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PREAMBLE

The Douglas County Sheriff's Office (DCSO) recognizes the importance of effective and accurate communication between its members and the community that they serve. The DCSO strives to maintain the capacity to communicate effectively with Limited English Proficiency (LEP) community members. Language barriers can inhibit or even prohibit individuals with LEP from accessing and/or understanding important rights, obligations, and services, or from communicating accurately and efficiently in different situations. Hampered communication with LEP victims, witnesses, suspects, and community members can jeopardize safety and create evidentiary and investigative challenges.

POLICY

It is the policy of the Douglas County Sheriff's Office (DCSO) to take reasonable steps to ensure timely and accurate communication and access to DCSO services for all individuals regardless of national origin or primary language in accordance with federal, state, and local law.

DEFINITIONS

Bilingual: The ability to speak two languages fluently and communicate directly and accurately in both English and another language.

Direct Communication: Monolingual communication in a language other than English between a qualified bilingual agency employee or representative and an LEP individual.

Interpretation: The act of listening to communication in one language and orally converting it into another language, while retaining the same meaning. Interpretation is a sophisticated skill that requires practice and training.

Limited English Proficiency (LEP) Individuals: Persons 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 (for example, speaking or understanding), but still be LEP for other purposes (for example, 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.

Primary Language: The language in which an individual is most effectively able to communicate.

Qualified Interpreter: Qualified Interpreters include (1) law enforcement personnel certified proficient by a qualifying agency to interpret for others; (2) language volunteers who are certified proficient to interpret for Douglas County; (3) language service providers, including the AT&T Language Line; (4) certified court interpreters.

Translation: The replacement of written text from one language into an equivalent written text in another language. Translation requires special knowledge and skills.

PROCEDURES

I. General Guidelines

- A. DCSO members will inform the public that language assistance services are available free of charge to LEP persons and that the DCSO will provide these services to them as part of the agency's community policing and enforcement efforts. Under no circumstances will an LEP individual be denied access to DCSO services based on their inability to speak English.
 - 1. Signage announcing that language assistance is available free of charge will be posted in all public areas under the control of the DCSO. These signs will be written in the most commonly spoken foreign language in Douglas County. This statement is also placed on the DCSO web site.
 - a. Consideration should be given to placing this statement in announcements, brochures, booklets, fliers, notices, advertisements, agendas, or recruitment information as appropriate.
 - 2. All members will have access to the DCSO "Limited English Proficiency (LEP)" policy in PowerDMS.
- B. Training will be provided to new DCSO employees upon hire.
- C. LEP services may be required when:
 - 1. A member is unable to communicate with an individual attempting to access or in need of law enforcement services.
 - 2. A Deputy is unable to communicate the Miranda Warnings and/or the nature of the criminal charges to a suspect.
 - 3. If requested by an LEP individual.
- D. The Douglas County Communications Center has procedures to identify and assist LEP persons calling 911 and non-emergency numbers.
 - 1. Dispatchers will indicate in the CAD information when the caller is a LEP individual by entering "LEP" notation followed by the language being spoken. If the responding Deputy(s) does not have CAD capability, the dispatcher will notify the responding Deputy of the LEP information via radio.
- E. Deputies may utilize the following LEP services:
 - 1. Language Line.
 - a. The DCSO contracts with a language line that can be called to provide translation services.
 - b. Contact information can be found in the Contact List in PowerDMS.
 - 2. Interpreters.
 - a. Use of Certified Court Interpreters
 - (1) Certified Court Interpreters may be used when taking an LEP person's statement and that statement may adversely affect that person's legal rights (i.e. a formal interrogation).

- (2) A list of Certified Court Interpreters is maintained on the Nebraska Supreme Court website.

b. Use of Informal Interpreters

- (1) In exigent circumstances DCSO members will use the most reliable, temporary interpreter available. Once the exigency has passed, members will provide more formal LEP services appropriate for the situation.
- (2) Absent exigent circumstances, Deputies will only use family, friends, or bystanders for interpreting in very informal, non-confrontational contexts, and only to obtain basic information at the request of the LEP person.
 - (a) Using family, friends, or bystanders to interpret could result in a breach of confidentiality, a conflict of interest, or an inadequate interpretation.
- (3) Barring exigent circumstances, DCSO personnel should not use minor children to provide interpreter services.
- (4) The DCSO will maintain contact information on the Contact List in PowerDMS for multi-language DCSO employees who can assist in informal or exigent circumstances as well.

c. Conflict of Interest/Bias of Interpreter

- (1) If a DCSO member believes the interpreter has any conflict of interest, the member will consult with their immediate Supervisor. The Supervisor will decide if another interpreter is warranted.
- (2) If a conflict of interest occurs, the Supervisor will arrange to have another interpreter, if available, respond.
- (3) The member's Supervisor will submit an Inter-Bureau Communication (SF-118A) to the Administration Chief Deputy and will ensure the conflict of interest is noted in any reports completed.

3. Translation Software.

- a. Translation software (e.g., Google Translate, translation apps, etc.) may be used in exigent circumstances or very informal, non-confrontational contexts, to obtain basic information.

4. DCSO Forms.

- a. If the primary language of the LEP individual has not been translated into DCSO forms or in the case of illiteracy, the forms will be read to the LEP individual in his/her primary language by a qualified interpreter.

F. LEP Suspects

1. If probable cause exists for an arrest, Deputies may transport LEP suspects to the LEC or another law enforcement facility where they may convey the arrest information through the use of a qualified interpreter. Upon completion, the Deputy will cite or arrest the subject as necessary.

2. LEP individuals suspected of non-criminal violations (such as non-criminal traffic infractions) may be issued a citation without the use of an interpreter, if the LEP individual indicates they have some understanding of the situation. If the LEP person requests an interpreter, or is unable to communicate with, or is experiencing difficulty communicating with the Deputy the Deputy will attempt to provide available LEP resources.

G. Other LEP Individuals (e.g., Victims, Witnesses, Etc.)

1. An LEP individual not under arrest, will not be transported without his/her consent.
2. If an LEP individual consents and the situation permits transportation, Deputies may transport the LEP individual to a different location to access an interpreter or other language resource in accordance with the procedures described in this policy.
3. If the LEP individual does not wish to be transported, Deputies may exercise the following options:
 - a. Notify dispatch and request an interpreter, if available, be dispatched to the location.
 - b. Contact a command officer who will determine whether to utilize an available language resource in accordance with procedures described in this policy.

H. Interrogation, Interviews and Complaints

1. Custodial interrogations and crime witness interviews potentially involve statements of evidentiary value that may be used later in court to impeach a witness. As such, accuracy is a priority. Failure to protect the rights of LEP individuals during arrests and interrogations can damage the integrity of an investigation. Miscommunication during interrogations or witness interviews may have a substantial impact on the evidence presented in any related criminal prosecution.
2. A qualified interpreter will be used for any interrogation or taking of a formal statement where the suspect or witness' legal rights could be adversely impacted. The name of the Court Interpreter and the interpreted language will be documented in the Case Report.
3. Every effort should be made to document the entire interview and/or interrogation using video and/or audio recordings.
4. If an electronic translation method is used (such as the Google translation tool), written questions and responses relating to the interrogation or interview deemed as evidence will be booked into the Property and Evidence Division as evidence.

II. Documenting LEP Services

- A. DCSO members will document all incidents in which LEP services were required.
1. LEP incidents will be documented in RMS as follows:
 - a. LEP incidents will be documented in the following RMS reports:
 - (1) Case Report.
 - (2) Court Incident Report.

(3) Bias Based Report.

(4) Title Inspection Report.

- b. If an incident is documented in multiple RMS reports (e.g., officer initiated traffic stop that resulted in a Bias Based report and a Case Report), members will select the option "Reported in Case Report" and document the LEP information in the Case Report.
- c. When documenting the LEP incident, members will select the language involved.

NOTE: Sign Language is recognized as a standard, independent language. Interactions with persons who are deaf or hard of hearing who utilize Sign Language are considered LEP incidents.

- d. Members will also document the action taken to meet the needs of the LEP person(s). Such actions include:

(1) 3rd Party Translated.

(2) AT&T Language Line.

(3) Certified Interpreter.

(4) Family Member Translated.

(5) Interpreter Provided.

(6) Language Specific Documents Provided.

(7) Multi-Language Employee Called.

(8) Translation Software.

(9) Other.

(a) When selecting "Other," members will indicate the action taken.

- 2. LEP incidents that do not result in an RMS report (e.g., LEC front desk, citizen filing a complaint, etc.) are still required to be reported. DCSO areas that may have LEP interactions that are not documented in an RMS report will develop a paper method to track such incidents. Information to be tracked includes:

a. Number of LEP incidents.

b. Language involved.

c. Action taken to meet the needs of the LEP person(s).

d. Whether the LEP person's needs were met.

- B. The Policy Coordinator will provide an annual report to the Sheriff, Chief Deputies, and Captains with the following data:

- 1. Number of reported LEP incidents.

2. Languages involved.
 3. Services provided.
 4. Number of complaints made regarding language services and the agency's resolution to any language access complaints.
- C. The report will be reviewed by command to determine:
1. Have there been changes in the types of languages where translation services are needed?
 2. Are identified language resources still available and viable?
 3. Are the language resources provided by the DCSO adequate?
 - a. If not, what other programs should be included and/or what changes to existing programs should be made?
 4. Have the DCSO's available resources, technology, staff, and financial costs related to language programs changed?
 5. Has the DCSO fulfilled the goals of the LEP Plan?
 6. Are the language needs of the DCSO service community being met?
- D. LEP statistics will be posted on the DCSO website annually.

REFERENCES:

I Laws and Regulations

- A. Title VI of the Civil Rights Act of 1964. 42 U.S.C. §200d.

II. Previous DCSO Orders

- A. Previous DCSO General Orders include: #30-2023, #42-2019, #20-2015, and #23-2012.

III. Review Schedule

- A. Annual.