

# INTERPRETATION & TRANSLATION AS A RIGHT

## Examining Language Access Policies Across Utah's Law Enforcement Landscape



### SPECIAL REPORT

An ACLU of Utah report that analyzes the policies of Utah law enforcement agencies (LEAs), including sheriff's offices, police departments, and the Utah Highway Patrol, that govern interactions with individuals who are considered to have "Limited English Proficiency".

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# GLOSSARY

A

Z

## Authorized Interpreter

Screened and authorized individuals able to act as interpreters or translators who do not have an interest in a case or investigation pertaining to an LEP individual.<sup>1</sup>

## Deficient Limited English Proficiency Services Policy

An LEP services policy missing one to seven elements included in the Standard Limited English Proficiency (LEP) Services Policy.

## Highly Deficient Limited English Proficiency Services Policy

An LEP services policy lacking twelve to twenty key elements from the Standard Limited English Proficiency (LEP) Services policy.

## Interpretation

Converting speech from one language to another while communicating the style and tone of the original speaker.<sup>2</sup>

## Language Access

Mitigating language barriers by providing equal services and access to information to individuals regardless of their primary language.<sup>3</sup>

## Law enforcement agencies (LEAs)

Law enforcement agencies analyzed in this paper include police departments, sheriff's offices, and the Utah Highway Patrol.

## LEP Coordinator

An individual appointed to coordinate and implement the agency's LEP services and policies.

## Limited English Proficient (LEP)

Individuals who have a limited ability to speak, read, write, or understand English.<sup>4</sup>

## No Written Limited English Proficiency Services Policy

LEAs who either acknowledged no written policies in place or did not provide us with an LEP services policy are classified as having the No Written Limited English Proficiency Services Policy.

## Qualified Bilingual Member

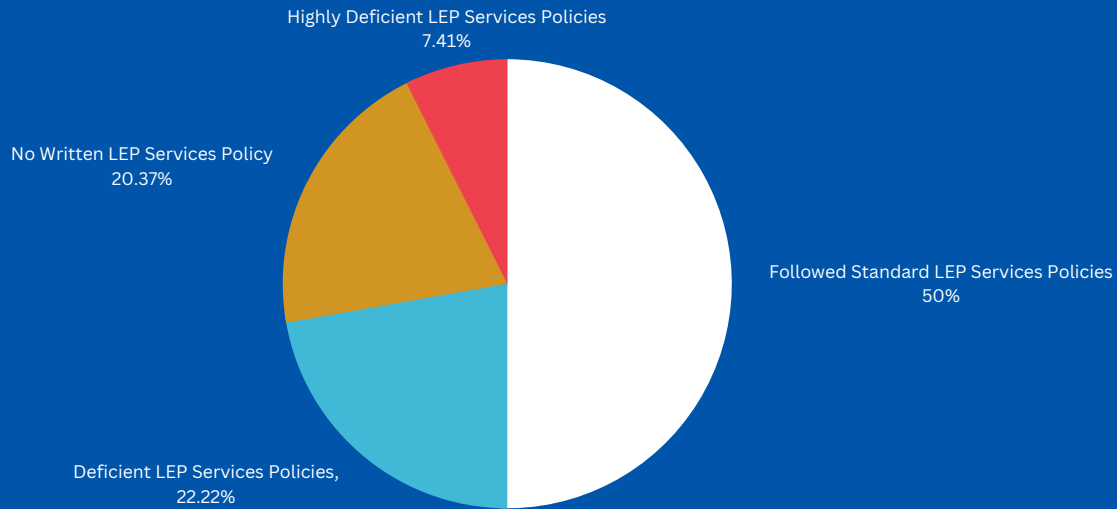
Member of the LEA who has demonstrated through department procedure that they can fluently communicate in English and another language and are sufficiently proficient at conducting investigations, taking statements, collecting evidence, or conveying rights and responsibilities.<sup>5</sup>

## Standard Limited English Proficiency Services Policy

The most robust LEP Services Policy type with 20 elements. Those elements include LEP Coordinator, Four-factor analysis, types of LEP assistance available, written forms and guidelines, audio recordings, qualified bilingual members, authorized interpreters, sources of authorized interpreters, community volunteers and other sources of language assistance, contact and reporting, receiving and responding to requests for assistance, emergency calls to 9-1-1, field enforcement, investigative field interviews, custodial interrogations, bookings, complaints, community outreach, training, training for authorized interpreters.



This report analyzes the LEP services policies of Utah LEAs at the state, county, and city levels. 50% of LEAs surveyed follow Standard LEP Services Policies, about 22.22% have Deficient LEP Services Policies, about 7.41% have Highly Deficient LEP Services Policies, and a staggering 20.37%, including Utah Highway Patrol, had No Written LEP Services Policy in place. This report will define these terms and explain how these numbers indicate a real need for Utah LEAs to establish, improve, and implement strong LEP policies.



Several recommendations are made to Utah LEAs to assist in their efforts to remove language barriers to protect LEP individuals during their encounters with law enforcement

#	Recommendations	Priority
1	Fostering stakeholder feedback to ensure that policies meet the community's needs	HIGH
2	Redistributing resources to identify language needs in the community	HIGH
3	Adopting policies that enable law enforcement members to effectively communicate with LEP individuals during interactions	HIGH
4	Improving staff and officer training	HIGH

# Introduction

There are approximately **148,324** Limited English Proficient (LEP) individuals living in the state of Utah, with that number continuously rising.<sup>6</sup>

An individual who is Limited English proficient (LEP) is someone with a limited ability to speak, read, write, or understand English.<sup>7</sup> Utah law enforcement agencies (LEAs) at every level – state, county, and city – have many reasons, and even obligations, to have policies in place to provide meaningful and effective services to LEP individuals in their communities.

For example, LEAs have a substantial interest in effectively communicating with LEP individuals when they are receiving reports of crime, conducting field interviews, making arrests, questioning suspects, gathering witness testimony, identifying witnesses, and more.

When LEAs do not provide LEP individuals with services to overcome language barriers, countless potentially detrimental outcomes can result for the LEP individual.

For example, consider an interaction where an LEP individual does not fully understand the requests or questions from law enforcement. This type of situation could lead to the person inadvertently waiving their rights or being coerced into giving false testimony or witness identification.

Accurate translation and interpretation are necessary to preserve the Fifth Amendment privilege against self-incrimination (*Miranda* rights). Courts have repeatedly affirmed that translations of *Miranda* warnings do not have to be “perfect” nor clearly understood so long as the individual interrogated understood “sufficient” English to understand the “substance” of the warning.<sup>i</sup>

Moreover, LEAs are required by federal law to provide services to LEP individuals. Title VI’s anti-discrimination mandate has been judicially interpreted to bar discrimination based on a person’s inability to speak, read, write, or understand English. Failing to provide services to LEP individuals amounts to discrimination based on national origin because that failure deprives those individuals of meaningful access to government services. In addition, Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, directs agencies providing federal financial assistance to issue guidance to their recipients regarding the creation and implementation of a plan to ensure LEP individuals access to federally run programs.<sup>8</sup> Its requirements apply to any entity that receives federal funds, including state and local agencies, private and nonprofit entities, and sub-recipients. Police departments and sheriff’s offices are among the entities that must abide by EO 13166.

“For example, consider an interaction where an LEP individual does not fully understand the requests or questions from law enforcement. This type of situation could lead to the person inadvertently waiving their rights or being coerced into giving false testimony or witness identification.”

The U.S. Department of Justice (DOJ) has published numerous memoranda intended to guide federal agencies and recipients regarding the implementation of EO 13166, including a four-factor analysis to assess language needs and reasonable steps for creating an LEP plan.

***The four-factor analysis:***

01

The number or proportion of LEP persons eligible to be served or likely to be encountered by the program or grantee/recipient

02

The frequency with which LEP persons come into contact with the program

03

The nature and importance of the program, activity, or service provided by the program to people's lives

04

The resources available to the grantee/recipient and costs<sup>9</sup>

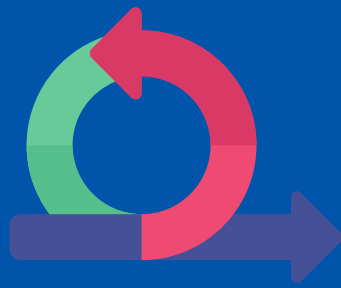
Of particular importance to us is that effective LEP services may help reduce language barriers experienced by LEP individuals in encounters with law enforcement. For some, law enforcement's presence may be historically associated with abuse of power, mistreatment, and violence. Notably, some LEP individuals came to Utah fleeing state-sponsored violence, where state actors act with impunity. In the United States, many communities of color, particularly Black and Brown communities, are justifiably fearful and distrustful of police, given the present and historical patterns of discrimination against them by law enforcement authorities. Fear and distrust of law enforcement amplify when there is a language barrier between law enforcement and LEP individuals.

**Without proper policies or resources, or under exigent circumstances, police may rely on children, family members, neighbors, or other untrained people to provide interpretation for a victim who is LEP. These ad hoc interpreters, however, may be misunderstood, expose confidential information, have conflicts of interest, or give false information. Language barriers can be harmful in domestic violence cases when an LEP individual is the victim and the assailant speaks English. If authorized interpreters are unavailable, police officers may unknowingly rely on the assailant to interpret, which silences and could endanger the victim. Further, in worst-case scenarios, language barriers may contribute to or lead to miscommunications resulting in unlawful arrests, bodily injury, and even death.**

In this paper, LEP policies among certain Utah LEAs, such as sheriff's offices, police departments, and the Utah Highway Patrol, were collected and analyzed. Additionally, information regarding the provision of interpretation during 9-1-1 calls from two dispatch centers was collected and analyzed. Utah law enforcement agencies can and must expand language access by creating, implementing, and upholding robust LEP policies. Developing LEP services based on community needs is a crucial step to advance the goals of minimizing language barriers during law enforcement interactions with community members and ensuring LEP individuals receive the protections guaranteed by Title VI of the Civil Rights Act.







# Methodology + Purpose

This report seeks to provide a clear picture of guidelines governing Utah law enforcement’s interactions with LEP individuals and the services offered to LEP individuals by these agencies. Focus is placed on ensuring that language barriers do not result in LEAs denying LEP individuals constitutional protections or rights because of their inability to speak, read, write, or understand English.

This report outlines current language access policies in LEAs at the state, county, and city levels by utilizing primary research and analysis of policies obtained through Government Records Access and Management Act (GRAMA) requests, detailing the policies of each agency surveyed.



It explores the major components of current language access policies while assessing the strengths and limitations of each one. The report’s final section proposes policy recommendations for Utah LEAs to implement during their interactions with LEP individuals to ensure that constitutional protections and rights are recognized and protected during all interactions with Utah LEAs.

## Data collection methods

Our report primarily obtained the data and policies through public records requests, according to Utah Code § [63G-2-204](#) (GRAMA requests).

From November 2021 to June 2022, the ACLU of Utah requested records from three types of law enforcement agencies in Utah:

- Police departments (at the city level)
- Sheriff’s offices (at the county level)
- Utah Highway Patrol (at the state level)

Records were requested in July of 2022 from two state dispatch centers, Salt Lake Valley Emergency Communications Center and Central Utah 911, to obtain policies regarding the provision of interpretation during 9-1-1 calls. In January 2023, the ACLU of Utah sent GRAMA requests to agencies that had yet to send records.

### ***All 29 county sheriff’s offices were contacted:***

- Beaver
- Box Elder
- Cache
- Carbon
- Daggett
- Davis
- Duchesne
- Emery
- Garfield
- Grand
- Iron
- Juab
- Kane
- Millard
- Morgan
- Piute
- Rich
- Salt Lake
- San Juan
- Sanpete
- Sevier
- Summit
- Tooele
- Uintah
- Utah
- Wasatch
- Washington
- Wayne
- Weber



**25 police departments in cities with the largest populations were contacted:**



- American Fork
- Blanding
- Bountiful
- Brigham
- Draper
- Herriman
- Layton
- Lehi



- Logan
- Moab
- Murray
- Ogden
- Orem
- Park City
- Provo



- Riverton
- Salt Lake City
- Sandy
- South Jordan
- Spanish Fork
- St. George



- Taylorsville
- Unified
- West Jordan
- West Valley City

***The Salt Lake County Sheriff's Office does not have its own LEP Services policy relevant to the topic of this paper as they do not undertake community patrol. Instead, Unified Police Department is responsible for the county's community patrol.*** <sup>ii</sup>



***To get a comprehensive overview of each law enforcement agency's ability to effectively interact with LEP individuals, numerous documents related to LEP Services provided by each LEA surveyed were requested (See Appendix A, Redacted LEA GRAMA request at p. 45). Data and policies related to language services were requested from dispatch centers to better understand their ability to provide language services to LEP 9-1-1 callers as well as their data collection practices (See Appendix B, Redacted Dispatch GRAMA Request, at p. 47).***

## Follow Up and Analysis

Policies received were organized by agency and coded according to their strengths and limitations. Despite being from different agencies, many policies contained the same language. The standard policy provided by most law enforcement agencies surveyed in our research features two essential components requiring follow-up with each agency:

### ✦ 1.

A designated LEP Coordinator is responsible for all aspects of the department's Limited English Proficiency (LEP) services, and

### ✦ 2.

A requirement that the agency must develop procedures enabling all agency members to access LEP services.

In May of 2023, law enforcement agencies received follow-up emails to gauge if LEP Services Policies had changed since our initial GRAMA request. Not all agencies responded to our inquiry, but some agencies provided updated policies.<sup>iii</sup> This paper analyzed the most updated policies available for each agency. Each LEA with the two components mentioned above in their policies was contacted at least three times via phone and email to ask if the agency had fulfilled them. Policy elements' compliance was tracked according to each agency and our findings are expanded upon in the analysis section.

## Limitation and Considerations

Our records requests were broader than direct LEP services, such as translation and interpretation, to include various documents and policies to develop a comprehensive understanding of any LEA policy affecting LEP community members. However, this paper focuses solely on policies related to LEP services. Thus, other policies included in our original requests will not be included in this report.

Moreover, this paper will be limited to spoken languages. It will not examine policies related to American Sign Language, Signing Exact English, or any other communication utilized by the deaf and hard-of-hearing communities.



# BACKGROUND

## *Growth of Utah's Limited English-Proficient Population*

Utah's LEP population is significantly and consistently growing. The U.S. Census Bureau American Community Survey (ACS) defines limited English-speaking individuals as 'anyone five years or older who self-identifies as speaking English less than "very well"'.<sup>10</sup> If someone speaks English fluently and/or self-identifies as being proficient in English, they do not count as LEP even if the individual speaks a language other than English at home. Although the Census can be helpful, it historically undercounts communities of color and immigrants, causing a likely underestimated total of LEP populations. Members of these communities are often harder to reach, and many distrust the government making them wary of providing personal information.



As a whole, Utah's LEP population is growing faster than the U.S.'s LEP population. There are approximately 24,322 households in Utah where no one in the household over the age of 14 speaks English "very well".<sup>11</sup>

*"There are approximately 24,322 households in Utah where no one in the household over the age of 14 speaks English "very well"*

From 2000-2021, Utah's foreign-born LEP population increased by approximately 45.9%, and its U.S.-born LEP population increased by 24.2% while the overall United States' foreign-born LEP population increased by 32.5% and its U.S.-born LEP population decreased by 8.7%.<sup>12</sup> This data suggests that Utah's number of people who may require translation and interpretation services is expanding.



The most recent comprehensive language data collected by the ACS shows that Utah has at least 120 spoken languages.<sup>13</sup> Utah continues to grow more linguistically diverse, and our government programs, services, and communications must follow. Out of the top ten languages LEP individuals in Utah speak, **Spanish is the most common, followed by Chinese, Vietnamese, Austronesian, Korean, Portuguese, Diné Bizaad (the Navajo language), Arabic, Tai-Kadai, and Tagalog.**<sup>14</sup> **The prevalence of these languages increases each year, indicating that language services must expand to reflect this growth.**

In ascending order, the top 5 counties with LEP populations ranging from 5,335 to 75,697 are Washington, Davis, Weber, Utah, and Salt Lake counties.<sup>15</sup> San Juan County is also home to many LEP individuals who primarily speak Diné Bizaad (the Navajo language), and account for 11.2% of the county's population.<sup>16</sup>

Utah's LEP population continues to grow even more linguistically diverse due to ongoing refugee resettlement efforts. In 2018, Utah welcomed approximately 200 Rohingya refugees from the Rakhine state after escaping genocide in Myanmar (Burma).<sup>17</sup> In August 2021, Utah took on its largest refugee settlement in state history, resettling over 900 Afghan refugees as of February 2022.<sup>18</sup> With a growing refugee population, there is an increased need for translation and interpretation services in languages less commonly spoken in Utah. Language services in these languages are needed to ensure that all LEP have meaningful access to federally funded initiatives. Expanding Spanish language resources in the state has received more effort than expanding resources for less commonly spoken languages. However, all LEP individuals have the right to comprehensive language services regardless of their language.

# FINDINGS

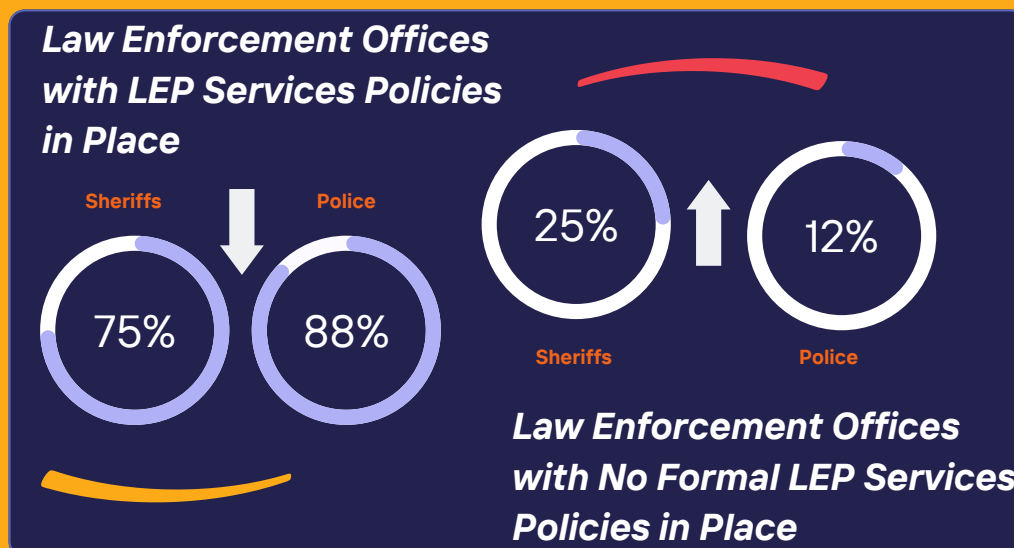


Overall, Utah law enforcement agencies encompass a patchwork of policies governing interactions with LEP individuals. Utah's decentralized criminal legal system, in which Sheriffs and Police Chiefs maintain significant discretion over policies their departments may adopt that are not expressly required by statutes, causes this lack of uniformity.<sup>19</sup>



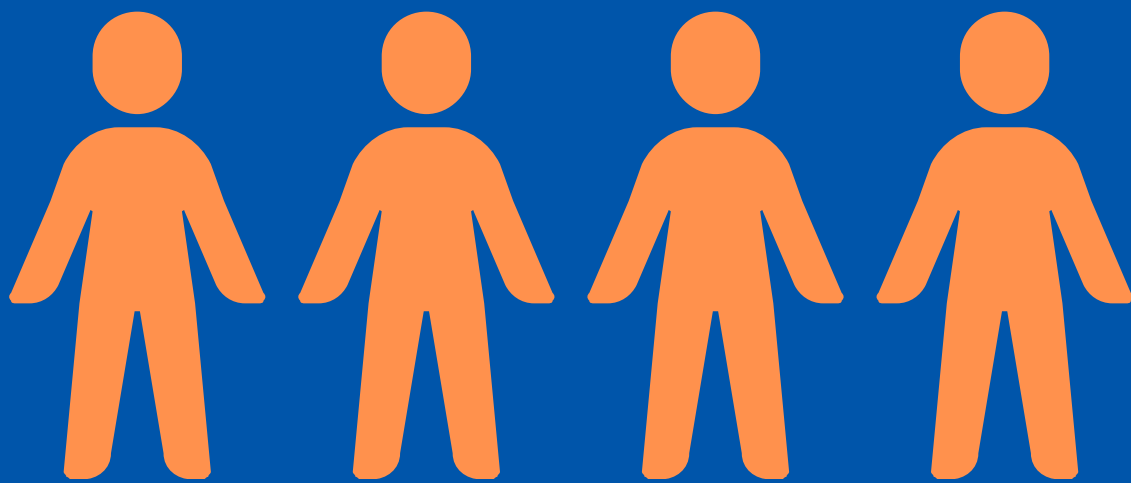
Out of the law enforcement agencies surveyed, 75% of sheriff's offices and 88% of police departments had LEP Services policies in place while 25% of sheriff's offices and 12% of police departments had no formal written LEP Services policies. The Utah Highway Patrol has no written internal policy for LEP Services and relies on external interpreter contracts. Most police departments and sheriff's offices surveyed hold policies written by Lexipol LLC (a Texas-based police consulting company), which writes and updates policies that serve as templates for law enforcement agencies nationwide.

Even when LEAs draw their language policy from a third-party provider, they retain the autonomy to select which elements from the template to include, exclude, or modify in their agency policies. Many of the LEAs apply the federal four-factor analysis to determine which features to include in their policies and assess their policies' strengths. It appears that some LEAs do not follow the four-factor analysis, making it difficult to determine the criteria they used to craft their respective policies. Policies vary widely throughout the state because each LEA can adopt its particular policy. Policies in urban areas tend to be more robust than those in less populated areas. Because LEAs in less populated regions in Utah tend to have less detailed LEP policies or even lack such policies, both LEAs and LEP individuals are more likely to face preventable barriers in communication, increasing the odds of bad outcomes like violations of constitutional rights.



# Limited English Proficiency Policy Types

Most written LEA policies received for the provision of services to LEP individuals state that the agency must “reasonably ensure that LEP individuals have meaningful access to law enforcement services, programs, and activities, while not imposing undue burdens on its members.”<sup>20</sup> As noted, however, not all policies reviewed were equal. There are four types of LEP services policies: Standard, Deficient, Highly Deficient, and No Written LEP Services Policy. The number and quality of elements contained in each policy define these categories, with Standard policies having 20 specific factors and the other policy types having fewer or none of these factors. This report provides our analysis and a visual representation of the current policies. You will find reviews of each policy type's strengths, limitations, and implications.



**There are four types of LEP services policies: Standard, Deficient, Highly Deficient, and No Written LEP Services Policy.**

# Policy Type 1: Standard Limited English Proficiency (LEP) Services Policy

The Standard Limited English Proficiency (LEP) Services Policy is defined as a policy with the 20 standard elements in the chart below.

Our survey found that the most common & robust policy is the Standard LEP Services Policy.

**42.86%** of sheriff's offices currently have the Standard LEP Services Policy in place.

**60%** of police departments currently have the Standard LEP Services Policy in place.





Español

دۇغۇ

Melayu

Corseca

русский

繁體中文

Italiano

Filipino

# LAW ENFORCEMENT

## STANDARD LEP SERVICES

### LAW ENFORCEMENT LOCATIONS

### STANDARD POLICY CRITERIA

SHERIFF'S OFFICES

POLICE DEPARTMENTS

- [Beaver](#)
- [Box Elder](#)
- [Duchesne](#)
- [Grand](#)
- [Juab](#)
- [Kane](#)<sup>v</sup>
- [Morgan](#)
- [San Juan](#)
- [Summit](#)
- [Uintah](#)
- [Wasatch](#)
- [Weber](#)

- [American Fork](#)<sup>vi</sup>
- [Brigham](#)
- [Herriman](#)
- [Lehi](#)
- [Moab](#)
- [Orem](#)
- [Park City](#)
- [Riverton](#)
- [Sandy](#)
- [South Jordan](#)
- [Spanish Fork](#)
- [St. George](#)<sup>vii</sup>
- [Taylorsville](#)
- [West Jordan](#)<sup>viii</sup>
- [West Valley City](#)

- LEP Coordinator
- Four-factor analysis
- Types of LEP assistance available
- Written forms and guidelines
- Audio recordings
- Qualified bilingual members
- Authorized interpreters
- Sources of authorized interpreters
- Community volunteers and other sources of authorized interpreters
- Contact and reporting
- Receiving and responding to requests for assistance
- Emergency calls to 9-1-1
- Field Enforcement
- Investigative field interviews
- Custodial Interrogations
- Bookings
- Complaints
- Community Outreach
- Training
- Training for authorized interpreters

# Understanding the Elements of the LEP Service Policies

## **LEP Coordinators**

*From our perspective, the most crucial element of this policy is the appointment of an LEP Coordinator. The LEP Coordinator is appointed to coordinate and implement the agency's LEP services. This position is tasked with numerous responsibilities, including but not limited to:*

- 1** Developing proper procedures enabling law enforcement officers to access and provide LEP services.
- 2** Establishing the screening process used to classify individuals employed by the agency that speak other languages into two categories:  
*Qualified bilingual members – a department member who has demonstrated (via department procedure) they can communicate in English fluently and another language*  
*Authorized interpreter – screened and authorized individuals able to act as interpreters or translators*
- 3** Maintaining a list of bilingual personnel and authorized interpreters along with information related to languages spoken by each, their contact information, and availability.
- 4** Ensuring that information is posted in appropriate areas to inform the public that interpreters are available free of charge if needed.
- 5** Determining which documents are vital and must be translated in addition to annually assessing demographic data and data from contracted language services and community-based organizations to identify further languages and documents needing translation.
- 6** Reviewing LEP services and making modifications when necessary
- 7** Receiving and responding to complaints of LEP services and ensuring that proper practices are in place to promptly and equitably resolve complaints and discrimination inquiries.

# Understanding the Elements of the LEP Service Policies

## ***Interpreters:***

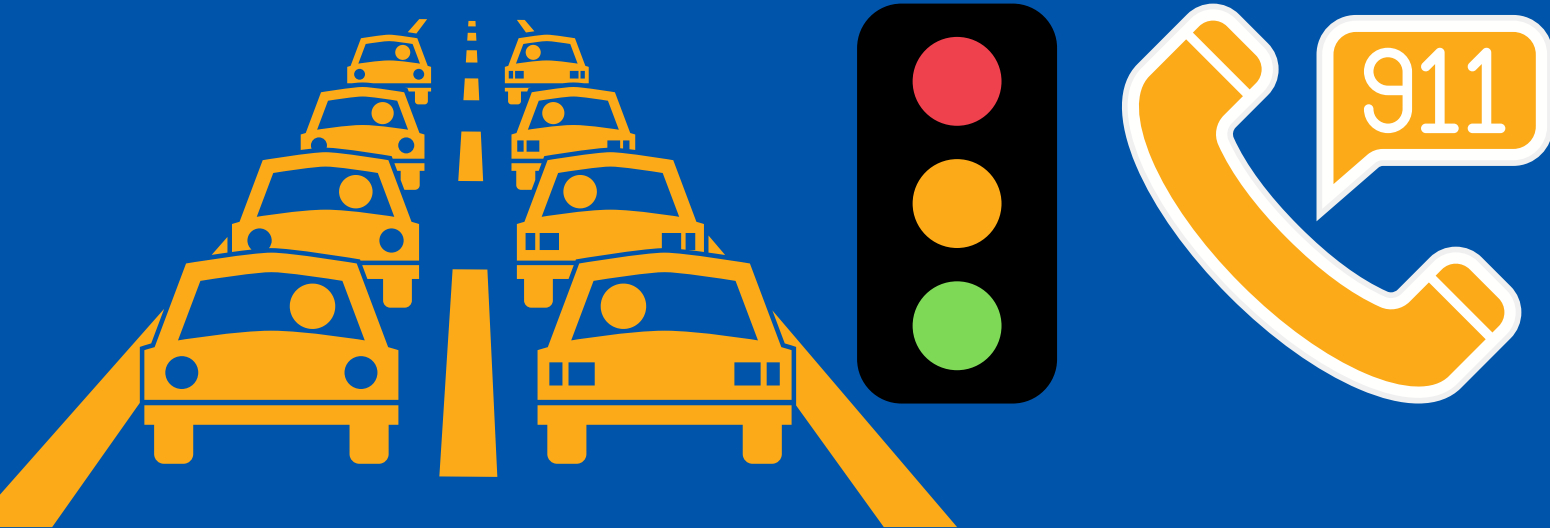
LEAs may use two types of individuals to provide interpretation: qualified bilingual members or authorized interpreters. The policy states that qualified bilingual members may provide LEP services if they are sufficiently proficient in a language other than English to conduct investigations, take statements, collect evidence, or convey rights and responsibilities. Qualified bilingual members or personnel from other departments may become approved as authorized interpreters after passing a screening process established by the LEP Coordinator.

Other sources of authorized interpreters include individuals employed solely to perform interpretation services, contracted in-person interpreters, interpreters from other agencies who have been approved as interpreters by the department, or contracted telephonic authorized interpreters. Authorized interpreters assigned to a case should not be a person with an interest in the case or investigation involving the LEP individual. Miranda warnings are to be provided in an LEP individual's primary language by an authorized interpreter or by providing a translated Miranda warning card. Qualified bilingual members are preferred in cases where investigative field interviews may reveal information that may be used for an arrest or prosecution. If qualified bilingual members are unavailable, an authorized interpreter should be used. Miscommunication during custodial interrogations poses substantial issues, and accordingly, only qualified bilingual members or, if none are available or appropriate, authorized interpreters shall be used.

The Standard LEP Services Policy further states that community volunteers who have demonstrated competency in direct communication or interpretation and/or translation services may provide language assistance where qualified bilingual members or authorized interpreters are unavailable. The policy emphasizes that the department must consider the relationship between the LEP individual and the volunteer to ensure that the volunteer can act as a neutral party.

LEA members will assess field enforcement activities, including traffic and pedestrian stops, serving warrants and restraining orders, and crowd control to determine language assistance needs. During emergency 9-1-1 calls, the call-taker will quickly determine whether sufficient information can be obtained to initiate a response, route the call to the dispatch/Communications Center serving the agency where a bilingual member can handle the call, or establish a three-way call between the caller, call taker, and the authorized 3rd party telephonic interpreter.

LEP services training regarding interactions with LEP individuals and accessing services will be provided periodically to LEA members by the responsible training supervisor. Refresher training is required at least once every two years for members who have contact with LEP individuals. All members on the authorized interpreter list must pass prescribed interpreter training and receive refresher training annually.



# Policy Type 2: Deficient Limited English Proficiency (LEP) Services Policy

The Deficient Limited English Proficiency (LEP) Services Policy is defined as a policy missing one to seven elements included in the Standard Limited English Proficiency (LEP) Services Policy.

Not all Deficient LEP Services Policies are missing the same elements. LEP Coordinators, authorized interpreters, qualified bilingual members, emergency 9-1-1 calls, and authorized interpreter training are common elements missing from multiple sheriff's offices and police departments holding this policy type. Notably, five law enforcement agencies in this category do not designate LEP Coordinators.

## Deficient LEP Services Policies

**21.4%**  
OF SHERIFF'S OFFICES  
**DEFICIENT LIMITED ENGLISH PROFICIENCY SERVICES POLICY**

### Sheriff's Offices

- [Davis](#)
- [Emery](#)
- [Iron](#)
- [Rich](#)
- [Tooele](#)
- [Utah](#)

### Police Departments

- [Bountiful](#)
- [Draper](#)
- [Logan](#)
- [Murray](#)
- [Salt Lake](#)
- [Unified](#)

**24%**  
OF POLICE DEPARTMENTS  
**DEFICIENT LIMITED ENGLISH PROFICIENCY SERVICES POLICY**

Certain LEAs, such as Emery and Rich County Sheriff's Offices, include components that the Standard LEP Policy did not. These components include greater emphasis on identifying an LEP individual's language, bilingual personnel, and telephone interpreter services section.

5

common components missing in deficient agencies compared to standard.

MISSING

- LEP Coordinators
- Authorized interpreters
- Qualified bilingual members
- Emergency 9-1-1 calls
- Authorized interpreter training

5

Law enforcement agencies in this category do not designate LEP Coordinators.

Similar to the Standard LEP Services Policy, the Deficient LEP Services Policy used by Emery and Rich County Sheriff's Offices state that the agency will use all available tools, such as language identification cards, to determine an LEP individual's primary language. This language is slightly more robust as it highlights the importance of avoiding misidentifying languages and is a stand-alone section.

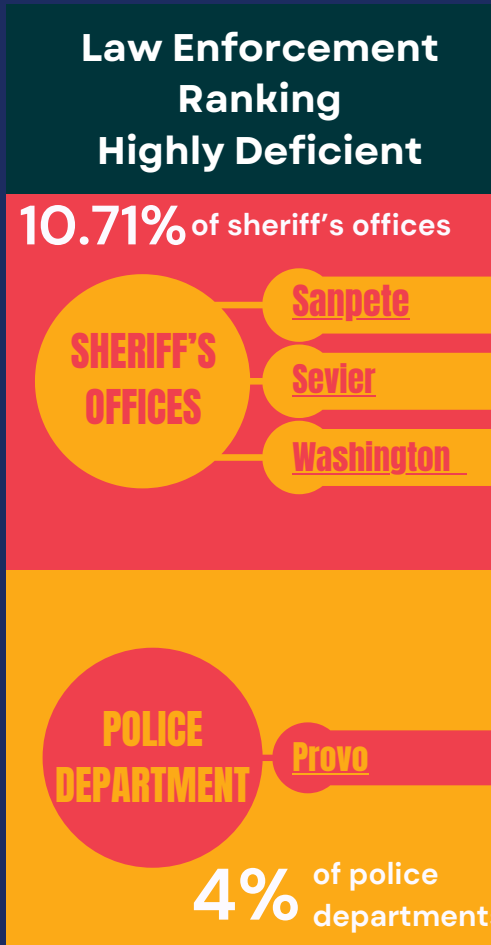
The bilingual personnel component specifies that it is not necessary for personnel providing LEP services to be certified as interpreters but they must have demonstrated, according to agency procedures, whether their language skills are best suited for direct communication, interpretation, or translation services. According to the telephone interpreter services component, the dispatch supervisor will maintain a list of qualified interpreter services and be available to assist personnel in communicating with LEP individuals via telephone.

# Policy Type 3: Highly Deficient Limited English Proficiency (LEP) Services Policies

The Highly Deficient Limited English Proficiency (LEP) Services Policy lacks twelve to twenty key elements of Standard Limited English Proficiency (LEP) Services policies.

Not all LEAs in this category lack the same components in their LEP services policies. However, all fail to include the following:

#	Components	Status
1	Four-Factor Analysis	MISSING
2	Audio Recordings	MISSING
3	LEP Coordinator	MISSING
4	Qualified Bilingual Members <sup>x</sup>	MISSING
5	Authorized Interpreters	MISSING
6	Sources of Authorized Interpreters	MISSING
7	Community Volunteers and Other Sources of Language Assistance	MISSING
8	Receiving and Responding to Requests for Assistance	MISSING
9	Emergency Calls to 9-1-1	MISSING
10	Community Outreach	MISSING
11	Training for Authorized Interpreters	MISSING



Provo Police Department and Sevier County Sheriff's Office supplied the most deficient LEP Services Policies. In their response, Provo Police Department stated that they did not have an official written policy regarding translation/interpretation for individuals who do not speak English. However, they provided a short policy for Limited English, Disabled, and Special needs clients. This policy states that Provo PD maintains a bilingual Spanish-speaking Victim Assistant, seeks translation services from other community services, and utilizes city employees who speak or sign other languages.<sup>21</sup>

Sevier County Sheriff's Office merely states that "it is the policy of the Sevier County Sheriff's Office to reasonably ensure that LEP individuals have meaningful access to law services, programs, and activities, while not imposing undue burdens on its members. The department will not discriminate against or deny any individual access to services, rights, or programs based upon national origin or any other protected interest or right".<sup>22</sup>

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# Policy Type 4: No Written Limited English Proficiency (LEP) Services Policy

The No Written Limited English Proficiency (LEP) Services Policy encompasses LEAs that either acknowledged lacking written policies or failed to provide an LEP services policy specific to law enforcement officers. Remarkably, despite being the weakest policy type, it emerged as one of the most common among agencies across Utah.

Of the LEAs surveyed, 25% of sheriff's offices, 12% of police departments, and the Utah Highway Patrol fell in the No Written LEP Services Policy category. Of these LEAs, six sheriff's offices sent communication via email expressly stating that they had no written policy in place. These law enforcement agencies were:

### Sheriff's Offices

- [Carbon](#)
- [Daggett](#)
- [Millard](#)
- [Piute](#)
- [Wayne](#)
- [Garfield](#)



Certain LEAs, Millard and Piute County Sheriff's Offices, acknowledged not having written policies in place but, in response to our records requests, provided descriptions of practices used when interacting with LEP individuals. Procedures mentioned by these agencies include utilizing bilingual deputies, staff, or citizens who speak languages other than English and portable electronic translation devices.



Of the LEAs in this category, four did not expressly state that they had no LEP Services policy in place but have yet to provide one in response to our requests or do not appear to maintain any such policy online. These departments provided other documents and policies relevant to some LEP individuals, such as consular access, consular documentation, Biased-Based policing, Personnel Complaints and Administrative Investigations, Immigration Violations, Detention of Foreign Nationals, and Communications with Persons with Disabilities. These agencies were:

### Sheriff's Offices

- [Cache](#)

### Police Departments

- [Blanding](#)
- [Ogden](#)

### Highway Patrol

- [Utah Highway Patrol](#)

The Utah Highway Patrol did not provide a specific LEP Services Policy for officer interactions with LEP individuals. Instead, that agency sent other documents, including an interpreter contract summary showing they have contracts with Voiance Language Services, Language Line Solutions, and Language Link.

Finally, **[Layton Police Department](#)** did not provide us with any policies.

# Dispatch Centers

## Central Utah 911

Central Utah 911 has no policies offering translation services to partnering law enforcement agencies or data on types of language services requested and utilized by partnering agencies. However, they provided an Interpreter Services Usages Charges and Schedule of Fees document related to their contract with Language Line Services. The document separates languages used into tiers:

<b>Tier 1:</b>	<b>Tier 2:</b>	<b>Tier 3:</b>	<b>Tier 4:</b>
<ul style="list-style-type: none"><li>• Spanish</li></ul>	<ul style="list-style-type: none"><li>• Chinese (Mandarin &amp; Cantonese)</li><li>• French</li><li>• Japanese</li><li>• Polish</li><li>• Russian</li><li>• Vietnamese</li></ul>	<ul style="list-style-type: none"><li>• Armenian</li><li>• Cambodian</li><li>• German</li><li>• Haitian Creole</li><li>• Italian</li><li>• Korean</li><li>• Portuguese</li></ul>	<ul style="list-style-type: none"><li>• Farsi</li><li>• Tagalog</li><li>• Thai</li><li>• Urdu</li><li>• All other languages</li></ul>

Central Utah 9-1-1 also provided a language line lesson plan used when dispatchers receive a call or connect with an interpreter, complete with tips for working with an interpreter.

## Central Utah Emergency Communications currently serves twelve law enforcement agencies, including:

<ul style="list-style-type: none"><li>• American Fork PD</li><li>• Nephi PD</li><li>• Santaquin PD</li></ul>	<ul style="list-style-type: none"><li>• Juab County Sheriff's Office</li><li>• Payson PD</li><li>• Saratoga Springs PD</li></ul>	<ul style="list-style-type: none"><li>• Lehi PD</li><li>• Pleasant Grove PD</li><li>• Spanish Fork PD</li></ul>	<ul style="list-style-type: none"><li>• Lone Peak PD</li><li>• Salem PD</li><li>• Utah County Sheriff's Office</li></ul>
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## Salt Lake Valley Emergency Communications Center

Salt Lake Valley Emergency Communications Center did not provide data related to types of foreign language interpretation or translation services they offer, nor did they provide information related to types of languages requested and utilized by partnering law enforcement agencies. However, they supplied an Operations Procedures document related to Language Translation on Emergency Medical Dispatchers (EMD) Calls with procedures on foreign language protocols and language translation services.

Salt Lake Valley Emergency Communications Center provided usage summary data related to the top 5 languages used.

Language:	Minutes Used:
Spanish 911	83,746
All Other	4,527
Arabic	1,865
Somali	1,020
Swahili	931
Vietnamese	767



**Salt Lake Valley Emergency Communications currently serves twelve law enforcement agencies, including:**

- Cottonwood Heights PD
- Herriman PD
- Riverton PD
- South Jordan PD
- Taylorsville PD
- West Valley City PD
- Draper PD
- Murray PD
- Salt Lake County Sheriff's Office
- South Salt Lake PD
- West Jordan PD
- Unified PD



# Strengths and Limitations of Policy Types

## ***Standard Limited English Proficiency (LEP) Services Policy:***

Utah LEAs with Standard LEP Services Policies have the most robust language access policies and services, including the appointment of an LEP Coordinator. Although many LEAs hold LEP Coordinator sections in their policies, not all have appointed LEP Coordinators.

7.14% of sheriff's offices and 40% of police departments surveyed indicated that they had assigned LEP Coordinators in place.<sup>xi</sup>  
8.33% of sheriff's offices and 60% of police departments surveyed that held the Standard LEP Services Policy indicated that they had an assigned LEP Coordinator. 91.67% of sheriff's offices and 40% of police departments that had the Standard LEP Policy in place did not indicate that they had appointed an LEP Coordinator.

Agencies that include an LEP Coordinator in their policies but have not appointed an LEP Coordinator appear to violate their LEP services policy. Without a designated LEP Coordinator to supervise the implementation and coordination of LEP services, there is less accountability for members to provide these services leading to more policy violations and potential mistreatment of LEP individuals. Lack of accountability may further hinder the LEA's abilities to perform its duties as it may lead to failure to collect relevant information for police work, distrust and lack of cooperation within the community, and individuals not receiving the help they sought from the LEA.

LEP Coordinators are responsible for identifying the standards and assessments used to certify individuals as qualified bilingual members and authorized interpreters. This practice poses a limitation as screening processes may vary across police departments and sheriff's offices in the state, as will the competency of those providing LEP services. If the LEP Coordinator fails to maintain adequate standards and assessments, interpreters and translators risk not being competent enough for community needs.

The Standard LEP Services Policy states that all available tools, such as language identification cards, will be used to determine an LEP individual's primary language. This language lacks specificity and should establish more dynamic tools and practices to identify non-English speakers effectively. For example, the policy does not specify vital documents requiring translation - such as victim impact statement questionnaires - necessary to identify gaps in documents available to LEP individuals. The policy also mentions that telephonic interpreters may be available but does not contain detailed information on utilizing this service.

All LEAs with Standard LEP Policies allow the use of community volunteers for interpretation or translation services when qualified bilingual staff members and authorized interpreters are unavailable. Even though volunteers must demonstrate competence to provide language services, their use should be limited. Even if volunteers are generally competent, they are less formally qualified than authorized interpreters and pose a greater risk of mistranslating or misinterpreting information.

Volunteers also pose a higher risk of exposing confidential information due to a lack of confidentiality training. LEAs must properly screen community volunteers to determine whether the LEP individual and the volunteer know each other or have had prior past contacts. A volunteer who knows or has had contact with someone in the past might be biased or unable to be impartial, increasing the likelihood of error. Additionally, LEP individuals may feel uncomfortable divulging information to someone they do not know or trust, especially if they lack qualifications.

Finally, Standard LEP services policies emphasize using qualified bilingual staff to provide language services. Having an employee of the LEA providing language assistance may lead to conflicts of interest if the person is otherwise involved in an investigation or other dealings relating to the LEP individual. Law enforcement officers acting as qualified bilingual members may hold bias regardless of whether they are involved in an investigation or other interaction that prevents them from acting as neutral interpreters or translators, thus posing ethical issues and negatively affecting the exchange.

## ***Deficient Limited English Proficiency (LEP) Services Policy:***

Deficient LEP Services Policies are insufficient to meet the needs of LEP individuals and do not meet the requirements of Title VI of the Civil Rights Act. Although some Deficient LEP Services policies include a more robust section to identify LEP languages than the Standard LEP Services Policy, only language identification cards are explicitly mentioned. Identification of other specific tools used to identify languages, such as the U.S. Department of Justice's "I Speak... Language Identification Guide", would allow for a more effective assessment. Certain policies categorized under this type also include a telephone interpreter services component that is more robust than the brief mention supplied in the Standard LEP Services Policies.

Many Deficient LEP services policies analyzed require only limited training regarding interpretation and translation during high-stakes law enforcement activities such as emergency 9-1-1 calls. Limited training is insufficient to ensure bilingual staff members, interpreters, or translators can provide effective LEP services. Failing to provide proper LEP services during emergency 9-1-1 calls poses a risk to the health and lives of all LEP individuals placing 9-1-1 calls.



**Certain Deficient LEP services policies include a bilingual personnel component instead of a qualified member component. Bilingual personnel do not undergo the level of screening or certification qualified members and authorized interpreters experience, making them less suited to interact with LEP individuals, thus increasing the likelihood of errors.**

**Five of the sheriff's offices categorized in this policy section fail to include or adequately define the role of LEP Coordinators in their policies. Not having an appointed LEP Coordinator in place or having an LEP Coordinator with limited duties decreases the LEA's practical ability to implement and monitor the provision of quality LEP services because no defined point person is tasked with those duties. In turn, the LEA is less likely to be able to ensure that services are meaningfully provided and that staff are accountable for doing so. As a result, the chances that an LEA will provide efficient and sufficient LEP services and comply with their policies decrease.**

## ***Highly Deficient Limited English Proficiency (LEP) Services Policy:***

Highly Deficient LEP Services Policies provide the least number of safeguards for LEP individuals out of all written policies supplied by law enforcement agencies. More than half of the Standard LEP Services Policies' components are missing from Highly Deficient LEP Services Policies. The extreme limitations held by these policies increase the possibility of miscarriages of justice, confusion, and failure to meet the community's needs. None of the procedures provided by sheriff's offices or police departments in this category include crucial elements such as the Four-Factor Analysis, LEP Coordinators, authorized interpreters, emergency 9-1-1 calls, and training. 3/4 of the policies in this category fail to include information about written forms, guidelines, and training.<sup>xii</sup>



Neglecting the Four-Factor Analysis limits the ability of LEAs to accurately determine community needs and provide necessary and required LEP services. Without a designated LEP Coordinator, no individual supervises the implementation or use of LEP services.

It is unclear whether LEA staff will abide by LEP policies without supervision or accountability. Failing to translate necessary forms and documents means LEP individuals cannot access essential information. Audio recordings of important or frequently requested information are crucial for LEP individuals to understand pertinent information when authorized interpreters are unavailable. Only providing written materials fails to address the needs of LEP individuals who cannot read or hold the reading proficiency required to understand legal or law enforcement materials.

Authorized interpreters are vital to ensure that LEP individuals can properly communicate and understand what is required. Authorized interpreters may better share information between the LEP individual and whoever provides interpretation or translation services. In particular law enforcement interactions, poor communication can end in a harmful situation such as unlawful arrest, false testimony, or false witness identification. Ensuring that 9-1-1 call takers know how to appropriately interact with LEP individuals and quickly identify their language is crucial to effectively respond to emergency requests for assistance. Failing to implement policies accommodating LEP individuals during emergency 9-1-1 calls can be life-threatening. Training is necessary for LEA members to understand what LEP services are available and how to effectively provide these services. With proper training, LEAs can avoid policy violations and provide LEP individuals with necessary services.

## **No Written Limited English Proficiency (LEP) Services Policy:**

Law enforcement agencies with No Written LEP Services Policy face the most significant risk of violating Title VI of the Civil Rights Act by imposing unnecessary barriers for LEP individuals. The chance that law enforcement may discriminate against them because of their inability to speak, understand, read, or write in English is exacerbated by providing no concrete services or safeguards for LEP individuals. Additionally, LEAs with No Written LEP Services Policies fail to meet the needs of LEP individuals and create confusion due to a lack of information.

Three of the law enforcement agencies in this category provided policies related to Communications with Persons with Disabilities.<sup>xiii</sup> Although it is crucial to have procedures pertaining to law enforcement interactions with persons with disabilities, these procedures cannot be substitutes for LEP services and policies.

Members of these LEAs may not be aware of the needs of LEP individuals or inadvertently fail to adhere to constitutional rights during crucial moments such as investigations, interrogations, and witness statements which may lead to arrest. LEP individuals may also be less inclined to utilize services such as 9-1-1 or report crimes against them or others due to a lack of necessary services or fear that their rights will be violated. Certain law enforcement agencies without official written policies rely on bilingual citizens to provide interpretation and translation services.



This practice is dangerous as these citizens may lack the qualifications or training to perform language services. Bilingual citizens may lack understanding of the technical language used by LEAs or be insufficiently fluent in providing language services competently, thus risking misinterpretation and significant constitutional violations. Using bilingual citizens in place of authorized interpreters fails to protect against disclosing confidential or private information, as it is unlikely that bilingual citizens are properly trained in confidentiality. Moreover, using bilingual citizens may create a failure to protect against confidential or private information and/or a situation where an LEP individual cannot freely speak due to a preexisting relationship, or the citizen is not screened for biases negatively affecting LEP individuals.



# RECOMMENDATIONS

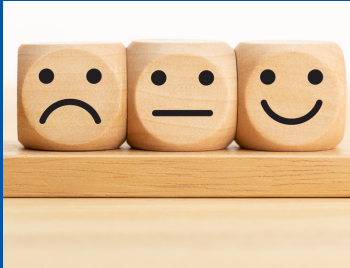


Given the importance of obtaining accurate information and the plethora of rights and protections at stake during interactions with law enforcement, LEAs must adopt proper mechanisms to provide high-quality language services for LEP individuals. Utah law enforcement agencies can and should improve how they interact with the communities they serve by adopting the recommendations below to bolster their language services and better understand and engage with community members.

We recognize that there are operational restraints associated with these recommendations and that Utah LEAs have varying budgets and resources. Yet, we also underscore that providing LEP services is not optional but required under federal law. LEP individuals have the constitutional right to receive LEP services that are dependable, consistent, and widely available. The provision of limited and meager LEP services addressing the bare minimum needs of LEP individuals is unacceptable. As such, we urge agencies to work to make these measures a priority in their budgeting decisions and adopt these recommendations to the maximum extent.

## FOSTER STAKEHOLDER FEEDBACK

**This step is crucial to ensure LEP services meet community needs and LEAs are held accountable.**



### Continuous General Feedback:

LEAs should consider soliciting feedback after their interactions with LEP individuals through the use of voluntary feedback mechanisms publicly available in multiple languages on their websites such as a survey or other tools. Individuals providing feedback should have the option to remain anonymous and physical copies of the surveys or tools should be available within the agencies.

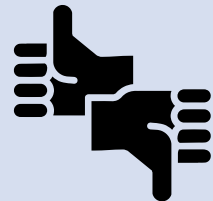


### Stakeholder Input and Feedback:

Law enforcement agencies should consider requesting input and feedback from community-based organizations that work directly with affected community members and understand their needs. Community-based organizations and trusted stakeholders should be able to express grievances on behalf of community members who feel uncomfortable doing so. Community-based organizations may be able to foresee policy issues LEAs are unaware of and will enable the creation of robust policies that benefit the community and mitigate the need to correct issues in the future.

### Structured Feedback:

Language access advisory councils made up of community members, government agencies, community organizations, LEP individuals, and language service providers may help oversee the implementation and compliance of LEP services policies.<sup>23</sup> We recommend holding regular - at least annual - roundtables with community organizations, community leaders, faith-based groups, and social services providers to explore how to best provide LEP services and meet community needs.



### Accessible and Effective Complaint and Grievance Mechanisms:

Law enforcement agencies must have effective complaint and grievance mechanisms in place that are easily accessible by community members in multiple languages to issue complaints about the provision of LEP services and interactions with law enforcement. Prompt and equitable resolution of complaints and grievances in the language they were made in should be a priority, and efforts should be made to update LEP services accordingly. Transparent guidelines for complaint resolution in multiple languages should be established.

### Feedback Incorporation:

Complaints and feedback systems should be considered as LEP services policies are implemented and updated.



## **Identify Language Needs in the Community:**

**An accurate, data-backed understanding of language needs in communities is vital to ensure language equity and that language services truly meet those needs. Numerous sources may be utilized to gather this information:**

### **Identify Patterns of Interaction:**

- Ways to obtain this data include polling officers and other staff members on how often they interact with LEP individuals and in what languages, maintaining front desk data on interactions with LEP individuals, and examining information from contracted telephonic interpreters or other interpreter services.<sup>24</sup>

### **Evaluate Current Data:**

- Any data collected by LEAs related to LEP individuals should be evaluated and LEP language needs should be aligned with those of other state institutions and agencies with robust language access resources and policies such as the Department of Health and Human Services.

### **Census Data:**

- Relevant demographic and language prevalence data can be obtained from the U.S. Census and state, county, and city agencies providing services to the community. Due to LEP individuals being undercounted in the Census (for numerous reasons), obtaining information from sources besides the Census is vital.

### **Supplement Missing Data:**

- Information gathered by community organizations, faith-based groups, schools, school districts, the Utah Department of Health and Human Services, and social service providers is useful to supplement demographic trends not accounted for by the U.S. Census and obtain more accurate data for harder-to-reach populations such as undocumented, mixed-status, and Indigenous families. These agencies hold a distinct involvement in the lives of community members and may pinpoint overlooked needs.

### **Data Accuracy:**

- This data should be updated every three years to ensure that resources accurately reflect the needs of growing populations.

# Recommendation 3

Adopt policies to ensure law enforcement members effectively communicate with LEP individuals during interactions.

*After identifying language needs in the community, law enforcement agencies must take concrete steps to reassess and strengthen their LEP services.*

## **1. Accurately Identify Language Needs During All Interactions:**

LEAs must adopt procedures and tools to identify whether an individual is LEP, which language they speak proficiently, and whether they require an interpreter. LEAs should supply an authorized interpreter if there is any chance there will be a misunderstanding or miscommunication.

## **2. Allocate Resources to Ensure Adequate Interpretation is Available:**

This can be done by certifying more authorized interpreters, investing in telephonic translation services, and placing more effort into identifying and training bilingual staff. Existing resources should be reallocated to prioritize hiring bilingual administrative staff instead of bilingual officers who can serve as authorized interpreters. Using bilingual officers as qualified members or authorized interpreters can pose problems such as intimidating community members or, in the case of an investigation, creating a possible conflict of interest or divulging confidential or private information.

## **3. Interjurisdictional Cooperation:**

Pooling language access resources with local agencies such as emergency services and social services, if geographically feasible, permits LEAs to expand access to more LEP services, particularly in circumstances where there are limited individual resources.<sup>25</sup>

LEAs should look at policies and practices in place at other state agencies and institutions related to language access for LEP individuals to implement more efficient policies. Interjurisdictional cooperation may be led by a state agency such as the Department of Public Safety to ensure uniformity throughout the state.

## **4. Increase Local Awareness and Education:**

LEAs must ensure that community members are aware of available LEP services and know how to access them.

Initial steps to increase such awareness include issuing public service announcements in multiple languages, placing multilingual signs in public spaces, and partnering with community organizations to disseminate information.

# Recommendation 3

Adopt policies to ensure law enforcement members effectively communicate with LEP individuals during interactions.

*After identifying language needs in the community, law enforcement agencies must take concrete steps to reassess and strengthen their LEP services.*

## 5. Utilize LEP Coordinators:

LEAs without a designated LEP Coordinator must prioritize appointing one. LEP services implementation and monitoring will be more efficient by having a dedicated staff member accountable for those requirements and goals.

## 6. Limit/Restrict the Use of Informal Interpreters/Translators:

Policies should be adopted to forbid the use of community volunteers for interpretation and translation services in any instances other than informal and nonconfrontational interactions. The use of children, family members, neighbors, or bystanders should be explicitly forbidden unless exigent circumstances threaten the well-being of the LEP individual and, even then, only utilized to the extent necessary. Authorized interpreters should verify the accuracy of the translations after exigent circumstances have been managed.

## 7. Use Language Assistance Technology:

LEAs must implement policies on the utilization of language assistance technology, such as programmed handheld devices or remote interpreting, to provide accurate and quick services to LEP individuals when authorized interpreters are unavailable.<sup>26</sup>

## 8. Identify vital documents and other documents requiring translation:

LEAs must identify and translate vital documents such as victim statement forms, consent and complaint forms, notices of rights and disciplinary action, and other documents frequently provided in English.<sup>27</sup> Pamphlets provided by the LEA and posters displayed within the LEA should be translated into languages commonly spoken by LEP community members. LEAs should also translate online forms and interfaces that community members must use. For those languages that do not traditionally employ a written system, LEAs should ensure an audio recording of this information is widely available.

## 9. Accountability:

LEAs must implement accountability mechanisms to ensure compliance with policies and the provision of necessary language services to LEP individuals. This includes documenting LEA interactions with LEP individuals with details of services provided.

# Recommendation 4

## Improve Staff and Officer Training:

All individuals providing LEP services in LEAs should undergo frequent and thorough training provided by the LEAs related to the implementation of LEP policies and services available.

### Comprehensive Training:

Important topics for training include identifying LEP needs, the required content of an effective LEP policy, and ethically providing LEP needs. LEAs should provide periodic training for authorized interpreters and qualified members. LEAs should also provide training on cultural sensitivity, working with an interpreter, and trauma-informed interactions.

### Formal Interpretation Training:

Interpretation training should be provided through accredited organizations to ensure that competent individuals are certified as authorized interpreters.

### Updated Training:

Training should be reviewed annually and updated when necessary.

### Stakeholder Review:

LEAs should consult with community organizations to review whether their training is adequate for the specific needs of community members. Stakeholders can help inform LEAs of cultural context specific to LEP populations to improve training and interactions.

### Technological Training:

LEAs must provide periodic training on language assistance technology and telephonic interpretation, especially as any technology or specific programs the LEAs use are updated.

# Conclusion

Proper LEP policies and services are crucial during law enforcement interactions with LEP individuals to ensure that LEP individuals are justly treated. LEAs have an obligation to provide LEP services that address community needs under Title VI of the Civil Rights Act and EO 13166. Ineffective LEP policies and services can lead to preventable dire outcomes for LEP individuals and Utah LEAs, including violations of rights and inadequate interactions, interrogations, and investigations. Utah's LEP population is increasing, and the strength of LEP policies and services across law enforcement agencies must reflect the population growth and provide quality services in all languages spoken in their communities.

Although most LEAs in Utah have written LEP services policies in place, they all have room for improvement. Of LEAs surveyed, 50% held Standard LEP Services Policies, 22.22% held Deficient LEP Services Policies, and 7.41% held Highly Deficient LEP Services Policies. Approximately 20.37% of LEAs, including the Utah Highway Patrol, failed to provide us with an LEP services policy for law enforcement interactions with the public and were classified as holding a No Written LEP Services Policy. It is unclear whether or how all LEAs comply with their policies. All agencies missing LEP Services policies and those holding policies classified as Deficient and Highly Deficient must create and implement comprehensive and quality LEP services policies as soon as possible.

Recommendations included in this report to achieve this goal include fostering stakeholder feedback, identifying language needs in the community, adopting policies to ensure law enforcement members effectively communicate with LEP individuals during interactions, and improving staff and officer training. All Utah LEAs can and must improve their LEP Services Policies. Implementing compliance mechanisms is crucial to ensure that policies are not simply empty words but are used to improve LEA interactions with LEP individuals. Following the recommendations in this report would be an essential step towards improving these interactions and providing LEP individuals with the required services. LEP communities in Utah have a constitutional and statutory right to receive satisfactory LEP services, and LEAs must actively work to protect this right.

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# Endnotes

*i* See *United States v. Bustillos-Munoz*, 235 F.3d 505, 517 (10th Cir. 2000). Such vague mandates can result in unequal outcomes in criminal proceedings for individuals for whom English may not be their best language.

*ii* H.B. 374 County Sheriff's Amendments was signed into law in March of 2023 with the purpose of dissolving Unified Police Department by July of 2025. Given these legislative changes, Salt Lake County Sheriff's Office will need to adopt LEP Services Policies swiftly.

*iii* Iron County Sheriff's Office, Beaver County Sheriff's Office, Lehi Police Department, St. George Police Department, Riverton Police Department, and West Valley City Police Department provided updated policies. Iron County Sheriff's Office's policy was reclassified from the No Written LEP Services Policy category to the Deficient LEP Services Policy category and Beaver County Sheriff's Office was reclassified from a No Written LEP Services Policy to the Standard LEP Services Policy. Riverton Police Department's policy was reclassified from a No Written LEP Services Policy to the Standard LEP Services Policy. St. George, Lehi, and West Valley Police Departments' LEP Services Policies remain classified under the Standard LEP Service Policy category.

*iv* All Standard LEP Services Policies and most Deficient and Highly Deficient LEP Services Policies hold Purpose and Scope, Definitions, and Policy sections which are not considered as separate sections for the purpose of this paper.

*v* Kane County Sheriff's Office has three extra sections including identification of LEP individuals' language, bilingual personnel, and telephone interpreter services which are expanded on in the Deficient LEP Policy type section.

*vi* American Fork Police Department is missing the "Emergency Calls to 9-1-1" section in their LEP Services Policy; however, they contract with Central Utah 9-1-1 for their dispatching needs and on this account, are classified as holding a Standard LEP Services Policy.

*vii* St. George Police Department's LEP Service's Policy includes an additional language-skilled bilingual members section encouraging employees who are not designated as qualified bilingual members to use their language skills if they believe their language proficiency is sufficient.

*viii* West Jordan Police Department is missing the "Emergency Calls to 9-1-1" section in their LEP Services Policy; however, they are classified as holding a Standard LEP Services Policy because they contract with a separate entity for their dispatching needs.

# Endnotes

**ix** Davis County Sheriff's Office, Iron County Sheriff's Office, and Logan Police Department hold LEP Coordinator sections in their policies but do not name a designated LEP coordinator or any responsibilities an LEP Coordinator may hold. Utah County Sheriff's Office and Unified Police Department do not hold LEP Coordinator sections in their policies. Emery and Rich County Sheriff's Office designate LEP Coordinators but have limited the scope of responsibilities LEP Coordinators hold in comparison to the Standard LEP Services reviewed.

**x** Washington County Sheriff's Office holds a "bilingual member" section in their policy. However, "bilingual members" undergo less certification than "qualified bilingual members".

**xi** Kane County Sheriff's Office, Tooele County Sheriff's Office, St. George PD, American Fork PD, Sandy PD, Herriman PD, Orem PD, Murray PD, South Jordan PD, West Jordan PD, Riverton PD and West Valley PD communicated that they have appointed LEP Coordinators.

**xii** Sanpete County Sheriff's Office, Sevier County Sheriff's Office, and Provo Police Department did not include a written forms and guidelines section. Washington County Sheriff's Office, Sevier County Sheriff's Office, and Provo Police Department did not include a training section.

**xiii** Cache County Sheriff's Office and Riverton Police Department provided policies entitled "Communications with Persons with Disabilities". Ogden Police Department provided a "Guide for Law Enforcement Officers When in Contact with People Who are Deaf and Hard of Hearing".

# APPENDICES A



AMERICAN CIVIL LIBERTIES UNION OF UTAH  
355 NORTH 300 WEST, SALT LAKE CITY, UT 84103  
(801) 521-9862 PHONE • (801) 532-2850 FAX  
[ACLU@ACLUUTAH.ORG](mailto:ACLU@ACLUUTAH.ORG) • [WWW.ACLUUTAH.ORG](http://WWW.ACLUUTAH.ORG)

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May 20, 2022

[REDACTED]

[REDACTED]

*Via email*

Re: GRAMA Request, [REDACTED] Police Department's Language Policies & Trainings

To Whom It May Concern:

This letter is a request under Utah Code § 63G-2-204(1) by the American Civil Liberties Union of Utah ("ACLU of Utah"). This request seeks the following material related to [REDACTED] Police Department's language policies.

### Records Requested

Please provide the following documents.

1. Any and all records, policies, handbooks, and documents related to providing translation and interpretation for individuals who do not speak English during encounters with law enforcement, including during arrests, questioning and interviews, filing reports, and making statements.
2. List of authorized interpreter services used by [REDACTED] Police Department.
3. All current business contracts between telephone or video interpretation services and [REDACTED] Police Department.
4. Any and all training materials, professional development, or resources provided to sheriffs and staff on interacting with individuals who do not speak English proficiently during encounters with law enforcement.
5. Any and all policies on interacting with individuals believed to be foreign nationals during encounters with law enforcement.
6. Any and all policies regarding communication with other agencies when encountering someone that is believed to not be a US citizen.

Because this request is on a matter of public concern and it is made on behalf of a non-profit organization, we request a fee waiver. *See* Utah Code § 63G-2-203(4). The ACLU of Utah is seeking this information as part of a wider research effort to develop deeper understanding of current policies in place at local and state government agencies regarding the provision of translation and interpretation for individuals with limited English proficiency. It is of great public

interest and importance to have a clear understanding of local law enforcement agencies' language access policies, particularly in areas where languages other than English are commonly spoken by the general population the agency seeks to serve. If, however, such a waiver is denied, we will reimburse you for the reasonable cost of copying. Please inform us in advance if the cost will be greater than fifty dollars (\$50). Please send us documents in electronic form if at all possible.

If any or part of this request is denied, please send a letter listing the specific exemptions upon which you rely for each denial. *See* Utah Code § 63G-2-205(2).

Thank you for your prompt attention to this matter. Please furnish all applicable records either by mail to ACLU of Utah, 355 North 300 West, Salt Lake City, UT 84103 or via email to [REDACTED]. Please do not hesitate to contact us if you have questions.

Sincerely,

[REDACTED]  
[REDACTED]  
ACLU of Utah  
[REDACTED]  
[REDACTED]

# APPENDICES B



AMERICAN CIVIL LIBERTIES UNION OF UTAH  
355 NORTH 300 WEST, SALT LAKE CITY, UT 84103  
(801) 521-9862 PHONE • (801) 532-2850 FAX  
[ACLU@ACLUUTAH.ORG](mailto:ACLU@ACLUUTAH.ORG) • [WWW.ACLUUTAH.ORG](http://WWW.ACLUUTAH.ORG)

July 14, 2022

[REDACTED]

[REDACTED]

*Via email*

Re: GRAMA Request, [REDACTED] Language Access Data and Policies

To Whom It May Concern:

This letter is a request under Utah Code § 63G-2-204(1) by the American Civil Liberties Union of Utah (“ACLU of Utah”). This request seeks the following material related to [REDACTED] language policies.

### Records Requested

Please provide the following documents.

1. List of all law enforcement agencies currently served by [REDACTED]
2. [REDACTED]
3. Any and all data or policies regarding types of foreign language interpretation or translation services [REDACTED] offers or makes available to partnering law enforcement agencies (e.g. telephone interpretation, video interpretation, etc.)
4. Any and all data regarding specific foreign languages in which [REDACTED] provides services (e.g. Spanish, Vietnamese, Somali, Arabic, etc.)
5. Any and all data regarding types of language services requested and utilized by partnering law enforcement agencies.
6. Any and all data regarding which foreign languages are requested and utilized by partnering agencies (e.g. Spanish, Vietnamese, Somali, Arabic, etc.)
7. Any and all training materials, professional development, or resources provided to [REDACTED] personnel on interacting with individuals who do not speak English proficiently during 911 or other calls.

Because this request is on a matter of public concern and it is made on behalf of a non-profit organization, we request a fee waiver. *See* Utah Code § 63G-2-203(4). The ACLU of Utah is seeking this information as part of a wider research effort to develop deeper understanding of current policies in place at local and state government agencies regarding the provision of translation and interpretation for individuals with limited English proficiency. It is of great public interest and importance to have a clear understanding of state law enforcement agencies' language access policies, particularly in areas where languages other than English are commonly spoken by the general population the agency seeks to serve. If, however, such a waiver is denied, we will reimburse you for the reasonable cost of copying. Please inform us in advance if the cost will be greater than fifty dollars (\$50). Please send us documents in electronic form if at all possible.

If any or part of this request is denied, please send a letter listing the specific exemptions upon which you rely for each denial. *See* Utah Code § 63G-2-205(2).

Thank you for your prompt attention to this matter. Please furnish all applicable records either by mail to ACLU of Utah, 355 North 300 West, Salt Lake City, UT 84103 or via email to [REDACTED]. Please do not hesitate to contact us if you have questions.

Sincerely,

[REDACTED]



## ACKNOWLEDGEMENTS

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Valentina De Fex

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**We'd like to thank the following for their contributions to this project:**

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**Natalie El-Deiry**, & Ze Min Xiao

**WE THANK YOU**  
**FOR YOUR SUPPORT**  
**IN THE FIGHT FOR**  
**CIVIL RIGHTS AND LIBERTIES**