Denver Police Department
Language Access Services for Limited English Proficient (LEP) Persons

I. PURPOSE

Language barriers can sometimes inhibit or even prohibit limited English proficient (LEP) persons from accessing assistance and/or understanding important rights, obligations, and services, or from communicating accurately and efficiently in a variety of interactions between the public and law enforcement. Miscommunication with victims, witnesses, suspects, and people in the community because of language differences can jeopardize safety and create evidentiary and investigative challenges. In addition to the practical reasons for ensuring language accessibility in law enforcement situations, it is required by law. Under Title VI of the Civil Rights Act of 1964, LEP persons have the right to language assistance that results in accurate, timely, and effective communication with law enforcement at no cost. This Language Access Policy and Plan is intended to assist Denver Police Department (DPD) personnel in ensuring language accessibility in our communications with the public.

II. POLICY

DPD is committed to equitably serving all people in the community, including LEP persons. It is the policy of DPD to take every reasonable step to ensure accurate, timely, and effective communication to all persons regardless of national origin or primary language. If there is any conflict, discrepancy, or inconsistency between this Policy and Plan and any DPD policies, bulletins, or other directives related to language access, the terms of this Policy and Plan control, except that nothing in this Policy and Plan should be construed to prevent DPD from providing additional translation or other language assistance services beyond what is required herein.

III. DEFINITIONS

A. EXIGENT CIRCUMSTANCES. Circumstances requiring prompt action before language services can reasonably be obtained in order to protect life, prevent serious injury, or protect substantial property interests; to apprehend or identify a fleeing offender; or to prevent the hiding, destruction, or alteration of sensitive evidence.

B. 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. There are two modes of interpreting: consecutive and simultaneous.

C. INTEPRETER. Interpretation is performed by individuals who have been assessed using a highly rigorous, standardized, and professionally validated instrument and who have also been trained in specialized terminology, the ethical canons of interpretation, and other standard requirements. An interpreter can be from an outside agency, company, or service or DPD personnel authorized to perform interpretation in a designated language due to specialized education, training, and assessments. Qualified bilingual personnel cannot serve as interpreters unless they are independently assessed for interpretation skill and approved to do so. Qualified

bilingual personnel are typically only approved to communicate directly "in language" with LEP persons. Bystanders and similar ad hoc sources of language assistance, as further set forth in Part V.G, have usually not been formally assessed or qualified as a departmental resource and, along with qualified bilingual personnel, shall only be used to interpret during exigent circumstances.

D. LANGUAGE ASSISTANCE. The facilitation of effective communication with an LEP person using one of the following five methods: in-person interpretation, remote video or telephonic interpretation, translation, direct "in-language" or monolingual communication, or sight translation.

E. LIMITED ENGLISH PROFICIENT (LEP) PERSON. A person for whom English is not their primary language and who has a limited ability to read, write, speak, or understand English. An LEP person may be competent in certain types of communications in the English language (e.g., speaking or understanding) but still may be LEP for other purposes (e.g., reading or writing) and require language assistance services (e.g., interpreters or translated materials). Similarly, LEP designations are context-specific: A person may possess sufficient English language skills to function in one setting but may find these skills are insufficient in other situations (e.g., after a traumatic event, when providing medical information, when providing eyewitness accounts, when under interrogation, etc.)

F. PRIMARY LANGUAGE. The language in which a person is most effectively able to communicate.

G. QUALIFIED BILINGUAL PERSONNEL. DPD personnel who demonstrate competency to communicate orally and/or in writing in English and at least one other language as set forth in Section 120.04 of the DPD Operations Manual. Qualified bilingual personnel are authorized to conduct law enforcement communications monolingually in their non-English language but are usually not authorized to serve as interpreters or translators. Qualified bilingual personnel shall have their oral proficiency, and/or translation skills, in their non-English language(s) initially assessed and reassessed every five years. DPD will provide qualified bilingual personnel with training on appropriate roles and ethics consistent with their approved responsibilities.

H. SIGHT TRANSLATION. An on-the-spot, complete, oral rendition of written text from the source language into the target language by an interpreter without a change in meaning based on a visual review of the original text or document. Sight translations may only be provided by interpreters. However, qualified bilingual personnel may explain the contents of a form or document to an LEP person without purporting to sight translate the document.

I. TRANSLATION. The replacement of written text from one language (source language) into an equivalent written text in another language (target language).

J. TRANSLATOR. An individual who has been assessed as qualified to perform translations using a highly rigorous, standardized, and professionally validated instrument and who has also been trained in specialized terminology and other standard requirements. A translator can be from an outside agency, company, or service, or DPD personnel authorized to perform translation in a designated language due to specialized education, training, and certifications. Qualified bilingual personnel cannot serve as translators unless they are assessed and approved

to do so. Bystanders and similar "temporary" translators have usually not been formally assessed or qualified as a departmental resource and, along with qualified bilingual personnel, shall only be used to translate during exigent circumstances.

K. VITAL DOCUMENTS. Paper or electronic written material that contains information critical for accessing DPD's services and operations, or is required by law, which may include Miranda warnings, traffic forms, and/or citations.

IV. PERSONNEL

A. LEP COORDINATOR. DPD has appointed Sgt. Stacy Shantz to oversee this Policy and Plan as DPD's LEP Coordinator. The LEP Coordinator is responsible for:

1. Implementing and coordinating all aspects of this Policy and Plan;
2. Serving as a resource and overall coordinator for the district-level language access points of contact;
3. Convening meetings of DPD's Language Access Committee;
4. Identifying vital documents for translation as noted in Part V.F.2 of this document; and,
5. Periodically reviewing the effectiveness of this Policy and Plan in consultation with DPD's Language Access Points of Contact and the Language Access Committee.

The LEP Coordinator's name and contact information shall be posted on any notice advising the public about the availability of free language assistance services, and this Policy and Plan and postings will be updated within 30 days of changes in personnel charged with language access-related responsibilities. DPD personnel should contact their Language Access Point of Contact or the LEP Coordinator for questions regarding this document.

B. LANGUAGE ACCESS POINTS OF CONTACT. DPD has appointed and disseminated contact information to personnel in each patrol district for a supervisory officer in that district who will serve as a resource for fellow officers on language access procedures, resources, and tools. DPD personnel should contact their district's Language Access Point of Contact (LAPC) with district-specific questions about language access procedure.

C. LANGUAGE ACCESS COMMITTEE. This Committee is comprised of the LEP Coordinator, LAPCs, and representatives from the Police Academy, the Bias-Motivated Crimes Unit, the Crisis Services Bureau, Investigations, Community Resource Officers, bilingual officers, stakeholders representing LEP community interests from each district (where available), and any other relevant personnel. The Committee, which shall be convened on a quarterly basis by the LEP Coordinator, will ensure that DPD officers have the resources and information necessary to provide LEP individuals with meaningful access to DPD programs and activities. DPD has disseminated to all personnel a list of Committee members and their contact information. DPD personnel should reach out to the Committee if they have suggestions or feedback regarding how DPD can enhance its ability to overcome language barriers.

V. PROCEDURES

A. GENERAL. DPD personnel are to follow the procedures in this Part in all encounters absent exigent circumstances.

B. EXIGENT CIRCUMSTANCES. In the event of an exigent circumstance, DPD personnel may use the most reliable temporary interpreter available after taking into account the risk of inaccurate information, bias, and conflict of interest when relying on a temporary interpreter. Once the exigency has passed, DPD personnel are expected to adhere to the procedures set forth in this Policy and Plan. Any information obtained through a temporary interpreter must be confirmed as accurate after the exigency ends.

C. IDENTIFICATION OF LEP PERSONS.

1. Identification of LEP Persons: When DPD personnel encounter a person who may be LEP, they must immediately determine whether that individual is LEP by using all necessary methods to ascertain LEP status. DPD personnel can determine if a person is LEP by asking open-ended questions requiring a narrative response. If the person is unable to provide a fluent narrative response in English, the person shall be deemed LEP and language assistance shall be provided. Other indicators that a person may be LEP include if the person: speaks in incomplete or fragmented sentences, uses words that suggest a request for language assistance, or switches from English into another language. DPD personnel should err on the side of providing language assistance when unsure of LEP status.

2. Identification of Primary Language: After an initial determination is made that a person is LEP, avoid making assumptions about a person's primary language[1] and identify the LEP person's primary language using one or more of the following commonly used methods, in order of priority:

   a. Self-identification by the LEP person (i.e., the person is able to communicate the primary language that they speak).

   b. Language identification cards (e.g., "I Speak" cards) or posters.

      1) All DPD personnel will be provided a language identification card to aid in the identification of the primary language spoken by an LEP person.

      2) When self-identification by the LEP person is unsuccessful, DPD personnel shall display the language identification card to the LEP person so the person can identify the primary language they speak prior to calling qualified bilingual personnel, contract, or professional interpretation services. DPD personnel will then request the appropriate interpreter.

[1] For example, not all individuals from majority Spanish-speaking countries in Central and South America speak Spanish. Various countries in the region have sizeable populations of indigenous language speakers who may be limited Spanish proficient as well as LEP.

c. If self-identification by the LEP person is unsuccessful and the LEP person does not appear able to read or understand the language identification card, DPD personnel may utilize other options, including asking any bystanders with the LEP person to identify the primary language the individual speaks, or displaying maps or flags in the event that such visual cues help to identify the geographic region in which the language is spoken. DPD personnel may also utilize the DPD's contracted telephonic interpretation service provider to identify languages spoken in that region and pinpoint the particular language required.

D. ORAL LANGUAGE ASSISTANCE.

1. Available Options:

a. Qualified Bilingual Personnel: DPD shall maintain, periodically update, and distribute to dispatch and District/Division LAPCs a current Department-wide list of qualified bilingual personnel. The list shall contain the name, badge number, language, ability level/authorized types of communication, shift, and contact information for all listed qualified bilingual personnel. Dispatch shall identify qualified bilingual personnel available to report in person or remotely to assist in real-time LEP contact situations. District and Division LAPCs shall provide DPD personnel with the contact information of qualified bilingual personnel available to assist with follow-up or scheduled communications with LEP persons. Absent exigent circumstances, DPD personnel who are not qualified bilingual personnel shall not communicate with LEP persons in languages other than English, or without language assistance. DPD's LEP Coordinator and LAPCs will ensure, where possible, that the list of qualified bilingual personnel reflects the top languages spoken by LEP persons citywide and in the District, .

b. Other Language Services: In the event that qualified bilingual personnel are unavailable, DPD personnel may also utilize contract and professional interpretation organizations offering in-person and/or telephonic interpretation. DPD will provide DPD personnel with the appropriate contact information and any department account code information to access such services. All services must be approved by the LEP Coordinator and adhere to professional translation and interpretation standards.

2. Order of Preference: DPD personnel shall provide language assistance to LEP persons they encounter using the following order of preference unless deviations are required to comply with the procedures for specific contact situations described below.

a. Qualified Bilingual Personnel: Utilize monolingual communication by qualified bilingual personnel either in person or through a video remote connection.

b. In-Person or Video Interpreter: When qualified bilingual personnel are unavailable, use an interpreter to provide in-person or video remote interpretation services. Dispatch will maintain lists of non-DPD contract interpreters in target languages who may be on-call to respond in person. In-person and/or video remote assistance is particularly critical where constitutional rights are involved and in other high-stakes communications.

c. Telephone Interpreter: When qualified bilingual personnel and interpreters are not available to provide service in person or by video remote connection, DPD personnel may utilize their services by telephone, or alternatively use a telephonic interpretation service.

d. DPD personnel shall take reasonable steps to ensure that the interpreter providing language assistance does not know any of the parties or have any bias, conflict of interest, and/or connection to the situation.

3. Notification of Language Assistance Services: At the main public entry or lobby of each DPD facility, signs or posters shall be posted stating that interpreters are available free of charge to LEP persons. This notice will also be posted on DPD's website and appended to handouts or mailings of vital documents. Notification shall be posted in top languages spoken in the District, or citywide, depending on the nature of the facility.

E. SPECIFIC CONTACT SITUATIONS.

1. Investigative Interviews: The accuracy of victim and witness statements is a priority in criminal investigations. To ensure accurate and effective communication during a formal interview in the course of a criminal investigation, either qualified bilingual personnel or an in-person interpreter shall be used to take formal statements of an LEP witness and/or victim. Written forms shall be provided to the witness and/or victim 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, an interpreter shall sight translate forms to the witness and/or victim in their primary language, or qualified bilingual personnel may accurately explain the content of the forms in the LEP person's primary language.

2. Suspect Interrogations: Like other formal interviews, interrogations of LEP suspects may involve statements of evidentiary value on which the person may be impeached in court. As such, accuracy is essential. Interrogations shall be conducted by qualified bilingual personnel, when possible. To ensure accuracy, a second individual, either qualified bilingual personnel or an interpreter, may be present as a witness to the interrogation, and the second individual's role shall be explained to the LEP person. If no qualified bilingual personnel are available to conduct the interrogation, an interpreter must interpret between DPD personnel and the suspect. All LEP custodial interrogations shall be recorded by video, and DPD shall obtain a written transcription of the interview in English, at DPD's expense.

3. Advice of Rights: DPD personnel shall handle the advice of rights carefully in any situation, and that need is magnified where LEP persons are concerned. DPD personnel shall ensure that any waiver of rights is knowingly, voluntarily, and intelligently provided. To this end, DPD personnel shall provide the advice of rights in translated format in the LEP person's primary language. If the LEP person is illiterate or does not indicate an understanding of what is read, or if required forms in the appropriate language are unavailable, DPD personnel shall read the forms to the subject in his/her primary language (sight translation) using an interpreter. DPD personnel shall indicate how the advice of

rights was administered to LEP persons (e.g., translated or sight translated) in any accompanying incident report.

4. Incident Reports: Whenever an incident report is prepared regarding an incident involving an LEP person, the incident report shall identify in Versadex that the incident involved an LEP person(s), the primary language spoken by the LEP person(s), the manner in which language assistance services were provided (i.e., in person, telephonic, video, etc.), and the name of the person who provided language assistance services.

5. Emergency and Non-Emergency Phone Lines, and Outgoing Messages: DPD personnel who answer DPD's emergency and non-emergency phone lines shall be trained to identify whether a caller is LEP and how to access a telephone interpreter to communicate with an LEP caller. Any automated phone line shall notify callers that free language assistance services are available by phone and how to access those services.

F. TRANSLATION AND WRITTEN LANGUAGE ASSISTANCE.

1. Translation of Vital Documents: DPD personnel shall have access to translated vital forms, documents, and other written information in a variety of languages.

   a. Specific forms and languages into which they are translated may vary by Division and District, depending on factors such as the frequency with which residents of a district access specific forms, languages spoken in the district, the nature of the division (e.g., traffic), and other factors.

   b. DPD personnel are responsible for ensuring that applicable translated forms and information are provided to LEP persons during law enforcement encounters.

2. Identification of Vital Documents for Translation: It is the responsibility of DPD's LEP Coordinator, in consultation with LAPCs and the Language Access Committee, to identify vital DPD documents for translation, identify target languages for translation, and make those translations available to DPD personnel. Such written vital documents may include but are not limited to: complaint, consent, release, or waiver forms; claim or application forms; letters or notices pertaining to changes in DPD services or programs; time-sensitive notices, including notices of hearings/litigation, court appearances, or other investigation-related deadlines; forms related to individual rights; and/or notices of free language assistance services for LEP persons. The LEP Coordinator, in consultation with LAPCs and the Language Access Committee, will conduct a periodic review to ensure that translated forms keep pace with demographic and operational needs. All translated documents shall be reviewed by at least one bilingual person (from DPD or the community) proficient in that language to ensure that the translation is accurate and consistent with its English language counterpart.

3. Translating and Transcribing Evidence into English: DPD shall translate written information submitted in a non-English language, as well as transcribe non-English language recordings into English, when such evidence is received as part of an investigation and/or prosecution of a criminal case or administrative investigation. DPD

personnel are responsible for contacting their LAPC to ensure timely translation and/or transcription of information submitted in a non-English language. Written information submitted in a non-English language and non-English language recordings shall be timely submitted for translation/transcription.

4. Review of Non-English Language Messages Within 24 Hours: DPD personnel must arrange for a translator, interpreter, or qualified bilingual personnel to review non-English text submitted in written or electronic format, as well as non-English language recordings (including phone messages), within 24 hours of receipt to assess for emergency needs (e.g., immediate threat to life, public safety, substantial property interests; to apprehend or identify a fleeing offender; and to prevent the hiding, destruction, or alteration of sensitive evidence).

    a. If no qualified translator, interpreter, or qualified bilingual personnel is available, personnel are to use the most reliable temporary translation option available.

    b. If the initial internal review identifies an emergency need, DPD personnel shall immediately act on this information.

    c. After the initial internal review for emergency needs, DPD employees shall immediately submit the non-English text or recording to a qualified translation or transcription service provider to translate the information into English.

5. Recordkeeping: Each request to translate a vital document shall be documented through a central recordkeeping system. The record shall reflect the title of the document, the language, the date of last translation, the date of updated translation, and the location of the final translated version. DPD personnel shall have access to a central record and database of all translated forms and documents maintained by DPD.

6. Website: DPD's website homepage shall state, in the top 8 non-English languages spoken citywide, the availability of free language assistance services and how to access language assistance services. The website shall also contain translations of policies, publicly available forms, procedures for filing a complaint involving DPD, and other information relevant to the public. The LEP Coordinator, LAPC, and the Language Access Committee shall make best efforts to ensure that LEP members of the public, as well as their representatives, are aware of translated resources.

7. Use of Online Translation Tools: Automated software translation services (i.e., Google Translate) are insufficient to meet the quality assurance standards for translation. These types of translation tools shall only be used in exigent circumstances. If exigent circumstances require DPD personnel to use automated software translation services, the DPD employee shall seek the assistance of qualified bilingual personnel, an interpreter, or a telephone interpreter to confirm or supplement the initial information acquired using unauthorized language assistance as soon as practicable.

G. RESTRICTED LANGUAGE ASSISTANCE PRACTICES.

1. DPD personnel shall not use minors, family members, neighbors, friends, volunteers, or bystanders to provide language assistance unless there are exigent circumstances and a

more reliable interpreter is not available. Language assistance obtained through such sources may be highly unreliable, particularly in: (1) communications involving witnesses, victims, and potential suspects; (2) investigations, collection of evidence, and negotiations; and (3) sensitive types of investigations such as suspected domestic violence, child abuse, child abduction, and/or sex assault.

2. If exigent circumstances require DPD personnel to use restricted language access practices, as described in Part V.G.1, the DPD employee shall seek the assistance of qualified bilingual personnel, an interpreter, or a telephone interpreter to confirm or supplement the initial information acquired using unauthorized language assistance as soon as practicable.

VI. TRAINING

To ensure all DPD personnel are properly trained in these guidelines, DPD will provide periodic training regarding DPD's language access policies and procedures. DPD will provide (1) a general training for all employees; (2) District and Division-specific in-service trainings; (3) Academy and field training for new recruits; (4) training for qualified bilingual personnel; (5) anti-bias training related to interactions with different communities; and (6) periodic training bulletins to reinforce language access principles and methods. Training curricula will cover, at minimum:

A. Demographics, including languages spoken, of each DPD patrol district;

B. Department-wide language access resources;

C. How to identify whether a person is LEP and their primary spoken language, including training on language identification tools;

D. Communicating effectively with an LEP person using a telephone, video, or in-person interpreter;

E. DPD's Order of Preference as noted in Part V.D.2;

F. Restricted language access practices, concerns, and pitfalls when relying on restricted sources for language assistance, procedures for confirming or supplementing statements obtained through restricted sources during an exigent circumstance, and other information consistent with Part V.G;

G. How to contact and effectively work with qualified bilingual personnel, and the limits on their use;

H. Guidelines on the use of written statements in languages other than English;

I. How and where to obtain written translations of Miranda warnings/language, forms, and other vital documents;

J. Concerns with the use of automated machine translations (e.g., Google translate); and

K. Documenting interactions with LEP persons within DPD's system.

VII. OUTREACH, NOTICE, AND COMMUNITY FEEDBACK

A. DPD personnel shall work with Community Resources Officers (CROs) and LAPCs to identify LEP communities and relevant stakeholders in each District.

B. CROs and LAPCs shall inform stakeholders about DPD's Language Access Policy and Plan and the availability of language access services free of cost to the LEP community.

C. At least annually, each LAPC will collect district-specific feedback from stakeholders and the public on the effectiveness of its language access response and consider updates and changes to its Language Access Policy and Plan based on relevant feedback.

VIII. TRACKING AND MONITORING OF LANGUAGE ACCESS EFFORTS

Each year, DPD shall collect data regarding:

A. All calls for service and contacts requiring an incident report involving LEP persons. Language-specific information shall also be captured in this data, as well as utilization (or non-utilization) of language assistance services.

B. Usage and cost information for each method of interpretation service: in-person, video, phone, and qualified bilingual personnel.

C. The number of employees and specific languages represented by the Bilingual Officer Program.

D. Any complaints concerning language access, and DPD's resolution of language access complaints.

E. DPD's LEP Coordinator will use the data collected in this Paragraph, feedback collected from the community as described in Part VII.C, and feedback from DPD personnel to evaluate and improve its language access practices.