



3-6 LANGUAGE ACCESS POLICY

Related SOP(s), Form(s), Other Resource(s), and Rescinded Special Order(s):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
- 2-18 Contact with Deaf, Hard of Hearing, or Speech Impaired Persons
- 3-6 Language Access Policy
- 3-41 Complaints Involving Department ~~Policy or~~ Personnel
- 9-1 Communications (Formerly 2-01 Communications Division)

B. Form(s)

None

C. Other Resource(s)

- Exec. Order No. 13,166 Improving Access to Services for Persons with Limited English Proficiency (2000)
- Omnibus Crime Control and Safe Streets Act of 1968
- Title VI of the Civil Rights Act of 1964

D. Rescinded Special Order(s)

None

3-6-1 Purpose

- A. Persons whose primary language is not English and have a limited ability to speak, understand, read, or write English are at a disadvantage in our community. For example, if they want to take advantage of Albuquerque Police Department (Department) programs and services, they may not understand or be able to access important benefits or services of these programs or comply with applicable responsibilities. Such persons are referred to as being "limited English proficient" or LEP.
- B. Language barriers can put cases and lives at risk by impeding communications with LEP victims, witnesses, suspects, and community members and by creating safety, evidentiary, and ethical challenges for Department personnel and others. Moreover, language barriers can prevent LEP persons from understanding their rights, complying with the law, and receiving meaningful access to Department programs, services, and information.
- C. Therefore, the purpose of this Policy is to incorporate the LEP Plan (Plan), developed collaboratively with the community and the Department, into Department SOPs and



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policy to provide services to LEP persons in compliance with current law, pursuant to the following documents:

1. Executive Order (EO) 13166-On August 16, 2000, President Clinton issued the EO "to improve access to . . .federally assisted programs and activities for persons who, as a result of national origin, are limited in their English proficiency;"
 2. Title VI of the Civil Rights Act of 1964;
 3. The Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons published by the U.S. Department of Justice (DOJ); and
 4. The Omnibus Crime Control and Safe Streets Act of 1968.
- D. The Plan, reflected in this Policy and in SOPs 2-65 —Language Access Procedure; 2-18 —Contact with Deaf, Hard of Hearing, or Speech Impaired Persons; and 9-1 4— Communications:
1. Supports Executive Order 13166 and the other referenced legal authorities in this Policy;
 2. Sets out reasonable steps to provide meaningful access to Department services, programs, and information for LEP persons using the four-factor analysis recommended by the DOJ;
 3. Details the Department's initiatives and plans to improve the access of LEP persons to its services and programs;
 4. Provides clear, consistent direction in the delivery of efficient, effective, and caring service to LEP persons;
 5. Balances service needs of LEP persons with the fiscal constraints of Department operations; and
 6. Provides a framework for the provision of resource allocation for LEP persons in the context of all Department business.
- E. The Plan was developed to pursue equal access to police services for LEP persons, as well as for deaf and hard of hearing persons. Although deaf and hard of hearing persons are covered under the Americans with Disabilities Act (ADA) and City Ordinance, rather than Title VI of the Civil Rights Act, they were included in the Plan as they relate to the pursuit of equal access to police services.

3-6-2 Policy



It is the policy of the Department to take reasonable steps to provide meaningful access to all persons in any encounters with the Department regardless of their national origin or limited ability to speak, understand, read, or write English. The Department strives to provide access in a timely manner.

It is the goal of the Department to reduce the language barriers for LEP persons seeking access to Department programs, services, and information.

3-6-3 Definitions

A. Limited English Proficient (LEP) Persons

LEP people are persons whose primary language is not English and who have a limited ability to speak, understand, read, or write English.

B. Bilingual

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

C. Certified Bilingual Personnel

Department personnel who City Human Resources has certified as proficient in a language other than English.

D. Direct Communication

Communication in one language, other than English, between certified bilingual Department personnel and an 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 a suspect, or the destruction of evidence.

G. I Speak Card

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

H. Interpretation



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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 Coordinator (LAC)

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

J. 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 officers who encounter LEP persons most frequently, along with at least one Division Manager or Commander. Members shall be familiar with language access issues and are responsible for the implementation of all aspects of the Department's language access policies and procedures.

K. Non-Vital Document

A non-vital document provides information to the reader but has no important information about individual rights or Department services.

L. Primary Language

A person's first language or the language in which a person best communicates.

M. Safe Harbor Language

Primary language spoken by five percent (5%) or 1,000 residents of the City population, whichever is less.

N. Translation

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

O. Vital Document

A vital document provides important information about individual rights or Department services (e.g., waiver of rights or Civilian Police Complaint form).



3-6-4 Department of Justice Four Factor Guidance for LEP Programs

A. The DOJ developed a guidance document entitled “Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons” (Guidance). The Guidance outlines four factors to be considered in determining what constitutes reasonable steps to provide meaningful access to programs and services. The Guidance is attached as Appendix 1. The Plan reflects the following summaries of those factors:

1. Number or Proportion of LEP Persons in the Eligible Service Population: The Department should take into account the number of past and ongoing encounters with LEP persons and also look at statistical data, such as that provided by the Census, school systems, and community groups to determine those likely to be served. The greater the number or proportion of LEP persons, the more likely that pre-arranged language services are needed.
2. Frequency With Which LEP Persons Come in Contact Within a Program or Service: The Department should determine how often contact with particular language groups occurs in the context of the program or service involved. The Department should also determine where contact with particular language groups occurs, such as in particular neighborhoods and, to the extent possible, at certain events. The Department ~~will~~ shall determine the frequency with which LEP persons come into contact with the Department by analyzing telephonic interpretation service data. More frequent contact means a greater need for enhanced language services.
3. Nature and Importance of the Program, Activity, or Service Provided by the Program: Denial or delay of service due to language access issues may have serious or life-threatening consequences, especially in emergency situations. For the LEP person, additional consequences may include not understanding that Department services or programs are available that may be helpful. The more emergent the service or program, the more likely that timely, qualified communication ~~will~~ shall be needed.
4. Resources Available to the Recipient and Costs: The Department has to analyze its resources, the costs of providing different types of language services, and the impact of those costs on implementing such services.

B. The Department ~~will~~ shall use the four-factor analysis to make all required determinations under this Policy and SOP 2-65, including the kinds of LEP services required, training for Department personnel, and outreach programs that notify LEP persons of the availability of language assistance.

7 C. The LAC and the LAIC shall use the Guidance and work with the City to ensure that the Department takes reasonable steps to provide meaningful access to programs and services for LEP persons.



3-6-5 Roles and Responsibilities

A. Language Access Coordinator (LAC)

1. The LAC is responsible for overseeing the implementation of the Department's LEP Policy and procedures. The LAC also delegates responsibilities to other Department personnel who assist with implementation.

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2. The LAC shall ~~is~~ be responsible for the following:

- a. Propose procedures to implement this Policy;
- b. Coordinate with the City's Human Resources Department to identify qualified translators and interpreters;
- c. Coordinate with the City's Human Resources Department to address hiring and personnel practices to increase the Department's number of certified bilingual officers ~~LEP capacity~~;
- d. Coordinate with the Department's Fiscal Division to recommend ~~develop~~ a budget ~~pay structure~~ for ~~contract~~ language access, including, but not limited to, contract language assistance services;
- e. Coordinate with the Department's Planning Division to search for outside funding sources and other resources to support interpretation and translation, technological support, staffing, and other infrastructural support;
- f. Maintain an updated list of all trained and certified bilingual officers and contract interpreters;
- g. Provide a quarterly update on the number of certified bilingual officers via the Department intranet (APDWeb/Protopage) and to the OIRA Steering Committee or its successor;
- h. Coordinate the creation of a working group to include internal and external stakeholders; and
- i. Annually review this Policy and related SOPs and modify if needed.

3. Specific to translation, the LAC is responsible for the following:

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a. Classifying all standard documents ~~information~~ provided to community members as vital or non-vital and determining translation prioritization and process. The LAC ~~will~~ shall be responsible for having vital documents ~~and information~~ translated, distributed, and placed on the Department intranet (APDWeb/Protopage) and the public Department website, as appropriate.

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b. If Department personnel have submitted a memorandum through their chain of command identifying the need for a specific standard document to be translated, the LAC ~~will~~ shall review the request for appropriate action.

- i. The LAC ~~will~~ shall consider the factors listed in Sections 3-6-4(A)(1)-(4) above and the definitions in Sections 3-6-1(K) and (O) above. If the LAC determines that the document should be translated and confirms that no similar document has already been translated, the LAC ~~will~~ shall ensure that



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the document is translated, distributed, and placed on the Department intranet (APDWeb/Protopage) and public Department website, as appropriate.

- c. Ensuring that correspondence received by the Department that is in a language other than English is translated into English. Once translated into English, if the correspondence is a complaint, the LAC ~~will~~ shall ensure it is processed pursuant to SOP 3-41.
- d. Evaluating the feasibility of translating online reports into the Safe Harbor languages.

B. Language Access Implementation Committee (LAIC)

1. LAIC members shall be Department personnel, except as otherwise required below, including bilingual personnel broadly representative of the experience of Department Units, Divisions, Commands, and Bureaus. The Committee shall include field officers who encounter LEP persons most frequently. Members shall be familiar with language access issues and are responsible for the implementation of all aspects of the Department's Language Access Policy and SOPs.

2. The LAIC consists of the following:

- a. The LAC;
- b. Representative from the Office of Immigrant and Refugee Affairs, Office of Equity and Inclusion, or in the absence of those offices, a City representative experienced in working with immigrant populations;
- c. Representative from the Field Services Bureau;
- d. Representative from the Emergency Communications Center;
- e. Representative from the Management ~~Support~~ Services and Support Bureau;
- f. Representative from the Investigations Bureau; and
- g. At least one ~~C~~Commander or ~~d~~Division Manager.

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3. The LAIC ~~will~~ shall identify and take reasonable steps to provide meaningful access to Department programs and services by doing the following:

- a. Identify language assistance needs for the Department;
- b. Identify existing Departmental language assistance resources;
- c. Identify language assistance resources needed by the Department;
- d. Oversee the proper use of certified bilingual ~~Department personnel~~ officers;
- e. Oversee the selection and procurement of contracted interpreters;
- f. Oversee the process for the translation of vital documents to ensure accuracy and Department progress ~~and vital information~~;
- g. Develop and/or make ~~p~~Policy and procedure recommendations;
- h. Ensure training for all Department personnel on accessing and providing Department language assistance services;
- i. Work with the Department's Office of Policy Analysis to ensure receipt and evaluation of Policy and procedure recommendations made by residents regarding language access assistance;



- j. Occasionally share best Department practices with law enforcement agencies and community organizations to identify effective practices and potential areas for improvement;
- k. Provide an annual report to the Department's Command Staff documenting Review the Department's steps progress in to providing access to services to LEP persons by providing a quarterly report to the Department's Command Staff; and
- l. Make recommendations to the Recruiting Unit to promote the recruitment of bilingual officers through community outreach.

3-6-6 LEP Policy Elements

The Department is taking reasonable steps to provide meaningful access to its programs and services to LEP persons, regardless of their ability to communicate in English. The Department's LEP Policy principles include the following elements:

- A. Stakeholder Consultation. Section 4 of Executive Order 13166 requires "that stakeholders, such as LEP persons and their representative organizations, recipients, and other appropriate persons or entities have an adequate opportunity to provide input." The Department has sought input from various organizations, including the Albuquerque Office of Immigrant and Refugee Affairs Steering Committee and the City of Albuquerque Domestic Violence Task Force.
- B. Resource Allocation. The Department will shall consider the needs of LEP persons in the Department's other policies and procedures, such as Special Orders, and long-range goals. Police service needs of LEP persons should be considered in the allocation of Department resources and service delivery initiatives.
- C. Funding
 - 1. Policy implementation will shall depend, in part, on the level of Department resources and the relative costs that would be imposed upon the Department.
 - 2. The Department will shall explore, on an ongoing basis, the most cost-effective means of delivering competent and accurate language services before limiting services due to a lack of resources.
 - 3. The Department will shall also explore outside funding opportunities to support and enhance additional language access services for the public.
- D. Recruitment
 - 1. In an on-going effort to better serve the diverse Albuquerque community, the Department actively recruits bilingual persons, including through community meetings, community publications, the Albuquerque Police Citizens Academy, and day-to-day contacts.



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2. Recruiting efforts emphasize the Department's commitment to cross-cultural communications, diversity, and community involvement.
3. Recruiters emphasize the value that the Department places on language skills and promotes the Department's language pay incentive programs.
4. Recruiters target job fairs and other events with a high probability of a bilingual audience. Typical events include charter schools that specialize in multi-cultural students, job fairs, Bernalillo County events that emphasize minority outreach, and college events that have a high percentage of minority attendance.
5. In addition to traditional LEP language efforts, the Department has initiated a relationship with the New Mexico Commission for Deaf and Hard of Hearing. The new program ~~will~~ shall develop sensitivity, translation, and American Sign Language (ASL) training for Department officers and communications professionals.

E. Public Information

The Department recognizes the value of public information to educate persons who utilize police services, improve access to its services, address concerns of LEP persons, promote program integrity, and build public confidence. The Department produces public information materials in languages other than English and ~~will~~ shall use the media to provide information to LEP persons. The goal is that LEP persons ~~will~~ shall have reasonable notice of the availability of services in languages other than English.

F. Monitoring Services

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1. The LAC and LAIC ~~will~~ shall ensure the implementation and evaluation of this Policy and related LEP SOPs. The Language Access Policy and procedures ~~will~~ shall be re-evaluated annually to ensure that the scope and nature of language assistance services provided reflect updated information on relevant LEP populations, their language assistance needs, and their experience under this Policy and related procedures.

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2. The LAC and LAIC ~~will~~ shall monitor this Policy and related procedures to ensure that they continue to be effective. The LAC and LAIC ~~will~~ shall annually re-evaluate the language needs of LEP persons to determine shifts in non-English-speaking demands. The LAC and LAIC ~~will~~ shall monitor ~~track~~ utilization of Department language assistance services ~~LEP workload data~~ on an ongoing basis to ascertain needs and make recommendations on the allocation of resources. This data ~~will~~ shall be incorporated into the Department's annual budget estimate plan annually submitted to the Budget Management Office.

3. The Department provides police services to a wide range of persons, including those who do not speak English or who are deaf or hard of hearing. The most recent list of Safe Harbor Languages, based on U.S. Census data, is listed in the



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~~attached Appendix II. released in October 2015 (reflecting years 2009-2013) shows that Albuquerque residents who speak the following five (5) languages at home have the most persons who speak English less than "very well:" (1) Spanish or Spanish Creole with 57,200 speakers; (2) Vietnamese with 2,442 speakers; (3) Diné (Navajo) with 1,383 speakers; (4) Keres with 1,375 speakers; and (5) Chinese with 895 speakers.~~

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APPENDIX II
SAFE HARBOR LANGUAGES

U.S. Census data released in October 2015 (reflecting years 2009-2013) shows that Albuquerque residents who speak the following five (5) languages at home have the most persons who speak English less than "very well:"

(1) Spanish or Spanish Creole with 57,200 speakers;

(2) Vietnamese with 2,442 speakers;

(3) Diné (Navajo) with 1,383 speakers;

(4) Keres with 1,375 speakers; and

(5) Chinese with 895 speakers.

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