

Date: 01/31/07	HILLSBOROUGH COUNTY SHERIFF'S OFFICE	Number: GEN 233.05
Revision: 03/17/23	CHAD CHRONISTER, SHERIFF	
Reviewed: 07/02/26	STANDARD OPERATING PROCEDURE	Page: 1 of 4

SUBJECT: LIMITED ENGLISH PROFICIENCY (LEP) PROGRAM

- I. **PURPOSE:** The purpose of this standard operating procedure is to establish effective guidelines, which are consistent with Title VI of the Civil Rights Act of 1964 and the Omnibus Crime Control and Safe Streets Act of 1968, for the proper handling of situations involving persons with Limited English Proficiency (LEP).
- II. **SCOPE:** This procedure shall apply to all Sheriff's Office personnel.
- III. **POLICY:** It is the policy of the Sheriff's Office to utilize all available resources required to provide persons with LEP timely and meaningful access to its services, programs, activities, and benefits. All Sheriff's Office personnel shall provide language assistance services to LEP persons whom they encounter or whenever a person of LEP requests such services. Personnel shall inform the public of the availability of language assistance services and that these services will be provided upon request and without charge.
- IV. **DISCUSSION:** The Sheriff's Office recognizes the importance of effective and accurate communication with the community. Language barriers can impede or prohibit individuals with limited English language skills from accessing or understanding important legal rights, obligations, and services. The inability of personnel to accurately and effectively communicate with members of the community can have serious implications (especially when dealing with victims, witnesses, or suspects of crimes). Moreover, a failure to protect the rights of LEP persons during arrest and interrogation presents a risk to the integrity of the investigation. Personnel must recognize miscommunication during the interrogation or interview process may have a substantial impact on the evidence presented in a criminal prosecution. Additionally, such language barriers present challenges and threaten the general safety of employees. Sheriff's Office personnel shall make all reasonable efforts to effectively communicate with individuals who have limited abilities comprehending the English language.
- V. **DEFINITIONS:**

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 - A. **Authorized Translator and/or Interpreter** - An in-house or contracted translator and/or interpreter who has demonstrated his/her competence to interpret and/or translate information or is authorized to do so by the Sheriff's Office.
 - B. **Bilingual** - The ability to use two languages proficiently.
 - C. **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.

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 - D. **LEP Language Certified Personnel** - Personnel certified as a translator and/or interpreter proficient in Spanish via an intermediate-high to advanced-mid/high score on the American Council of the Teaching of Foreign Languages (ACTFL) scale.

- 1. Certification shall be administered by the Human Resources Division.

2. LEP Language Certified Personnel shall receive a monthly allowance for the work performed as authorized LEP translators and/or interpreters.

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E. LEP Program Contact - The LEP Program Contact (Chief Human Resource Officer), or designee, shall be responsible for the administration of the program by acting as a liaison with the Department of Justice and reporting LEP statistics.

1. The LEP Program Contact shall keep the Sheriff informed of any new Department of Justice LEP policies, as well as any changes in requirements and/or responsibilities of the program.
2. The LEP Program Contact shall serve as a liaison with the Department of Administrative Services, Department of Patrol Services, Department of Operational Support, Department of Investigative Services, and the Department of Detention Services.
3. The LEP Program Contact shall be responsible for classifying documents as vital or non-vital for purposes of translation.
 - a. Initially, documents identified as vital will be translated into the target language of Spanish. Personnel can obtain these documents either via the Employee Intranet or contacting the LEP Program Contact.
 - b. The LEP Program Contact will determine if any other documents should be translated based on overall Hillsborough County population demographics.
 - c. The LEP Program Contact shall ensure all vital translated external documents are available to the public.
 - d. The LEP Program Contact shall be responsible for annually updating policies and reviewing the demographic data to identify any changes in the LEP population which may alter the target language.

F. Limited English Proficiency (LEP) Person - Individuals whose primary language is not English and/or have a limited ability to read, write, speak, or understand English. Persons competent in certain types of communication may still qualify as a LEP person for other reasons (example: a LEP person may be able to speak English but lack the ability to read or write English). LEP persons are not proficient in the English language at a level which allows comprehension of communication during encounters with Sheriff's Office personnel.

G. Official Duties - Duties that include, but are not limited to, teaching, translating, interpreting, monitoring, communicating, investigating, or otherwise assisting citizens in a capacity associated with an employee's official duties at the Sheriff's Office.

H. Primary Language - An individual's native tongue or the language in which an individual most effectively communicates. Sheriff's Office personnel should avoid assumptions about an individual's primary language. For example, not all individuals from Central America speak Spanish fluently. Instead, some Central Americans may claim an indigenous language as their native tongue. Sheriff's Office personnel should make every effort to ascertain an individual's primary language to ensure effective communication.

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I. Target Language - The language in which a text, document, or speech is translated and/or interpreted. For purposes of the Sheriff's Office LEP program, Spanish has been identified as the target language. This determination is derived from United States Department of Justice criteria which is compiled by the Census Bureau concerning

minority populations, ethnicities, and languages spoken, based on a percentage of the total population within Hillsborough County.

- J. Translation** - The replacement of written text from one language (source language) into an equivalent written text in another language (target language).

VI. PROCEDURE:

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- A.** Encounters with LEP persons by patrol deputies, detention deputies, and all other personnel shall progress in the following manner:
1. Attempt to identify the LEP person's primary language.
 2. Request assistance from other certified or civilian authorized interpreters able to communicate with the LEP person.
 3. Depending on the sensitivity or severity of the situation, request interpretation services from citizens on scene for basic information (refer to Section C below for further guidance).
 4. Request the Communications Bureau to determine the availability of a LEP language certified personnel or authorized interpreter able to assist LEP person(s) on scene.
- B.** Encounters with LEP persons by Communications Bureau personnel:
1. Emergency (911) calls from LEP persons:
 - a. The call-taker shall make an attempt to explain to the caller that someone will be on the line to assist them as soon as possible.
 - b. The call-taker will immediately, without delay, connect the caller to the translation service (Language Line) for interpretation.
 2. Non-emergency calls from LEP persons:
 - a. The call-taker shall first determine if LEP language certified personnel or authorized interpreters are available to communicate with the caller.
 - b. If communication is not possible, the call-taker shall determine the availability of any other personnel able to effectively communicate with the caller.
- C.** Sheriff's Office personnel are expected to follow the guidelines outlined in this procedure; however, exigent circumstances may require some deviation. Examples of exigent circumstances may include the need to obtain descriptive information on a fleeing suspect or collecting information on an injured person.
1. In such situations, personnel are to use the most reliable, temporary interpreter available.
 2. Personnel may utilize family, friends, or bystanders for interpreting informal, non-confrontational contexts to obtain basic information. Using family, friends, or bystanders for interpretation beyond these circumstances could result in breaches of confidentiality, conflicts of interest, or inadequate interpretations.
 3. Barring exigent circumstances, personnel should not use minor children to provide interpreter services.
 4. Once an exigency has passed, personnel are expected to follow the protocol within this directive.

D. Conflict of Interest/Bias of Interpreter:

1. If any deputy, investigator, or personnel believes there is a conflict of interest with any interpreter (including Sheriff's Office personnel or the Language Line), the personnel shall consult with his/her management chain to decide if another interpreter is warranted.
2. This action shall be documented within all official case-related incident reports.

E. Interrogation, Interviews, and Grievances:

1. Criminal interrogations and witness interviews may potentially involve statements of evidentiary value, upon which a witness may be impeached in court. As such, accuracy is essential. Whenever appropriate, a LEP language certified deputy/personnel shall be utilized for interrogation or the taking of formal statements.
2. Miranda Warnings and other vital written materials will be available to LEP suspects or witnesses in his/her primary language. If the LEP person is illiterate, or the required forms in the appropriate language are unavailable, the forms will be read in the primary language of the subject.
3. Any LEP person who wishes to file a grievance/complaint with the Sheriff's Office shall be provided with the translated complaint forms in the target language of Spanish and/or any other non-target language. The Sheriff's Office will seek other resources to find an interpreter. See GEN SOP 122.00, "Professional Standards Bureau" for additional information on complaint procedures.

F. Public signage (in the target language of Spanish) indicating interpretation services available free of charge to LEP persons shall be posted at:

1. All entry points/lobbies of Sheriff's Office buildings.
2. Prisoner intake areas of jail locations (in addition to signage at public entrances).

G. The Sheriff's Office will provide an overview of the LEP Program to Sheriff's Office cadets.

VII. LANGUAGE ALLOWANCE:

- A. The overall population growth and emerging demographics of Hillsborough County, in conjunction with federal government mandates to provide language services to LEP persons, have placed an increased need for Sheriff's Office personnel fluent in specific languages. Personnel, who possess the ability to communicate with citizens in the Spanish language, play a critical role in extending the services of the Sheriff's Office to LEP persons. In order to recognize the importance these Sheriff's Office personnel play in public service, the Sheriff's Office will pay an allowance to those personnel who possess defined levels of proficiency in the Spanish language and who utilize that skill in their official duties. See GEN SOP 209.00, "Allowances and One-Time Payments" for additional information.

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Sheriff