



**2-65 LANGUAGE ACCESS PROCEDURE**

**Related SOP(s), Form(s), Other Resource(s), and Rescinded Special Order(s):**

A. Related SOP(s)

- 2-8 Use of On-Body Recording Devices (Formerly 1-39)
- 2-18 Contact with Deaf, Hard of Hearing, or Speech Impaired Persons (Formerly 2-09)
- 2-100 Emergency Communications Center (ECC) Division (Formerly 2-01 and 9-1)
- 3-6 Language Access Policy
- 3-41 Complaints Involving Department Personnel (Formerly 3-22 and 3-43)
- 3-50 Forms Control (Formerly 3-22 and 3-27)

B. Form(s)

None

C. Other Resources

- ROA 1994, §§ 9-4-1-1 to 9-4-1-14 Civilian Police Oversight Agency
- U.S. Department of Justice (DOJ) Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting LEP Persons

D. Rescinded Special Order(s)

None

**2-65-1 Purpose**

The purpose of this policy is to provide all Albuquerque Police Department (Department) personnel with procedures to provide Department law enforcement services to people who are not proficient in speaking, understanding, reading, or writing English.

**2-65-2 Policy**

It is the policy of the Department to take reasonable steps to provide meaningful access to all Department services to people who are not proficient in speaking, understanding, reading, or writing English without causing an undue burden to the Department.

**N/A 2-65-3 Definitions**

A. Bilingual

The ability to speak and/or write in both English and another language proficiently to communicate fluently, accurately, and directly.



B. Department Language Access Coordinator (LAC)

The LAC reports directly to the Deputy Chief of the Management Services and Support Bureau, their designee, or as otherwise assigned by the Chief of Police. The LAC is the Department employee responsible for ensuring that the Department is taking reasonable steps to provide meaningful access to all Department language assistance services to LEP persons.

C. Department Qualified Bilingual Interpreter (QBI)

Department bilingual or multilingual personnel who the City of Albuquerque's Human Resources Department has tested and qualified as proficient to interpret for others in a language other than English.

D. Direct Communication

Communication in one language other than English, between qualified bilingual Department interpreter personnel and limited English proficient (LEP) person.

E. Direct English Communication

Communication in English between Department personnel and a bilingual person.

F. Emergency Situations

A situation(s) requiring immediate action to prevent death, injury, serious damage to property, escape of an individual, or the destruction of evidence.

G. I-Speak Card or Poster

An electronic or physical card or poster provided by the Department that allows an LEP person to identify that LEP person's primary language.

H. Interpretation

The act of listening to a communication in one language (likely an LEP person's primary language) and verbally changing it into another language (likely English) while keeping the same meaning.

I. Language Access Implementation Committee (LAIC)

LAIC members shall be Department personnel, except as otherwise required, including bilingual personnel broadly representative of the experience of Department Units, Divisions, Commands, and Bureaus. The Committee shall include field sworn personnel who encounter LEP persons most frequently, along with at least one (1) Division Manager or Commander. Members shall be familiar with language access



issues and are responsible for implementing all aspects of the Department's language access policies and procedures.

J. Limited English Proficient (LEP) Persons

Designated persons whose primary language is not English, and who have a limited ability to read, speak, or understand English. LEP persons 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 content-specific: a person may possess sufficient English language skills to function in one setting, but these skills may be insufficient in other situations.

K. Non-Vital Document

Provides general Department services information to the reader, but has no critical content about individual rights, obtaining access to court, or is not required for office Department law enforcement purposes.

L. Primary Language

A person's native tongue, first language or the language in which a person most effectively communicates.

M. Safe Harbor Language

The City provides language access to those primary languages spoken by five percent (5%) or one-thousand (1,000) residents of the City's population, whichever is less, based on the most recent U.S. Census Bureau [data.census.gov](http://data.census.gov) data showing the population table of those who "Speak a language other than English," under the sub-category of persons who "Speak English less than 'very well.'"

N. Translation

The conversion of written text from one language (likely an LEP person's primary language) into equivalent written text in another language (likely English) while keeping the same meaning.

O. Vital Document

1. Provides essential information for accessing Department services. These documents contain critical details about individual rights, forms ensuring access to a court or forms that are required by the Department to record and track law enforcement case activities. These forms include, but are not limited to:

- a. Documents and forms that must be provided to persons by law;
- b. Consent, intake, detention, incarceration, release, or waiver forms;
- c. Forms or any written material related to individual rights, e.g. Miranda Warning;



- d. Letters or notices pertaining prosecution;
- e. Notices, "I-Speak cards", "Language Self-Identification posters" and materials regarding the availability of free language assistance services for LEP persons;
- f. Documents or forms relating to accessing emergency services;
- g. Documents or forms relating to criminal citations, summons and warrants;
- h. Documents or forms relating to complaints against the Department or Department personnel;
- i. Documents indicated as Department case letters or notices that require a response by an LEP persons; and
- j. Other documents that the Chief of Police or designee recognizes as vital to communicate to the City's population as a whole.

**7** 2-65-4 Interpretation Procedures

A. Types of Access

- 1. LEP persons access Department services in many different ways. The following list represents some primary ways LEP persons access Department services, but it is not an all-inclusive list:
  - a. Direct contact with Department Emergency Communications Center (ECC) bilingual personnel;
  - b. Direct contact with Department personnel in the field; and
  - c. Direct contact with Department personnel through Department public counters and offices.

B. Live Language Access Assistance

- 1. The Department provides two (2) sources of live language access interpretation assistance that enables Department personnel to provide service to LEP persons:
  - a. Professional interpreter services, including the telephone application for field sworn personnel. The Department shall have professional interpreter services available to LEP persons through telephonic assistance hotlines. The Department shall provide all Department personnel with the contact information for the telephonic services, as well as step-by-step instructions and training on use; and
  - b. Department-QBI personnel.

**6** C. Best Practice: Department-QBI Assistance

- 1. The best practice for providing quality interpretation assistance to LEP persons is through immediate, direct service by Department-QBI personnel, regardless of that person's language abilities, so long as Department-QBI personnel use Department-QBI provided assistance to communicate with the LEP person.
  - a. ECC Personnel



- i. When an ECC personnel receives a call and determines that the caller is an LEP person, ECC personnel shall try to determine the caller's primary language. If the caller's primary language is one for which the ECC has bilingual Department-QBI personnel on-duty and available, ECC personnel shall immediately transfer the caller to the Department-QBI ECC personnel.
  - ii. If there is Department-QBI ECC personnel available who speak the caller's primary language, the ECC personnel shall immediately conference the call with the telephonic interpretation assistance service. While conferencing the call among ECC personnel, the LEP caller, and the telephonic interpretation assistance service, ECC personnel may try to get some information about the location and nature of the call. If the LEP caller's primary language is unknown, the telephonic interpretation service operator shall attempt to determine the caller's primary language and connect to the appropriate language interpreter.
  - iii. If the connection with the telephonic interpretation assistance service is delayed or the interpretation is not progressing quickly enough, ECC personnel shall create a welfare check. If the LEP caller disconnects, ECC personnel shall call back with the telephonic interpretation assistance service conferenced in as soon as possible.
  - iv. Once a three-way call is established between ECC personnel, the LEP caller, and the telephonic language interpreter, ECC personnel shall follow the checklist for all emergency and non-emergency calls.
  - v. ECC personnel shall dispatch all calls based on the priority system.
  - vi. ECC personnel shall document that the caller is an LEP person as well as their primary language in the Computer-Aided Dispatch (CAD) system so that this information shall be provided to responding Department personnel.
- b. All Other Department Personnel – Telephonic language Interpretation assistance
- i. First, determine whether there is a Department-QBI already onsite and immediately available.
  - ii. If a Department-QBI is not already onsite or immediately available, all Department personnel are to use one (1) of the options listed in the instructions found on the Department's SharePoint intranet to access the telephonic interpretation assistance service when they encounter LEP persons.

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D. Department-QBI Sworn Personnel

1. The Department has sworn personnel qualified in various languages, including Spanish. These officers are qualified as bilingual interpreters through the City of Albuquerque's Human Resources Department testing process. Sworn personnel may be qualified for oral interpretation (Level I) or oral interpretation and written translation (Level II).



2. The Department shall maintain a list of qualified Department personnel who can act as language interpreters based on the City of Albuquerque's Human Resources Department testing process. This list shall be posted on the Department's SharePoint intranet site and provided to the Office of Immigrant Affairs (OIRA) Steering Committee or its successor and the City of Albuquerque Domestic Violence Task Force or its successor quarterly.
3. Requesting a Department-QBI Officer
  - a. After seeking professional language interpreter assistance through the telephonic language interpretation assistance service, a responding officer may request a Department-QBI officer join them at their location for language interpretation assistance.
  - b. To request a Department-QBI officer, the responding officer may contact an ECC Dispatcher and request a Department-QBI officer.
  - c. The ECC Dispatcher shall check to see if a Department-QBI officer who speaks the LEP person's primary language is available to respond to assist with language interpretation.
  - d. The Department-QBI officer who responds to assist with language interpretation shall have the discretion to only interpret or to interpret and take the primary Uniform Incident Report.
  - e. If a Department-QBI interprets only, another officer shall be the primary responding officer and shall be responsible for writing the Uniform Incident Report.
4. Additional information regarding the City of Albuquerque's Qualified Bilingual Interpreter program is located on the City of Albuquerque's Human Resources Department website.
5. Per an officer's sworn duty to assist the public and this SOP, all other sworn personnel are required to assist with language interpretation if bilingual officer(s) is/are capable and needed.

**4 2-65-5 Restrictions on the Use of Children, Family, and Bystanders for Language Interpretation or Translation**

**A. General Procedure**

1. Department personnel shall use a qualified language interpreter who can interpret effectively, accurately and impartially.
  - a. Department personnel shall not use a LEP victim's family member, friend, bystanders or children to provide interpretation or translation assistance for LEP persons due to potential issues regarding competency, confidentiality, or conflict of interest.
  - b. Department personnel shall not use any of these other persons to provide interpretation or translation assistance for LEP victims.



- i. Consistent with this SOP, if an LEP victim demands that person act as their interpreter, or if an LEP person demands that a victim act as their interpreter, Department personnel shall refuse the request and use Department provided interpretation.

2. This SOP does not restrict Direct English Communication between Department personnel and people present at a scene or encountered in the community. Even in an Emergency Situation involving LEP persons, Department personnel may seek information from any English-speaking child, family member, or bystander—so long as Department personnel are not seeking full interpretation or translation assistance from the English-speaking person.

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- a. Except in an Emergency Situation, if the English-speaking person begins interpreting or translating for an LEP person(s), Department personnel shall instruct the English-speaking person to stop. Department personnel shall explain to the English-speaking person that Department personnel must use the free, qualified Department-provided language interpretation assistance services.

B. Emergency Situations, Reasonable Decisions Based on the Totality of the Circumstances, and the Most Reliable Temporary Language Interpreter

1. Emergency situations occasionally may require deviation(s) from this SOP. Using the telephonic language interpretation assistance service in an Emergency Situation or when Department personnel must quickly secure a scene may create or worsen safety risks to the public and Department personnel.

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- a. Department personnel shall evaluate the totality of the circumstances to make a reasonable decision about whether there is an Emergency Situation. Examples of Emergency Situations include, but are not limited to:
  - ii. Urgent need to obtain descriptive information on a dangerous, fleeing individual;
  - iii. Location of an injured person;
  - iv. Need to know whether an individual has a weapon;
  - v. Hostage situation; or
  - vi. Where life or serious bodily injury is an imminent risk.

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2. Once Department personnel have evaluated the totality of the circumstances and made a reasonable decision that there is an Emergency Situation, Department personnel shall seek language interpretation assistance from the most reliable temporary language interpreter present.

- a. A reasonable decision that there is an Emergency Situation requiring assistance from the most reliable temporary language interpreter available shall require mandatory recording by Department personnel through their on-body recording device (OBRD), consistent with SOP Use of On-Body Recording Devices.



- b. The most reliable temporary language interpreter available may initially include family members or other persons at the scene.
- c. Department personnel should always treat children as the last option to act as the most reliable temporary language interpreter.

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- 3. If Department personnel have evaluated the totality of the circumstances and made a reasonable decision that there is not an Emergency Situation or that any Emergency Situation has passed, all Department personnel shall quickly revert to the general procedures in this SOP.

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- 4. If Department personnel rely upon children, family members, or other persons at the scene for any language interpretation or translation, Department personnel shall document in the report why it was reasonable to use each person to interpret or translate.

C. Voluntary, Affirmative, and Knowing Interpreter Choice of LEP Person

- 1. Department personnel may encounter non-emergency situations where an LEP person demands to use a language interpreter of their own choice and at their own cost, including professional interpreters, children, family, and friends.

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- a. Such a demand will require mandatory recording by Department personnel through their OBRD, consistent with SOP Use of On-Body Recording Devices.

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- 2. Department personnel may comply with such a demand for child, family, friend, or other non-professional language interpretation only after:

- a. Department personnel have clearly and affirmatively offered free, Department-provided interpretation services to the LEP person via the telephonic language interpretation service or a Department-QBI officer;
- b. Department personnel have clearly and affirmatively explained the risks of using a child, family member, friend, or other non-professional interpreters to the LEP person; and
- c. The LEP person still voluntarily and affirmatively chooses to use the language interpreter of their choice, even with the knowledge that their choice of a child, family member, friend, or other non-professional interpreters may impact the contact of the interpretation and any subsequent legal proceedings.

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- 3. Even if an LEP person demands a language interpreter of their choice, Department personnel may make a reasonable choice based on the totality of the circumstances to request Department-provided language interpretation assistance. In such situations, two (2) language interpreters shall be involved, and the Department-provided language interpreter shall monitor the accuracy of the interpretation and relay any inaccuracies. Situations requiring two (2) language interpreters may include, but are not limited to:



- a. Where an LEP person has demanded that a child act as the language interpreter;
- b. Where an LEP victim has demanded that the individual act as the language interpreter; and
- c. Where an LEP individual has demanded that the victim act as the language interpreter.

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4. If an LEP person has demanded or provided a language interpreter of their choosing, Department personnel shall document details of the situation in the report, including why Department personnel chose or did not choose to request additional language interpretation assistance from Department sources.

7 2-65-6 Translation Procedures

A. Types of Language Access

1. LEP persons obtain information and access Department services through different types of translated written communication. The following list represents some primary ways LEP persons access translated written Department communication but is not all-inclusive:
  - a. Vital Documents;
  - b. Public website;
  - c. Non-vital public information materials; and
  - d. Signage.

B. Identification, Prioritization, and Translation of the Department's Vital Documents

1. The LAC shall be responsible for classifying all standard information provided to community members as vital or non-vital and determining translation prioritization and process. The LAC shall be responsible for having Vital Documents translated and ensuring the translated documents are forwarded to the Policy and Procedure Unit SOP Liaison, consistent with SOP Forms Control.
2. The SOP Liaison shall ensure the Vital Document is approved by the Policy and Procedures Review Board (PPRB) and shall publish the document in the Department's document management system.
  - a. As needed, the LAC shall assess demographic data, review telephonic language interpretation assistance services utilization data, consult with the OIRA Steering Committee or its successor, consult with the City of Albuquerque Domestic Violence Task Force or its successor, and use the U.S. Department of Justice (DOJ) Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting LEP Persons to form these decisions.



3. The Department shall translate and make vital documents available in the Safe Harbor languages.
4. If Department personnel identify the need for a specific standard document to be translated, Department personnel shall send a memorandum through their chain of command along the source electronic file of such document to the LAC.

C. The Department's Public Website

1. The Department maintains a website for the public at <http://www.cabq.gov/police> where approved vital documents and information in the Safe Harbor languages may be provided. The Department will include information about access to translated vital documents in the Safe Harbor languages on the primary homepage. Each Safe Harbor language will link to translated Vital Documents and information in that language.
2. Internally, the Department will post translated materials on the Department's SharePoint intranet, divided by Safe Harbor or other languages.
3. To facilitate access to its programs and improve administrative effectiveness, the Department may place selected non-vital public information materials on its website in the Safe Harbor languages.

7 D. Public Signage

1. Written procedures for accessing the telephonic language interpretation assistance service shall be posted on the Department's SharePoint intranet and at every point of public contact (such as Area Commands, the Law Enforcement Center, and Substations). The Department shall distribute these written procedures to all Department personnel via the Department's document management system.
2. Large "I-Speak" posters shall be posted in the public lobbies of all Area Commands, Substations, and at the Law Enforcement Center to notify the public of free language assistance.

7 E. Translation of Other Documents

1. If any Department personnel needs a letter, note, or other document translated for a particular case, they shall prepare a memorandum, which must be approved by a supervisor.
  - a. If approved, Department personnel shall send the electronic source document to be translated to the LAC.

6 2-65-7 Criminal Interrogations and Witness Interviews

A. *Miranda* Warnings and Vital Documents



1. *Miranda* warnings and other Vital Documents directly related to criminal prosecution or criminal defense shall be available in the Safe Harbor languages.

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2. If an LEP individual cannot read in their primary language or if the *Miranda* warning or other Vital Document is not available in the individual's primary language, then Department personnel must read the vital document to the LEP individual, with assistance from a Department-QBI officer or the telephonic language interpretation assistance service.

B. Interrogation and Interviews

1. Interrogation of individuals and witness interviews involve constitutional rights, evidence, and victim's rights that may be raised and challenged in court. It is crucial that all language interpretation and translation between Department personnel and an LEP individual or witness maintain the same meaning.

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2. If an LEP individual is the target of an interrogation or interview, Department personnel shall:

- a. First, seek language interpretation assistance from a Level II Department-Qualified officer;
- b. If a Level II Department-QBI officer is not immediately available, seek language assistance from a Level I Department-QBI officer; and
- c. If no Department-QBI officer is immediately available, seek language interpretation assistance from the telephonic interpretation assistance service hotline.

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**2-65-8 Training Academy**

A. Curriculum

- 1. The Department shall develop information about the language assistance services the Department uses or plans to use.
- 2. The training academy curriculum shall address LEP issues and procedures to use when Department personnel encounter an LEP person.
- 3. The Department shall provide Department personnel with written information about the language assistance services that the Department uses or plans to use.

B. Annual Training

- 2. The Department shall annually train all Department personnel on this policy through a training bulletin via the Department's document management system or a similar method. This training aid shall address all parts of this SOP fully.



3. The Department shall annually make all Department personnel aware of the content of this SOP, SOP Language Access Policy, and other SOPs related to language access.

**7** 2-65-9 **Complaint Procedure**

A. Department

1. General

- 5**
  - a. Except to the extent, language assistance is necessary, complaints made by LEP persons shall be treated no differently from any other complaint under SOP Complaints Involving Department Personnel.
  - b. Complaints forms shall be translated and available in all Safe Harbor Languages.

**6** 2. Verbal Complaints

- a. If an LEP person wants or needs to file a verbal complaint, including anonymously on their behalf or on behalf of another person, Department personnel shall provide language interpretation assistance through the telephonic language interpretation service or bilingual Department personnel.

**6** 3. Written Complaints

- a. If an LEP person wants or needs to file a written complaint, including anonymously on their behalf or on behalf of another person, on a complaint form, or through another writing, Department personnel shall provide language interpretation assistance through the telephonic interpretation service or a bilingual officer.
- b. If the Department receives correspondence in a language other than English, Department personnel shall be responsible for routing that correspondence shall forward it to the LAC for translation into English.

4. Internal Affairs

- a. If a complaint falls under the jurisdiction of the Internal Affairs Professional Standards (IAPS) Division, the IAPS Division supervisor shall transmit written notification to the complainant translated into the LEP complainant's primary language within ten (10) days.
- b. No more than fourteen (14) days after the conclusion of the investigation and any disciplinary proceedings, the IAPS Division supervisor shall transmit a case closing letter translated into the LEP complainant's primary language setting forth the following:
  - i. Investigation results; and
  - ii. Discipline (if any).



B. Civilian Police Oversight Agency (CPOA)

1. The CPOA is an independent City agency.
2. The CPOA, among other things, conducts investigations of complaints related to Department personnel.
3. The Department shall seek to enter into a Memorandum of Understanding (MOU) with the CPOA to follow Department language access procedures.
4. Until an MOU is agreed upon, if the CPOA accepts a complaint, the CPOA shall transmit a written notification of CPOA jurisdiction translated into the LEP person's primary language within ten (10) days of CPOA taking jurisdiction.
  - a. No more than fourteen (14) days after the conclusion of the investigation and any disciplinary proceedings, the CPOA shall transmit a case closing letter translated into the LEP complainant's primary language setting forth the following:
    - i. Investigation results; and
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REDLINED



## 2-65 LANGUAGE ACCESS PROCEDURE

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~~9-1 Communications (Formerly 2-01 Communications Division)~~

B. Form(s)

None

C. Other Resources

ROA 1994, §§ 9-4-1-1 to 9-4-1-14 Civilian Police Oversight Agency

U.S. Department of Justice (DOJ) Guidance to Federal Financial Assistance

Recipients Regarding Title VI Prohibition Against National Origin Discrimination

Affecting LEP Persons

D. Rescinded Special Order(s)

None

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A situation(s) requiring immediate action to prevent death, injury, serious damage to property, escape of an individual, or the destruction of evidence.

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- use; and
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1. The best practice for providing quality interpretation assistance to LEP persons is through immediate, direct service by Department-QBI personnel, regardless of that person's language abilities, so long as Department personnel use Department-QBI provided assistance to communicate with the LEP person.

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- i. When an ECC personnel receives a call and determines that the caller is an LEP person, ECC personnel shall try to determine the caller's primary language. If the caller's primary language is one for which the ECC has bilingual Department-QBI personnel on-duty and available, ECC personnel shall immediately transfer the caller to the Department-QBI ECC personnel.
- ii. If there is Department-QBI ECC personnel available who speak the caller's primary language, the ECC personnel shall immediately conference the call with the telephonic interpretation assistance service. While conferencing the call among ECC personnel, the LEP caller, and the telephonic interpretation assistance service, ECC personnel may try to get some information about the location and nature of the call. If the LEP caller's primary language is unknown, the telephonic interpretation service operator shall attempt to determine the caller's primary language and connect to the appropriate language interpreter.
- iii. If the connection with the telephonic interpretation assistance service is delayed or the interpretation is not progressing quickly enough, ECC personnel shall create a welfare check. If the LEP caller disconnects, ECC personnel shall call back with the telephonic interpretation assistance service conferenced in as soon as possible.
- iv. Once a three-way call is established between ECC personnel, the LEP caller, and the telephonic language interpreter, ECC personnel shall follow the checklist for all emergency and non-emergency calls.
- v. ECC personnel shall dispatch all calls based on the priority system.
- vi. ECC personnel shall document that the caller is an LEP person as well as their primary language in the Computer-Aided Dispatch (CAD) system so that this information shall be provided to responding Department personnel.

b. All Other Department Personnel – Telephonic language Interpretation assistance

- i. First, determine whether there is a Department-QBI already onsite and immediately available.
- ii. If a Department-QBI is not already onsite or immediately available, all Department personnel are to use one (1) of the options listed in the instructions found on the Department's SharePoint intranet to access the



telephonic interpretation assistance service when they encounter LEP persons.

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D. Department-QBI Sworn Personnel

1. The Department has sworn personnel qualified in various languages, including Spanish. These officers are qualified as bilingual interpreters through the City of Albuquerque's Human Resources Department testing process. Sworn personnel may be qualified for oral interpretation (Level I) or oral interpretation and written translation (Level II).
2. The Department shall maintain a list of qualified Department personnel who can act as language interpreters based on the City of Albuquerque's Human Resources Department testing process. This list shall be posted on the Department's SharePoint intranet site and provided to the Office of Immigrant Affairs (OIRA) Steering Committee or its successor and the City of Albuquerque Domestic Violence Task Force or its successor quarterly.
3. Requesting a Department-QBI Officer
  - a. After seeking professional language interpreter assistance through the telephonic language interpretation assistance service, a responding officer may request a Department-QBI officer join them at their location for language interpretation assistance.
  - b. To request a Department-QBI officer, the responding officer may contact an ECC Dispatcher and request a Department-QBI officer.
  - c. The ECC Dispatcher shall check to see if a Department-QBI officer who speaks the LEP person's primary language is available to respond to assist with language interpretation.
  - d. The Department-QBI officer who responds to assist with language interpretation shall have the discretion to only interpret or to interpret and take the primary Uniform Incident Report.
  - e. If a Department-QBI interprets only, another officer shall be the primary responding officer and shall be responsible for writing the Uniform Incident Report.
4. Additional information regarding the City of Albuquerque's Qualified Bilingual Interpreter program is located on the City of Albuquerque's Human Resources Department website.
5. Per an officer's sworn duty to assist the public and this SOP, all other sworn personnel are required to assist with language interpretation if bilingual officer(s) is/are capable and needed.

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2-65-5

**Restrictions on the Use of Children, Family, and Bystanders for Language Interpretation or Translation**



A. General Procedure

1. Department personnel shall use a qualified language interpreter who can interpret effectively, accurately and impartially.
  - a. Department personnel shall not use a LEP victim's family member, friend, bystanders or children to provide interpretation or translation assistance for LEP persons due to potential issues regarding competency, confidentiality, or conflict of interest.
  - b. Department personnel shall not use any of these other persons to provide interpretation or translation assistance for LEP victims.
    - i. Consistent with this SOP, if an LEP victim demands that person act as their interpreter, or if an LEP person demands that a victim act as their interpreter, Department personnel shall refuse the request and use Department provided interpretation.

**7** ~~2. Department personnel shall always use the telephonic language interpretation assistance hotlines or Department QBI sworn personnel instead of children, family members, friends, neighbors, or other bystanders to communicate with LEP persons.~~

~~3.~~2. This SOP does not restrict Direct English Communication between Department personnel and people present at a scene or encountered in the community. Even in an Emergency Situation involving LEP persons, Department personnel may seek information from any English-speaking child, family member, or bystander—so long as Department personnel are not seeking full interpretation or translation assistance from the English-speaking person.

**6** a. Except in an Emergency Situation, if the English-speaking person begins interpreting or translating for an LEP person(s), Department personnel shall instruct the English-speaking person to stop. Department personnel shall explain to the English-speaking person that Department personnel must use the free, qualified Department-provided language interpretation assistance services.

B. Emergency Situations, Reasonable Decisions Based on the Totality of the Circumstances, and the Most Reliable Temporary Language Interpreter

1. Emergency situations occasionally may require deviation(s) from this SOP. Using the telephonic language interpretation assistance service in an Emergency Situation or when Department personnel must quickly secure a scene may create or worsen safety risks to the public and Department personnel.

**6** a. Department personnel shall evaluate the totality of the circumstances to make a reasonable decision about whether there is an Emergency Situation. Examples of Emergency Situations include, but are not limited to:

- ii. Urgent need to obtain descriptive information on a dangerous, fleeing individual;



- iii. Location of an injured person;
- iv. Need to know whether an individual has a weapon;
- v. Hostage situation; or
- vi. Where life or serious bodily injury is an imminent risk.

6 2. Once Department personnel have evaluated the totality of the circumstances and made a reasonable decision that there is an Emergency Situation, Department personnel shall seek language interpretation assistance from the most reliable temporary language interpreter present.

- a. A reasonable decision that there is an Emergency Situation requiring assistance from the most reliable temporary language interpreter available shall require mandatory recording by Department personnel through their on-body recording device (OBRD), consistent with SOP Use of On-Body Recording Devices.
- b. The most reliable temporary language interpreter available may initially include family members or other persons at the scene.
- c. Department personnel should always treat children as the last option to act as the most reliable temporary language interpreter.

6 3. If Department personnel have evaluated the totality of the circumstances and made a reasonable decision that there is not an Emergency Situation or that any Emergency Situation has passed, all Department personnel shall quickly revert to the general procedures in this SOP.

6 4. If Department personnel rely upon children, family members, or other persons at the scene for any language interpretation or translation, Department personnel shall document in the report why it was reasonable to use each person to interpret or translate.

C. Voluntary, Affirmative, and Knowing Interpreter Choice of LEP Person

1. Department personnel may encounter non-emergency situations where an LEP person demands to use a language interpreter of their own choice and at their own cost, including professional interpreters, children, family, and friends.

6 a. Such a demand will require mandatory recording by Department personnel through their OBRD, consistent with SOP Use of On-Body Recording Devices.

6 2. Department personnel may comply with such a demand for child, family, friend, or other non-professional language interpretation only after:

- a. Department personnel have clearly and affirmatively offered free, Department-provided interpretation services to the LEP person via the telephonic language interpretation service or a Department-QBI officer;



- b. Department personnel have clearly and affirmatively explained the risks of using a child, family member, friend, or other non-professional interpreters to the LEP person; and
- c. The LEP person still voluntarily and affirmatively chooses to use the language interpreter of their choice, even with the knowledge that their choice of a child, family member, friend, or other non-professional interpreters may impact the contact of the interpretation and any subsequent legal proceedings.

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- 3. Even if an LEP person demands a language interpreter of their choice, Department personnel may make a reasonable choice based on the totality of the circumstances to request Department-provided language interpretation assistance. In such situations, two (2) language interpreters shall be involved, and the Department-provided language interpreter shall monitor the accuracy of the interpretation and relay any inaccuracies. Situations requiring two (2) language interpreters may include, but are not limited to:

- a. Where an LEP person has demanded that a child act as the language interpreter;
- b. Where an LEP victim has demanded that the individual act as the language interpreter; and
- c. Where an LEP individual has demanded that the victim act as the language interpreter.

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- 4. If an LEP person has demanded or provided a language interpreter of their choosing, Department personnel shall document details of the situation in the report, including why Department personnel chose or did not choose to request additional language interpretation assistance from Department sources.

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## 2-65-6 Translation Procedures

### A. Types of Language Access

- 1. LEP persons obtain information and access Department services through different types of translated written communication. The following list represents some primary ways LEP persons access translated written Department communication but is not all-inclusive:
  - a. Vital Documents;
  - b. Public website;
  - c. Non-vital public information materials; and
  - d. Signage.

### B. Identification, Prioritization, and Translation of the Department's Vital Documents

- 1. The LAC shall be responsible for classifying all standard information provided to community members as vital or non-vital and determining translation prioritization and process. The LAC shall be responsible for having Vital Documents translated



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and ensuring the translated documents are forwarded to the Policy and Procedure Unit SOP Liaison, consistent with SOP Forms Control.

2. The SOP Liaison shall ensure the Vital Document is approved by the Policy and Procedures Review Board (PPRB) and shall publish the document in the Department's document management system.
  - a. As needed, the LAC shall assess demographic data, review telephonic language interpretation assistance services utilization data, consult with the OIRA Steering Committee or its successor, consult with the City of Albuquerque Domestic Violence Task Force or its successor, and use the U.S. Department of Justice (DOJ) Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting LEP Persons to form these decisions.
3. The Department shall translate and make vital documents available in the Safe Harbor languages.
4. If Department personnel identify the need for a specific standard document to be translated, Department personnel shall send a memorandum through their chain of command along the source electronic file of such document to the LAC.

C. The Department's Public Website

1. The Department maintains a website for the public at <http://www.cabq.gov/police> where approved vital documents and information in the Safe Harbor languages may be provided. The Department will include information about access to translated vital documents in the Safe Harbor languages on the primary homepage. Each Safe Harbor language will link to translated Vital Documents and information in that language.
2. Internally, the Department will post translated materials on the Department's SharePoint intranet, divided by Safe Harbor or other languages.
3. To facilitate access to its programs and improve administrative effectiveness, the Department may place selected non-vital public information materials on its website in the Safe Harbor languages.

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D. Public Signage

1. Written procedures for accessing the telephonic language interpretation assistance service shall be posted on the Department's SharePoint intranet and at every point of public contact (such as Area Commands, the Law Enforcement Center, and Substations). The Department shall distribute these written procedures to all Department personnel via the Department's document management system.



2. Large "I-Speak" posters shall be posted in the public lobbies of all Area Commands, Substations, and at the Law Enforcement Center to notify the public of free language assistance.

**7** E. Translation of Other Documents

1. If any Department personnel (~~such as a detective~~) needs a letter, note, or other document translated for a particular case, they shall prepare a memorandum, which must be approved by a supervisor.
  - a. If approved, Department personnel shall send the electronic source document to be translated to the LAC.

**6** 2-65-7 **Criminal Interrogations and Witness Interviews**

A. *Miranda* Warnings and Vital Documents

1. *Miranda* warnings and other Vital Documents directly related to criminal prosecution or criminal defense shall be available in the Safe Harbor languages.
2. If an LEP individual cannot read in their primary language or if the *Miranda* warning or other Vital Document is not available in the individual's primary language, then Department personnel must read the vital document to the LEP individual, with assistance from a Department-QBI officer or the telephonic language interpretation assistance service.

B. Interrogation and Interviews

1. Interrogation of individuals and witness interviews involve constitutional rights, evidence, and victim's rights that may be raised and challenged in court. It is crucial that all language interpretation and translation between Department personnel and an LEP individual or witness maintain the same meaning.

2. If an LEP individual is the target of an interrogation or interview, Department personnel shall:

- a. First, seek language interpretation assistance from a Level II Department-Qualified officer;
- b. If a Level II Department-QBI officer is not immediately available, seek language assistance from a Level I Department-QBI officer; and
- c. If no Department-QBI officer is immediately available, seek language interpretation assistance from the telephonic interpretation assistance service hotline.

**7** 2-65-8 **Training Academy**

A. Curriculum



1. The Department shall develop information about the language assistance services the Department uses or plans to use.
2. The training academy curriculum shall address LEP issues and procedures to use when Department personnel encounter an LEP person.
3. The Department shall provide Department personnel with written information about the language assistance services that the Department uses or plans to use.

B. Annual Training

2. The Department shall annually train all Department personnel on this policy through a training bulletin via the Department's document management system or a similar method. This training aid shall address all parts of this SOP fully.
3. The Department shall annually make all Department personnel aware of the content of this SOP, SOP Language Access Policy, and other SOPs related to language access.

**7** 2-65-9 **Complaint Procedure**

A. Department

1. General

- 5**
  - a. Except to the extent, language assistance is necessary, complaints made by LEP persons shall be treated no differently from any other complaint under SOP Complaints Involving Department Personnel.
  - b. Complaints forms shall be translated and available in all Safe Harbor Languages.

**6** 2. Verbal Complaints

- a. If an LEP person wants or needs to file a verbal complaint, including anonymously on their behalf or on behalf of another person, Department personnel shall provide language interpretation assistance through the telephonic language interpretation service or bilingual Department personnel.

**6** 3. Written Complaints

- a. If an LEP person wants or needs to file a written complaint, including anonymously on their behalf or on behalf of another person, on a complaint form, or through another writing, Department personnel shall provide language interpretation assistance through the telephonic interpretation service or a bilingual officer.
- b. If the Department receives correspondence in a language other than English,



Department personnel shall be responsible for routing that correspondence shall forward it to the LAC for translation into English.

4. Internal Affairs

- a. If a complaint falls under the jurisdiction of the Internal Affairs Professional Standards (IAPS) Division, the IAPS Division supervisor shall transmit written notification to the complainant translated into the LEP complainant's primary language within ten (10) days.
- b. No more than fourteen (14) days after the conclusion of the investigation and any disciplinary proceedings, the IAPS Division supervisor shall transmit a case closing letter translated into the LEP complainant's primary language setting forth the following:
  - i. Investigation results; and
  - ii. Discipline (if any).

B. Civilian Police Oversight Agency (CPOA)

1. The CPOA is an independent City agency.
2. The CPOA, among other things, conducts investigations of complaints related to Department personnel.
3. The Department shall seek to enter into a Memorandum of Understanding (MOU) with the CPOA to follow Department language access procedures.
4. Until an MOU is agreed upon, if the CPOA accepts a complaint, the CPOA shall transmit a written notification of CPOA jurisdiction translated into the LEP person's primary language within ten (10) days of CPOA taking jurisdiction.
  - a. No more than fourteen (14) days after the conclusion of the investigation and any disciplinary proceedings, the CPOA shall transmit a case closing letter translated into the LEP complainant's primary language setting forth the following:
    - i. Investigation results; and
    - ii. Discipline (if any).