

OGDEN CITY POLICE

POLICY 74: LIMITED ENGLISH PROFICIENCY SERVICES

Subject Limited English Proficiency Services	Effective Date October 7, 2024
Department Police	
Division All Police Personnel	Review Date October 2026
Authorized Signature 	

NOTE: This rule or regulation is for internal use only and does not enlarge an officer's civil or criminal liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this directive, if proven, can only form the basis of a complaint by this agency, and then only in a non-judicial administrative setting.

I. PURPOSE

Provide guidance to Ogden Police Department members for communicating with individuals with Limited English Proficiency (LEP) in accordance with 42 USC 2000d and Department of Justice Executive Order 13166.

II. POLICY

The Ogden City Police Department will make reasonable efforts to eliminate or reduce barriers to police services for people who have a limited ability to speak, write, and/or understand the English language, while not imposing undue burdens on its members. The Department will not discriminate against or deny individuals access to services, rights or programs based upon national origin or any other protected interest or right.

III. DEFINITIONS

Definitions related to this policy include:

Direct “In-Language” Communication: Monolingual communication in a language other than English between a multilingual staff and LEP individuals.

Department: The Ogden Police Department.

Effective Communication: Communication sufficient to provide an individual with LEP the same level of access to services, programs, and benefits received by individuals who are not LEP. For example, Department members must take reasonable steps to ensure

that communication with an LEP individual is as effective as communication with others when providing similar programs, benefits, and services.

Interpret or Interpretation: The act of listening to a communication in one language (source language) and orally converting it to another language (target language) while retaining the same meaning.

Language Assistance Services: Oral and written language services needed to assist LEP individuals in communicating effectively with Department members, and to provide them with meaningful access to, and an equal opportunity to participate fully in, the services, benefits, activities, or other programs administered by the Department.

Limited English Proficient (LEP) Individuals: Any individual whose primary language is not English and who has a limited ability to read, write, speak, or understand English. LEP individuals may be competent in certain categories of communication (e.g., speaking or understanding), but still be LEP for other purposes (e.g., reading or writing). Similarly, LEP designations are context-specific, as an individual may possess sufficient English language skills to function in one setting but not in others.

Meaningful Access: Language assistance that results in accurate, timely, and effective communication at no cost to the LEP individual. For LEP individuals, meaningful access denotes access that is not significantly restricted, delayed, or inferior as compared to programs or activities provided to English-proficient individuals.

Qualified Bilingual Member: A designated member of the Ogden City Police Department who has demonstrated proficiency in English and in reading, writing, speaking, or understanding at least one other language and its functional components.

Primary Language: An individual's primary language is the language in which an individual most effectively communicates.

Qualified Translator or Authorized Interpreter: A Department member or contracted translator or interpreter who demonstrates their competence to interpret or translate through qualification, or who is authorized to do so by contract with the Ogden Police Department.

Sight Translation – Oral rendering of written text into spoken language by an interpreter without change in meaning based on a visual review of the original text or document.

Translation – The replacement of a word, phrase, or text in one language with an equivalent-meaning word, phrase, or text in another language.

Vital Document – Paper or electronic material that contains information that is critical for accessing programs, services, benefits, or activities that are directly and substantially related to public safety or otherwise required by law.

IV. PROCEDURE

A. LEP Coordinator

The Chief of Police shall delegate certain responsibilities to the Department's LEP Coordinator. The LEP Coordinator shall be appointed by the Chief of Police or their designee. The responsibilities of the LEP Coordinator include, but are not limited to:

1. Coordinating and implementing all aspects of the Ogden Police Department's LEP services to LEP individuals.
2. Developing procedures that will enable Department members to access LEP services.
3. Ensuring that a list of all qualified bilingual members and authorized interpreters is maintained and available to all Department and dispatch supervisory personnel. The list should include information regarding languages spoken, contact information, and availability.
4. Ensuring signage stating that interpreters are available free of charge to LEP individuals is posted in appropriate areas and in the most commonly spoken languages. At a minimum, notices and signs will be posted and provided in the front lobby and other points of entry.
5. Reviewing existing and newly developed documents to determine which are vital documents requiring translation, and into which languages the documents should be translated.
6. Annually assessing demographic data and other resources, including contracted language services utilization data to determine if there are additional documents or languages that are appropriate for translation.
7. Identifying standards and assessments to be used by the Department to qualify individuals as qualified bilingual members or authorized interpreters.
8. Periodically reviewing efforts of the Department to provide meaningful access to LEP individuals, and, as appropriate, developing reports, new procedures, or recommending modifications to this policy.
9. Receiving and responding to complaints regarding the Department's LEP services.
10. Ensuring appropriate processes are in place to provide for the prompt and equitable resolution of complaints and inquiries regarding discrimination in access to the Department's services, programs, and activities.

B. Four-Factor Analysis

Since there are many different languages that members could encounter, the Department will utilize the four-factor analysis outlined in the U.S. Department of Justice (DOJ) Guidance to Federal Financial Assistance Recipients, available at the DOJ website, to determine which measures will provide meaningful access to its services and programs. It is recognized that law enforcement contacts and circumstances will vary considerably. This analysis, therefore, must remain flexible and will require an ongoing balance of four factors, which are:

1. The number or proportion of LEP individuals eligible to be served or likely to be encountered by Department members, or who may benefit from programs or services within the jurisdiction of the Department or a particular geographic area.
2. The frequency with which LEP individuals are likely to encounter Department members, programs, or services.
3. The nature and importance of the contact, program, information, or service provided.
4. The cost of providing LEP assistance and the resources available.

C. Types of Assistance Available

Department members should never refuse service to an LEP individual who is requesting assistance, nor should they require an LEP individual to furnish an interpreter as a condition for receiving assistance. The Department will make every reasonable effort to provide meaningful and timely assistance to LEP individuals through a variety of services as follows:

1. The Department will utilize all reasonably available tools, such as language identification cards or posters, when attempting to determine an LEP individual's primary language.
2. When records are kept of past interactions with LEP individuals, the language used to communicate with the LEP person will be included as part of the record.
3. LEP individuals may choose to accept Department-provided LEP services at no cost or they may choose to provide their own.
4. Department provided LEP services may include, but are not limited to, the assistance methods described in this policy.

D. Vital Documents

Vital documents should be translated into languages most likely to be encountered. The LEP Coordinator will arrange to make these translated documents available to members and other appropriate individuals, free of charge, as necessary.

E. Audio Recordings

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

F. Qualified Bilingual Members

Qualified bilingual members may be utilized to provide LEP services when they have demonstrated through established procedures a sufficient level of skill and competence to fluently communicate in both English and a non-English language. Members utilized for LEP services must demonstrate knowledge of the functions of an interpreter/translator and the ethical issues involved when acting as a language conduit. Additionally, bilingual members must be able to communicate technical and law enforcement terminology and be sufficiently proficient in the non-English language to perform complicated tasks, such as conducting interrogations, taking statements, collecting evidence, or conveying rights and responsibilities.

When a qualified bilingual member from the Department is not available, personnel from other city departments, who have been identified as having the requisite skills and competence, may be requested to assist.

G. Interpretation Services

The Department may contract with authorized interpreters who are available over the telephone. Members may use these services with the approval of a supervisor and in compliance with established procedures. Other sources may include:

1. Qualified bilingual members of the Department or personnel from other city departments.
2. Individuals employed exclusively to perform interpretation services.
3. Contracted in-person interpreters.
4. Interpreters from other agencies who have been qualified as interpreters by the Department, and with whom the Department has a resource-sharing or other arrangement that they will interpret according to Department guidelines.

H. Volunteer Interpreters

While family or friends of an LEP individual offer to assist with communication or interpretation, members should carefully consider the circumstances before relying on such individuals. For example, children should not be relied upon except in exigent or very informal and non-confrontational situations.

I. Contact and Reporting

While all law enforcement contacts, services and individual rights are important, the Department will utilize the four-factor analysis to prioritize service to LEP individuals so that such services may be utilized where they are most needed, according to the nature and importance of the particular law enforcement activity involved.

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

J. Receiving and Responding to Requests for Assistance

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

All interpreters, translators, and other aids needed to comply with this policy shall be provided without cost to the person being served, and patients/clients and their families will be informed of the availability of such assistance free of charge.

K. Field Enforcement

Field enforcement will generally include contacts such as traffic stops, pedestrian stops, warrant service, crowd/traffic control, and other routine field contacts that may involve LEP individuals. The scope and nature of these activities and contacts will inevitably vary. Members and/or supervisors must assess each situation to determine the need and availability of language assistance to all involved LEP individuals and utilize the methods outlined in this policy to provide such assistance.

Although not every situation can be addressed in this policy, it is important that members are able to effectively communicate the reason for a contact, the need for information, and the meaning or consequences of any enforcement action.

If available, Department members should obtain the assistance of a qualified bilingual member or an authorized interpreter before placing an LEP individual under arrest.

L. Interviews

In any situation where an interview may reveal information that could be used as the basis for arrest or prosecution of an LEP individual, and a qualified bilingual member is unavailable or lacks the skills to directly communicate with the LEP individual, an authorized interpreter should be used. Whenever reasonably possible, audio recordings of an interview of an LEP individual should be made. Identification and contact information for the interpreter should be documented so that the person can be subpoenaed for trial if necessary.

If an authorized interpreter is needed, officers should consider calling for an authorized interpreter in the following order:

1. A qualified Department member or allied agency interpreter.
2. A qualified telephone interpreter.
3. Any other authorized interpreter.

The use of an LEP individual's bilingual friends, family members, children, neighbors, bystanders, or automated translation may be used only when a qualified bilingual member or authorized interpreter is unavailable and there is an immediate need to interview an LEP individual.

M. Custodial Interrogations

Miscommunication during custodial interrogations may have a substantial impact on the evidence presented in a criminal prosecution. Only qualified bilingual members or, if none are available, authorized interpreters shall be used during custodial interrogations.

Miranda warnings shall be provided to suspects in their primary language by the qualified bilingual member or authorized interpreter.

In order to ensure that translations during custodial interrogations are accurately documented and are admissible as evidence, interrogations should be recorded whenever reasonably possible.

N. Complaints

The Department shall ensure LEP individuals who wish to file a complaint involving Department members are able to do so. The Department may provide a qualified bilingual member, authorized interpreter, translated forms, or other services as appropriate.

Investigations into such complaints shall be handled in accordance with OPD Policy 12. Any notice required to be sent to an LEP individual as a complaining party pursuant to Department policy should be translated or otherwise communicated in a language-accessible manner.

O. Community Outreach

Community outreach programs and other related services offered by the Department are important to the success of law enforcement duties. The Department will work with community groups, local businesses, and community members as appropriate to facilitate access to critical programs and services.

P. Training, Department Members

The following training procedures will be followed for all Department members:

1. To ensure that all Department members who may have contact with LEP individuals are properly trained, the LEP Coordinator will provide training on this policy and related procedures, including instruction related to accessing Department-authorized telephonic and in-person interpreters and other available resources.
2. The Training Bureau shall also be responsible for ensuring new Department members receive LEP training.
3. The Training Bureau shall maintain records of all LEP training provided and will retain a copy in each member's training file.