern that accurate information cannot be obtained or that booking instructions may not be properly understood by an LEP individual.

622.15: COMPLAINTS

- a. The Department shall ensure that LEP individuals who wish to file a complaint regarding members of this department are able to do so.
- 1) The Department may provide an authorized interpreter or translated forms, as appropriate.
 - 2) Complaints will be referred to the LEP Coordinator.
- b. Authorized interpreters used for any interview with an LEP individual during an investigation should not be members of this department.
- c. Any notice required to be sent to an LEP individual as a complaining party pursuant to the Personnel Complaints Policy should be translated or otherwise communicated in a language accessible manner.

622.16: COMMUNITY OUTREACH

The department will continue to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services.

622.17: TRAINING

- a. The Administrative Lieutenant shall be responsible for ensuring new members receive LEP training.
- b. 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.

- c. Those who may have contact with LEP individuals should receive refresher training at least once every two years thereafter.
- d. The Administrative Lieutenant shall maintain records of all LEP training provided and will retain a copy in a department training file in accordance with established records retention schedules.

622.17.1: TRAINING FOR AUTHORIZED INTERPRETERS

- a. All members on the authorized interpreter list must successfully complete prescribed interpreter training.
 - 1) To complete interpreter training successfully, an interpreter must demonstrate proficiency in and ability to communicate information accurately in both English and in the target language, demonstrate knowledge in both languages of any specialized terms or phraseology, and understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.
 - 2) Members on the authorized interpreter list must receive refresher training annually, unless excused by their supervisor, or they will be removed from the authorized interpreter list.
 - 3) This annual training should include language skills competency including specialized terminology.
- b. The Administrative Lieutenant shall be responsible for coordinating the annual refresher training and will maintain a record of all training the interpreters have received.