



ALBUQUERQUE POLICE DEPARTMENT  
PROCEDURAL ORDERS

SOP 2-65

Effective: 04/15/2021

Review: 10/15/2021

Replaces: N/A

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### Related SOP(s), Form(s), Other Resource(s), and Rescinded Special Order(s):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

[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](#)

[3-50 Forms Control](#)

[9-1 Communications \(Formerly 2-01 Communications Division\)](#)

#### B. Form(s)

PD 1002 Permission to Ride Along/Consent Not to Sue

PD 1010 Ride Along Media Agreement

PD 1102 Civilian Police Complaint Form

PD 1102-S Civilian Police Complaint Form (Spanish)

PD 1107 Medical Records Release Form

PD 1113 Verbal Complaint Form

PD 1303-A Physical Description of Suspect

PD 1337A Waiver of Prosecution

PD 1338 Permission to Search

PD 1339 Advice of Constitutional Rights

PD 1371 Notice of Release

PD 1372 Armed Robbery Suspect Identification Sheet

PD 1391 Information for a Victim of a Misdemeanor Crime

PD 3060 Abandoned Vehicle Notification

PD 3061 Towed Vehicle Notification

PD 4023 Citizen – Police Complaint Form

PD 4026 Unattended Vehicle Permit

PD 4421 Statement of Intent for Return of a Firearm

PD 4422 Bio-Hazard Evidence Form

PD 4414 Receipt

PD 4605 Deaf/Hearing Impaired Sign Language Interpreter Waiver Form

PD 4706 Infectious Disease Exposure Consent Form

PD 6013 Notice to Property Crime

Domestic Violence (DV) Victim Packet

Domestic Violence (DV) Victim's Statement

Evidence to Extend Order of Protection For Victims of Domestic Violence

Important Information About Your Traffic Citation

Important Information Regarding Protection Orders

Instructions for Completing a Station Report

Instructions for Suspect ID Form

Interview Advice of Rights

Juvenile Detention Center Release of Information



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Law Enforcement Domestic Violence Questionnaire  
Notification for Victims of Property Crimes  
Notification for Victims of Violent Crimes  
Order of Protection Brochure  
Petition for Emergency Order of Protection  
Petition for Order of Protection  
Photo Identification Form  
Property Receipt  
Receipt for Item Given to Officer or Detective  
Receipt from Detective  
Signature Card  
Suspect Statement  
Vehicle Immobilization and Release Agreement

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)

SO 20-07 LanguageLine App and Dedicated Telephone Line

**2-65-1 Purpose**

The purpose of this policy is to provide all Albuquerque Police Department (Department) personnel with procedures to provide Department 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.

**2-65-3 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



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fluently, accurately, and directly.

C. Certified Bilingual Personnel

Department personnel who the City of Albuquerque Human Resources Department 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 an individual, 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

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 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 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 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



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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 one-thousand (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).

**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) personnel;
- b. Direct contact with Department personnel in the community; 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 assistance that enables Department personnel to provide service to LEP persons:



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- a. Qualified interpreter services, including the telephone application for field sworn personnel. The Department shall have qualified interpreter services available to LEP persons through telephonic service 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. Certified bilingual personnel.

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C. Best Practice: Qualified Interpreter Services

1. The best practice for providing quality service to LEP persons is through immediate, direct service by Department personnel, regardless of that person's language abilities, so long as the Department personnel uses Department-provided qualified interpreter services to communicate with the LEP person.

a. **Dispatch and ECC**

- i. When an ECC Telecommunications Operator receives a call and determines that the caller is an LEP person, the ECC Telecommunications Operator shall try to determine the caller's primary language. If the caller's primary language is one for which ECC has certified bilingual operators on-duty and available, ECC personnel shall immediately transfer the caller to the certified ECC Telecommunications Operator.
  - ii. If there are no certified ECC Telecommunications Operators available who speak the caller's primary language, the ECC operator shall immediately conference the call with the telephonic interpretation service. While conferencing the call among the ECC operator, the caller, and the telephonic interpretation service, the ECC operator may try to get some information about the location and nature of the call. If the caller's primary language is unknown, the telephonic interpretation service operator shall try to determine the caller's primary language and connect to the appropriate interpreter.
  - iii. If connection with the telephonic interpretation service is delayed or the interview is not progressing quickly enough, the ECC Telecommunications Operator shall create a welfare check. If the caller disconnects, the ECC Telecommunications Operator shall call back with the telephonic interpretation service conferenced in as soon as possible.
  - iv. Once a three-way call is established between the ECC Telecommunications Operator, the caller, and the interpreter, ECC Telecommunications Operators shall follow the Standard Operating Procedures (SOP) for all emergency and non-emergency calls.
  - v. ECC Telecommunications Operators shall dispatch all calls based on the priority system.
  - vi. ECC personnel shall document that the caller is an LEP person and 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 Interpretation Service**
- i. First, determine whether there is a Department certified interpreter already onsite and immediately available.



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- ii. If a Department certified interpreter is not already onsite or immediately available, all Department personnel are to use one of the options listed in the instructions found on the Department intranet (APDWeb/Protopage) to access the telephonic interpretation service when they encounter LEP persons.

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D. Certified Bilingual Officers

1. The Department has sworn personnel certified in various languages, including Spanish. These officers are certified through the City of Albuquerque's Human Resources Department testing process. Sworn personnel may be certified for oral interpretation (Level I) or oral interpretation and written translation (Level II).
2. The Department shall maintain a list of certified Department personnel who can act as interpreters based on the City of Albuquerque's Human Resources Department testing process. This list shall be posted on the Department's intranet (APDWeb/Protopage) 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 Certified Bilingual Officer**
  - a. After seeking qualified interpreter assistance through the telephonic interpretation service, a responding officer may request a Certified Bilingual Officer join them at their location for interpretation assistance.
  - b. To request a Certified Bilingual Officer, the responding officer may contact an ECC Dispatcher and request a Certified Bilingual Officer.
  - c. The ECC Dispatcher shall check to see if a Certified Bilingual Officer who speaks the LEP person's primary language is available to respond to assist with interpretation.
  - d. Certified bilingual sworn personnel who respond to assist with interpretation shall have the discretion to only interpret or to interpret and take the primary report.
  - e. If a Certified Bilingual Officer 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 bilingual certification program is located at the City of Albuquerque 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 interpretation if an officer(s) is capable and needed.

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



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A. General Procedure

1. Department personnel shall not use LEP victims to provide interpretation or translation assistance for individuals. Department personnel shall not use individuals to provide interpretation or translation assistance for LEP victims.
  - a. Consistent with this SOP, if an LEP victim demands that an individual act as their interpreter, or if an LEP individual demands that a victim act as their interpreter, Department personnel shall refuse the request and use Department provided interpretation.

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2. Department personnel shall always use the telephonic interpretation service or Certified Bilingual Officers instead of children, family members, friends, neighbors, or other bystanders to communicate with LEP persons.
3. 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 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 free, certified Department provided interpretation.

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

1. Emergency situations occasionally may require deviation(s) from this SOP. Using the telephonic interpretation 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:
  - i. Urgent need to obtain descriptive information on a dangerous, fleeing individual;
  - ii. Location of an injured person;
  - iii. Need to know whether an individual has a weapon;
  - iv. Hostage situation; or
  - v. 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 interpretation assistance from the most reliable temporary interpreter present.

- a. A reasonable decision that there is an Emergency Situation requiring assistance from the most reliable temporary 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 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 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 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 an 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 interpretation only after:

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





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

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

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4. If an LEP person has demanded or provided an 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 interpretation assistance from Department sources.

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2-65-6

### Translation Procedures

#### A. Types of Access

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

#### B. Identification, Prioritization, and Translation of 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 and the Department's public-facing website, as appropriate, consistent with SOP Forms Control.
  - a. As needed, the LAC shall assess demographic data, review telephonic interpretation services utilization data, consult with the OIRA Steering Committee or its successor, consult with the City of Albuquerque Domestic



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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 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 to the LAC.

C. Public Website

1. The Department maintains a website for the public at <http://www.cabq.gov/police> where Vital Documents and information in the Safe Harbor languages will be provided. The Department will include information about access to 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 intranet (APDWeb/Protopage), divided by Safe Harbor or other language.
3. To facilitate access to its programs and to improve administrative effectiveness, the Department may place selected non-vital public information materials on its website in the Safe Harbor languages.

7 D. Signs

1. Written procedures for accessing the telephonic interpretation service shall be posted on the Department intranet (APDWeb/Protopage) 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 signs shall be posted in the public lobbies of all Area Commands, Substations, and at the Law Enforcement Center to provide the public with notice of the availability of free language assistance.

E. Translation of Other Documents

- 7 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. If approved, the document to be translated shall be sent to the LAC.

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**Criminal Interrogations and Witness Interviews**



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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 individual, with assistance from a certified bilingual officer or the telephonic interpretation 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 interpretation and translation between Department personnel and an individual or witness maintain the same meaning.

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

- a. First seek language assistance from a Level 2 Certified Bilingual Officer;
- b. If a Level 2 Certified Bilingual Officer is not immediately available, seek language assistance from a Level 1 Certified Bilingual Officer; and
- c. If no Certified Bilingual Officer is immediately available, seek language assistance from the telephonic interpretation service.

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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

1. 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.



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2. 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.

## 2-65-9 Complaint Procedure

### A. Department

#### 1. General

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- 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 Policy or Personnel.
- b. Complaints forms are available in Spanish, Form Civilian Police Complaint Form (Spanish).

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#### 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 assistance through the telephonic interpretation service or bilingual Department personnel.

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#### 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 assistance through the telephonic interpretation service or a bilingual officer.
- b. If the Department receives correspondence in a language other than English, Department personnel responsible for routing that correspondence shall forward it to the LAC.

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#### 4. Internal Affairs

- a. If a complaint falls under the jurisdiction of the Internal Affairs Professional Standards (IAPS) Division, the supervisor of the IAPS Division shall transmit a 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 supervisor of the IAPS Division shall transmit a case closing letter translated into the LEP complainant's primary language setting forth the:
  - i. Investigation results; and
  - ii. Discipline (if any).

### B. Civilian Police Oversight Agency (CPOA)



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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 a complaint is accepted by the CPOA, 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:
    - i. Investigation results; and
    - ii. Discipline (if any).