



<b>GENERAL ORDER:</b>	<b>5.77</b>
<b>CHAPTER:</b>	<b>Chapter 5 – Law Enforcement Operations</b>
<b>SUBJECT:</b>	<b>Limited English Proficiency (LEP)</b>
<b>ISSUED DATE:</b>	December 13, 2024
<b>REVISION DATE:</b>	
<b>NOTES:</b>	
<b>RELATED ORDERS:</b>	P&P's 4.09 and 4.10 ESD, 9.11 and 17.07 DC
<b>ATTACHMENTS:</b>	1 – I Speak Card 2 – MOA with DOJ for LEP

**PURPOSE:** The Agency is dedicated to providing equitable and comprehensive law enforcement services to all members of our community, regardless of language barriers. The Agency recognizes the diverse linguistic backgrounds of the residents and visitors we serve.

**POLICY:** This policy establishes protocols and procedures to ensure effective communication with individuals who have limited English proficiency (LEP). The Agency strives to eliminate potential obstacles, including cost, that language differences may present, thereby ensuring our law enforcement services are accessible, reliable, and just for everyone.

**DEFINITIONS:**

**EXIGENT CIRCUMSTANCES:** A situation in which immediate action is necessary to prevent imminent danger to life or serious damage to property, or to forestall the imminent escape of a suspect or destruction of evidence.

**INTERPRETATION:** The act of converting spoken language from one language to another in real-time to facilitate oral communication between individuals who do not share a common language. Interpretation ensures that both content and context are conveyed, allowing individuals to maintain the natural flow of communication.

**LIMITED ENGLISH PROFICIENCY (LEP) PERSON:** An individual who does not speak English as their primary language and who has a limited ability to read, speak, write, or understand English. This limitation may impede their capacity to communicate effectively with English-speaking individuals or to comprehend English-based information and services.

**PRIMARY LANGUAGE:** The first language a person learns, usually in childhood, and which they use most frequently or feel most comfortable with. It is often the language spoken at home or among family and is foundational to an individual's cultural and personal identity.

**PROFESSIONAL INTERPRETATION SERVICE:** A service which provides trained and certified interpreters to facilitate accurate and confidential communication between speakers of different languages.

**QUALIFIED BILINGUAL MEMBER:** A member of the Agency or related entity who is proficient in both English and another language and can effectively and accurately communicate in both languages. Their proficiency shall be assessed and validated through testing by the Alameda County Human Resources Department who will ensure the Agency member can perform these duties in both languages as needed.

**QUALIFIED CIVILIAN INTERPRETER:** An individual, not a member of the Agency, who has demonstrated expertise in interpretation between English and another language. This person has undergone formal training, possesses certification or equivalent qualifications in interpretation, and adheres to professional standards and ethics.

**TRANSLATION:** The act of converting written text from one language to another. Translation involves ensuring that the content, tone, and nuance of the original text are accurately represented in the target language, taking into account cultural and linguistic nuances.

**ORDER:**

This policy will apply to all Agency members. Agency members are to follow these procedures in all encounters absent exigent circumstances; however, exigent circumstances may require some deviation. In such situations, Agency members shall use the most reliable, temporary interpreter available. Once the exigency has passed, Agency members are expected to revert to the procedures set forth in this general order.

**A. IDENTIFICATION OF PRIMARY LANGUAGE:**

1. All Agency members will be provided with a language identification card to aid in the identification of the primary language spoken by the LEP individual. (See attachment)
2. Agency members should display the language identification card to the LEP person so the person can identify the language they speak prior to calling a qualified bilingual member, contract, or professional interpretation service. The member should then request the appropriate interpreter.
3. If the LEP person does not appear able to read or understand the language identification card, the member should call the professional interpretation service and advise the service of the situation. With assistance from the language service member, members should attempt to ascertain the LEP individual's language in order to obtain a suitable interpreter.

**B. USE OF QUALIFIED BILINGUAL AGENCY MEMBERS:**

1. County Human Resources shall maintain a listing of all ACSO Qualified Bilingual Members.
2. In the event that ACSO Bilingual Members are unavailable, Agency members may also utilize a Qualified Civilian Interpreter, Contract and professional interpretation associations, or other professional interpreter services include interpretation services offering in-person interpretation, as well as those offering telephonic interpretation. Agency members shall be provided with the appropriate contact information and any Agency account code information to access such services.

**C. ORDER OF PREFERENCE FOR INTERPRETATION SERVICES:** Agency members shall provide oral interpretation services to LEP persons they encounter in the following order of preference unless deviations are required to respond to exigent circumstances. Agency members should take reasonable steps to ensure that the qualified interpreter does not know any of the parties.

1. Direct Communication by Qualified Bilingual Member(s): The preferred method of providing services to LEP persons is through the use of a Qualified Bilingual Member.

2. Use of Qualified Civilian Interpreter: When Qualified Bilingual Members are unavailable, members shall use a Qualified Civilian Interpreter or a professional interpreter to provide in-person interpretation services.
3. Telephone Interpreter: When qualified interpreters are not available to provide service in person, Agency members may utilize the current professional language service provider or a Qualified Civilian Interpreter to provide interpretation services by telephone. GLOBO Solution number (510) 529-2798, location PIN number 469.

D. RESTRICTIONS:

1. Agency members should not use family members, neighbors, friends, volunteers, bystanders, automated electronic translations (i.e., Google translate) or children to interpret for a LEP person unless exigent circumstances exist and a more reliable interpreter is not available, especially for communications involving witnesses, victims, and potential suspects, or in investigations, collection of evidence, negotiations, or other sensitive situations.
2. If an exigent circumstance requires a member to use family members, neighbors, friends, volunteers, bystanders, automated electronic translations, or children for initial language assistance, the member shall seek the assistance of a Qualified Bilingual Member, Qualified Civilian Interpreter, or other professional interpreter to confirm or supplement the initial translation or interpretation as soon as practical.

E. INTERVIEWS:

1. The accuracy of victim and witness statements is a priority. Thus, to ensure effective communication and accuracy, when conducting interviews, Agency members should seek the assistance of a Qualified Bilingual Member, Qualified Civilian Interpreter, or the current professional interpreter service contracted by the County, whenever the Agency member encounters an LEP person who requests an interpreter or is unable to communicate with or is having trouble communicating.
2. Written forms shall be provided to the witness and/or victim in his or her primary language when available. In the case of forms that have not been translated into the LEP person's primary language and in the case of illiteracy, forms shall be read to the witness and/or victim in their primary language by a Qualified Bilingual Member, or Qualified Civilian Interpreter.
3. The Miranda admonition, and all other written forms shall be provided to the suspect in their primary language when available. In the case of forms that have not been translated into the LEP person's primary language and in the case of illiteracy, forms shall be read to the suspect, by the Qualified Bilingual Member or Qualified Civilian Interpreter, in their primary language.

F. INCIDENT REPORTS: Whenever an incident report is prepared regarding an incident involving an LEP person, the incident report shall identify the primary language spoken by the LEP individual, the person who provided the interpretation, or the manner in which interpretation services were provided. The LEP portion will also be completed in the current Records Management System for each report involving an LEP person.

G. TRAINING: The Language Access Coordinator will ensure the following training occurs:

1. Training annually for all Agency members who interact with the public, on how to identify whether a person is LEP, and their spoken language, LEP policy, examples of how to

handle interpretations during exigent circumstances, how to access in-person and telephone interpreters, how to work with interpreters, and training on language identification tools. (See attachment) Initial training shall be conducted within 180 days of the adoption of this MOA (Memorandum of Agreement).

2. Annual training for all Qualified Bilingual Members regarding roles and ethics consistent with their approved responsibilities.
3. Annual Anti-Bias training for all Agency members.

H. LANGUAGE ACCESS COORDINATOR: Shall be appointed by the Sheriff or their designee.

1. Shall be responsible for all aspects of the Agency's LEP program.
2. Shall maintain a list of all forms that are currently translated and coordinate the translating of any new forms as becomes necessary.
3. Coordinate community outreach seeking input to assist the Agency in responding to LEP needs of the community members.
4. Identify and track demographics, including languages spoken, in the County of Alameda and develop language access resources as needed.
5. Will advise the Department of Justice (DOJ) when a new coordinator is assigned.
6. Coordinate all necessary reporting of LEP statistics and contacts to the DOJ.