



ALBUQUERQUE POLICE DEPARTMENT  
ADMINISTRATIVE ORDERS

SOP 3-6

Effective: 12/12/2022 Review: 12/12/2023 Replaces: 04/21/2021

### 3-6 LANGUAGE ACCESS POLICY

#### Related SOP(s), Form(s), Other Resource(s), and Rescinded Special Order(s):

A. Related SOP(s)

[2-18 Contact with Deaf, Hard of Hearing, or Speech-Impaired Persons \(Formerly 2-09\)](#)

[2-65 Language Access Procedure](#)

[2-100 Emergency Communications Center Division \(Formerly 2-01 and 9-1\)](#)

[3-41 Complaints Involving Department Personnel \(Formerly 3-22 and 3-43\)](#)

[3-50 Form Control \(Formerly 3-22 and 3-27\)](#)

B. Form(s)

None

C. Other Resource(s)

Americans with Disabilities Act of 1990

Exec. Order No. 13,166 Improving Access to Services for Persons with Limited English Proficiency (2000)

Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons

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D. Rescinded Special Order(s)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. The purpose of this policy is to incorporate the Language Access Policy (LAP), developed collaboratively with the community and the Albuquerque Police Department (Department), into a Department Standard Operating Procedure (SOP) to provide services to limited English proficient (LEP) persons in compliance with current law, pursuant to:

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;



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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.
- B. 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 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 (LEP).
- C. 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.
- D. The LAP, reflected in this SOP and in SOPs Language Access Procedure, Contact with Deaf, Hard of Hearing, or Speech-Impaired Persons and Emergency Communications Center (ECC) Division:
1. Supports Executive Order 13,166 and the other referenced legal authorities in this SOP;
  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 LAP was developed to pursue equal access to police services for LEP persons, as well as for persons who are deaf and hard of hearing. Although persons who are deaf and hard of hearing are covered under the Americans with Disabilities Act (ADA) and City of Albuquerque Ordinances, rather than Title VI of the Civil Rights Act, they



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were included in the LAP as they relate to the pursuit of equal access to police services.

### 3-6-2 Policy

It is the policy of the Department to provide free language access assistance to all limited and non-English proficient persons and 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 language access in a timely and effective manner.

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

### N/A 3-6-3 Definitions

#### A. Bilingual

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

#### B. Department Language Access Coordinator (Department LAC)

A civilian employee that reports directly to the Deputy Chief of the Management Services and Support Bureau, their designee, or as otherwise assigned by the Chief of Police. The Department LAC is responsible for thorough oversight and implementation of the LAP. The Department LAC ensures that the Department takes reasonable steps to provide meaningful access to all Department services by coordinating and implementing all language access assistance efforts, procedures, training, and signage.

#### C. Department Language Access Implementation Committee (Department LAIC)

Department personnel, except as otherwise required, including bilingual personnel, that are broadly representative of the experience of Department units, divisions, commands, and bureaus. The Department LAIC includes Field Services Bureau (FSB) sworn personnel who encounter LEP persons most frequently, along with at least one (1) Department division manager or commander. Members shall be familiar with language access issues and are responsible for implementing all aspects of the Department's language access policies and procedures.

#### D. Department Qualified Bilingual Interpreter (Department QBI)

Department bilingual or multilingual personnel who the City's Human Resources Department has tested and qualified as proficient to interpret for others in a language other than English.



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E. Direct Communication

Communication in one (1) language other than English between certified bilingual Department personnel and an LEP person.

F. Direct English Communication

Communication in English between Department personnel and a bilingual person.

G. Emergency Situation

A situation(s) requiring immediate action to prevent death, injury, serious damage to property, escape of a suspect, or the destruction of evidence.

H. 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.

I. Interpretation

The act of listening to a communication in one (1) language (likely an LEP person's primary language) and verbally changing it into another language (likely English) while keeping the same meaning.

J. Limited English Proficient (LEP) Person

A person whose primary language is not English, and who has a limited ability to read, write, speak, or understand English. LEP persons may be competent in certain types of communication, e.g. speaking or understanding, but still be LEP for other purposes, e.g. reading or writing. Similarly, LEP designations are content-specific: a person may possess sufficient English language skills to function in one setting, but these skills may be insufficient in other situations.

K. Non-Vital Document

Written information that provides general Department services information to the reader but has no critical content about a person's rights or obtaining access to court services or is required for official law enforcement purposes.

L. Primary Language

A person's native tongue, first language, or the language in which a person most effectively communicates.

M. Safe Harbor Language



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The City of Albuquerque provides language access to those primary languages spoken by five percent (5%) or one-thousand (1,000) residents of the City's population, whichever is less, based on the most recent United States Census Bureau ([data.census.gov](https://data.census.gov)) data showing the population table of those who "Speak a language other than English," under the sub-category of persons who "Speak English less than very well."

N. Translation

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

O. Vital Document

1. Written information that provides essential important information for accessing Department services. Vital documents contain critical details about a person's rights or, forms ensuring access to a court or are required by the Department to record and track law enforcement case activities. Vital documents include, but are not limited to:
  - a. Documents and forms that must be provided to persons by law;
  - b. Consent, intake, detention, incarceration, release, or waiver forms;
  - c. Forms or any written material related to individual rights, e.g. Miranda warning;
  - d. Letters or notices pertaining prosecution;
  - e. Notices and posters regarding the availability of free language assistance services for LEP individuals;
  - f. Documents or forms relating to accessing emergency services;
  - g. Documents or forms relating to criminal citations, summons and warrants;
  - h. Documents or forms relating to complaints;
  - i. Documents indicated as Department case letters or notices that require a response by an LEP person; and
  - j. Other documents that the Chief of Police or their designee recognizes as vital to communicate to the City's population as a whole.

N/A 3-6-4

**U.S. Department of Justice (DOJ) Four-Factor Guidance for LEP Programs**

- A. During the course of their duties, Department personnel have a high potential of encountering persons and individual who speak different languages. Department personnel shall use the DOJ-developed guidance document entitled "[Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons](#)" (Guidance) to assess language access needs.
- B. The Guidance outlines four (4) factors to be considered in determining what constitutes reasonable steps that provide meaningful access to programs and services. The Department LAP reflects the following summaries of the four (4) factors:



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1. The number or proportion of LEP persons eligible to be served or likely to be encountered by Department personnel;
    - a. The Department's LAC should take into account the number of past and ongoing encounters with LEP persons and also look at statistical data to determine those likely to be served. The greater the number or proportion of LEP persons in a particular language, the more likely that language services are needed. Statistical data sources include, but are not limited to, information provided by the following:
      - i. United States Census Bureau;
      - ii. School systems; and
      - iii. Community groups.
  2. The frequency with which LEP persons come in contact within a program or service;
    - a. The Department's LAC should determine how often contact with particular language groups occurs in the context of the program or service involved.
    - b. The Department's LAC should also determine where contact with particular language groups occurs, such as in particular neighborhoods and, to the extent possible, at certain events.
    - c. The Department 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. The nature and importance of the program, activity, or service provided by the program; and
    - a. 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 be needed.
  4. Resources available to the recipient and costs.
    - a. The Department's LAC will analyze its resources, the costs of providing different types of language services, and the impact of those costs for implementing such services and make recommendations through their chain of command to request allocation for funding of language access services.
- C. The Department shall use the four-factor analysis to make all required determinations under this SOP and SOP Language Access Procedure, including LEP persons



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services required, training for Department personnel, and outreach programs that notify LEP persons of the availability of language assistance services.

- 7 D. The Department LAC and the Department LAIC shall use the four (4)-factor analysis and work with the City of Albuquerque to establish, implement, and maintain a compliance strategy that reflects the Department LAP while demonstrating to LEP persons that the Department takes reasonable steps to provide meaningful language access to its programs and services.

7 3-6-5 **Roles and Responsibilities**

6 A. Language Access Coordinator (LAC)

1. The Department LAC shall:

- a. Oversee the implementation of the Department's language access policies and procedures;
- b. Delegate responsibilities to other Department personnel who may assist with implementation;
- c. Identify language assistance needs for the Department;
- d. Propose procedures to assist in the implementation of this SOP;
- e. Coordinate with the City's Human Resources Department to identify qualified bilingual interpreters Department QBIs;
- f. Adopt and implement standards and assessments for Department QBIs, their training, and tracking how they are requested, dispatched, and deployed;
- g. Adopt and implement standards and assessments to measure the Department's non-employee/volunteer bilingual interpreters, their training, tracking, and identifying Department unit use;
- h. Coordinate with the City's Purchasing Division to identify the City's contracted vendors for translation and interpretation services;
- i. Coordinate with the City's Human Resources Department to address hiring and personnel practices to increase the Department's number of Department QBIs;
- j. Provide for Department employee training, to including training on accessing all language assistance measures Department personnel may use;
- k. Coordinate with the Department's Fiscal Division to recommend a budget for language access, including, but not limited to, contract language assistance services;
- l. Coordinate with the Department's Planning Division to search for outside funding sources and other resources to support interpretation and translation services, technological support, staffing, and other infrastructural support;
- m. Maintain an updated list of all trained and qualified bilingual interpreter Department personnel, bilingual, and certified contract interpreters;
- n. Develop or recommend protocols to be followed by Department personnel in situations involving LEP persons;
- o. Identify and implement a system for receiving and responding to complaints or suggestions by community members and Department personnel regarding improvements to language assistance measures;



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- p. Provide a quarterly update on the number of qualified bilingual interpreter personnel via the Department intranet (APDWeb/Protopage) and to the Office of Immigrant and Refugee Affairs (OIRA) Steering Committee or its successor;
- q. Coordinate the creation of a working group to include internal and external stakeholders;
- r. Review the Department's Language Access Office activities progress in providing meaningful access to LEP persons;
- s. Develop reports and recommend modifications to the LAP annually and revise this SOP and related SOPs as needed; and
- t. Be responsible for the following tasks that specifically relate to written translation:
  - i. Classify all standard documents provided to community members as vital or non-vital and determine the translation prioritization and process;
  - ii. Have vital documents translated and ensure the translated documents are forwarded to the Policy and Procedure Unit, consistent with SOP Forms Control, and placed on the Department intranet (APDWeb/Protopage) and the public website, as appropriate; and
  - iii. If Department personnel have submitted a memorandum through their chain of command identifying the need for a specific standard document to be translated, the Department LAC shall review the request for the appropriate action;
    - 1. The Department LAC shall consider the factors and the definitions listed in this SOP.
    - 2. If the Department LAC determines that the document shall be translated and confirms that no similar document has already been translated, the Department LAC shall ensure the translated documents are forwarded to the Policy and Procedure Unit, consistent with SOP Forms Control (refer to SOP Forms Control for sanction classifications and additional duties) and placed on the Department intranet (APDWeb/Protopage) and the public website, as appropriate.
- u. Oversee each document translation journey: form identification, securing translation services vendor, processing quotes and their fiscal approval, ensuring translation quality control, confirming language localization, managing terminology dictionaries, translated document storage, dissemination, and distribution;
- v. Ensure that any correspondence received by the Department that is in a language other than English is translated into English;
- w. Once translated into English, if the correspondence is a complaint, the Department LAC shall ensure, consistent with SOP Complaints Involving Department Personnel; and
- x. Evaluate the feasibility of translating online reports into the Safe Harbor languages.
  - i. The Safe Harbor Languages are outlined in Appendix I of this SOP.

N/A

B. Department Language Access Implementation Committee (LAIC)



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1. Department LAIC members are employees, except as otherwise required below, including bilingual personnel who broadly representative of the experience of Department Units, Divisions, Commands, and Bureaus.
2. The Department LAIC shall include FSB sworn personnel who encounter LEP persons most frequently. Department LAIC Members shall be familiar with language access issues and are responsible for implementing all aspects of the Department's LAP and SOPs.
3. The Department LAIC consists of the following:
  - a. Department LAC;
  - b. A representative from the OIRA, Office of Equity and Inclusion (OEI), or in the absence of those offices, a City representative who is experienced in working with immigrant populations;
  - c. A representative from the FSB;
  - d. A representative from the Emergency Communications Center (ECC);
  - e. A representative from the Management Services and Support Bureau;
  - f. A representative from the Investigative Bureau; and
  - g. At least one (1) commander or division manager.
- 7 4. The Department LAIC 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 Department QBI personnel;
  - e. Oversee the selection and procurement of contracted translation and interpreter vendor services;
  - f. Oversee the process for the translation of vital documents to ensure accuracy and Department progress;
  - g. Develop and/or make language access policy and procedure recommendations;
  - h. Ensure training is completed for all Department personnel on accessing and providing Department language assistance services;
  - i. Work with the Department's Policy and Procedure Unit to ensure receipt and evaluation of SOP recommendations made by residents regarding language access assistance;
  - j. Occasionally share Department language access practices with law enforcement agencies and community organizations to identify effective language access practices and potential areas for improvement;
  - k. Provide an annual report to the Department's command staff documenting the Department's steps to provide access to services to LEP persons; and
  - l. Make recommendations to the Department's Recruiting Unit to promote the recruitment of bilingual personnel through community outreach.



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A. The Department shall take reasonable steps to provide meaningful language access to its programs and services to LEP persons, regardless of their ability to communicate in English. The Department's LEP SOP principles include the following elements:

1. Stakeholder Consultation: Section 4 of Executive Order 13,166 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 OIRA Steering Committee and the City of Albuquerque Domestic Violence Task Force;
2. Resource Allocation: The Department shall consider the needs of LEP persons in the Department's other policies and procedures, such as Special Orders and long-range goals. Police law enforcement service needs of LEP persons should be considered in the allocation of Department resources and service delivery initiatives; and
3. Funding.
  - a. Policy implementation shall depend, in part, on the level of Department resources and the relative costs that would be imposed upon the Department.
  - b. On an ongoing basis, the Department shall explore the most cost-effective means of delivering competent and accurate language access services before limiting such services due to a lack of resources.
  - c. The Department shall also explore outside funding opportunities to support and enhance additional language access services for the public.

B. Recruitment

1. In an ongoing effort to better serve the diverse Albuquerque community, the Department actively recruits bilingual persons, including through community meetings, community publications, the Department's Citizens Police Academy, and day-to-day contacts.
2. Recruiting efforts emphasize the Department's commitment to cross-cultural communications, diversity, and community involvement.
3. Recruiting Unit personnel shall emphasize the value that the Department places on language skills and promotes the Department's language pay incentive programs.
4. Recruiting Unit personnel shall target job fairs and other events with a high probability of a minority diverse 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.



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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 shall develop sensitivity, translation, and American Sign Language (ASL) training for Department sworn personnel and communications professionals.

C. Public Information

The Department recognizes the value of public information to educate persons who use 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 shall use the media to provide information to LEP persons. The goal is that LEP persons shall have reasonable notice of the availability of services in languages other than English.

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D. Monitoring Services

1. The Department LAC and Department LAIC shall ensure that the implementation and evaluation of this SOP and related LEP SOPs. The Department LAC and Department LAIC shall re-evaluate language access policies and procedures 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 SOP and related procedures.
2. The Department LAC and Department LAIC shall monitor this SOP and related procedures to ensure that they continue to be effective. The Department LAC and Department LAIC shall annually re-evaluate the language needs of LEP persons to determine shifts in non-English-speaking demands. The Department LAC and Department LAIC shall monitor the utilization of Department language assistance services on an ongoing basis to ascertain needs and make recommendations on the allocation of resources. These data shall be incorporated into the Department's annual budget estimate plan annually submitted to the City's Department of Finance and Administrative Services.
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 Bureau data, is listed in [Appendix I](#).

E. Findings as of May of 2022

1. Spanish: The Department has identified that LEP persons residing in the City of Albuquerque require the majority of translation and interpretation services into Spanish from Mexico.
2. Vietnamese: The Department has identified that LEP persons residing in the City of Albuquerque require the majority of translation and interpretation services into Vietnamese.



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3. Diné: The Department has identified that LEP persons residing in the City of Albuquerque require the majority of translation and interpretation services into Native American Navajo Diné.
4. Keres
  - a. After broad research with linguists, local tribal council, Native-American Department Keres-bilingual officer, and residents who speak Keres, the Department determined that Keres shall be removed from the Department's Safe Harbor languages.
  - b. Keres is a sacred, spoken language only.
  - c. Members of this constituency do not allow for written or visual graphics to be presented in Keres. For this reason, even while being removed as a safe harbor language, the Department shall make reasonable accommodations to provide language assistance to this cultural group by the provision of Keres-speaking interpreters.
  - d. The Department shall refrain from translating Department materials into this Native American language.
5. Chinese: The Department has identified that LEP persons residing in the City of Albuquerque require the majority of interpretation services into Mandarin rather than in Cantonese. For translation of written materials, the Department identifies the need to produce both simplified and traditional character translated versions.



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APPENDIX I: **SAFE HARBOR LANGUAGES**

U.S. Census Bureau American Community Survey data released in 2020 (reflecting years 2016-2019) show that City of Albuquerque residents who speak the following three (3) languages at home have the most persons who speak English less than "very well":

- (1) Spanish with 36,382 speakers;
- (2) Vietnamese with 2,105 speakers; and
- (3) Chinese (including Mandarin and Cantonese) with 1,134 speakers.