

Summary of Revisions

Complete revision of the policy.

*****Policy renamed "Limited English Proficiency Plan and Service Delivery."***

Purpose

To establish effective guidelines consistent with Title VI of the Civil Rights Act of 1964 in order to provide equal access to services, programs and activities for all individuals.

To establish a Limited English Proficiency plan and procedure for review.

To establish guidelines and the process for the use of interpreter services.

Policy

A. STATEMENT OF POLICY

The statutory and regulatory information contained in this policy does not constitute legal advice and is for informational purposes only. The Ohio State Highway Patrol ("Division") makes no guarantee that the statutory authority or regulatory code cited within is the most current version of said law/regulation. Users should consult the official revised United States Code (U.S.C.).

The Division is determined to provide equal access to services, programs, and activities for all individuals. This policy and program aims to provide meaningful access to individuals with Limited English Proficiency. Individuals with Limited English Proficiency are those who do not speak English as their primary language or those who have a limited ability to read, write, speak, or understand the English language.

The Division recognizes the importance of effective and accurate communication between its personnel and the community they serve. Language barriers can impede effective and accurate communication in a variety of ways. Language barriers can sometimes inhibit or even prohibit individuals with Limited English Proficiency from accessing and/or understanding important rights, obligations, and services, or from communicating accurately and effectively in difficult situations. Hampered communication with Limited English Proficiency victims, witnesses, alleged perpetrators, and community members can present the Patrol with safety, evidentiary, and ethical challenges. Ensuring maximum communication ability between law enforcement and all segments of the community serves the interests of both.

The purpose of this policy is to establish effective guidelines, consistent with Title VI of the Civil Rights Act of 1964, section 601; 42 U.S.C. 2000d et seq., and the Department of Public Safety policies. Specifically, the implementing regulations of law provide that no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity that received federal financial assistance. Section 602 authorizes and directs federal agencies that are empowered to extend federal financial assistance to any program or activity "to effectuate the provisions of §601 by issuing rules, regulations, or orders of

general applicability.” 42 U.S.C. §2000d-1.

B. DEFINITIONS

1. **American English** - A set of dialect/language primarily used in the United States.
2. **Answer Point** - The initial telephone answering point at the ***Language Assistance Service***. They are responsible for call screening and account verification.
3. **Bilingual** - Refers to the ability to use two languages proficiently.
4. **Certified Interpreter** - An individual who has taken and passed an examination administered by a knowledgeable authority.
5. **Discrimination** - The unfavorable treatment or consideration of, or making a distinction in favor of or against, a person based on the group, class, or category to which that person belongs rather than on individual merit.
6. **Federally-assisted Program** - All programs and operations of entities that receive assistance from the federal government.
7. **Interpretation** - Listening to communication in one language and orally converting it to another language while retaining the same meaning.
8. **Interpreter ID Number** - A unique identification number of the ***Language Assistance Services*** employee handling the call.
9. **Language Access** - Efforts to make programs and services accessible to individuals who are not proficient in English.
10. **Language Assistance Services** - Interpretation or translation services that assist Limited English Proficiency individuals in understanding or communicating in another language.
11. **Limited English Proficiency Individual** - An individual who does not speak English as their primary language or those who have a limited ability to read, write, speak, or understand the English language. Limited English Proficiency Individuals may be competent in certain types of communication (such as speaking or understanding) but still be Limited English Proficient for other purposes (such as reading or writing). Similarly, Limited English Proficiency designations are context-specific; an individual may possess sufficient English language skills to function in one setting, but those skills may be insufficient in other situations.
12. **Patrol Authorized Interpreter (Patrol AI)** - A bilingual Division employee who has been authorized to interpret for others in certain situations.
13. **Patrol List** - An accounting of Division personnel who are bilingual and are authorized to act as volunteer interpreters. The Office of Planning, Research and Development will create and maintain the list and provide it to Dispatch.
14. **Personal Code** - The unit number of the Division employee using the service.
15. **Primary language** - The language in which an individual most effectively communicates. *Patrol personnel should avoid assumptions about an individual's primary language.*

16. **Translation** - The process of transferring ideas expressed in writing from one language to another.
17. **Translator** - A person who converts language into an alternative form of communication, so it is understandable to individuals who communicate differently.
18. **Vital document** - Paper or electronic written material that contains information that is critical for accessing a program or activity, or is required by law, such as a notice of rights.

C. PROCEDURES FOR ACCESSING INTERPRETATION SERVICES

1. When the need for an interpreter arises, calls will be classified as Emergency or Non-Emergency. These service numbers, the Division's client number, and the language identification pamphlet will be readily available to **all Division** employees **and attached to this policy**.

■ [REDACTED]

[REDACTED]

2. Attempts to determine the language needed should be made prior to placing the call for service. To use the service, dial the proper number using a recorded telephone line to connect to the answer point. Upon connection, a series of questions will be asked.
 - a. Language Required. If it is unknown, inform the answer point person what the language is believed to be, or that it is unknown.
 - b. Client Number - [REDACTED] (**Language Assistance Service** assigned number)
 - c. Agency Name - Ohio State Highway Patrol
 - d. Personal Code Number - Division-employee's unit number
 - e. After this information is communicated, you will be placed on hold for connection to an interpreter.
3. The interpreter will identify himself/herself by an identification number. Record this number on the OTIS-Dispatcher Resources log for future reference. The employee placing the call should brief the interpreter with the following:
 - a. City and state calling from
 - b. Nature of the call
 - c. If the call will be held on one phone set or as a conference call
 - d. After the interpreter has been briefed, he/she will explain the purpose to the other party.
4. The process of interpretation may seem to take a long time. Questions asked during the call should be along a specific line or topic, brief, and limited to two or three questions at a time.
5. Services provided include not only translation but interpretation. The **Language**

Assistance Service employee will attempt to accurately duplicate the speaker's meaning and expression along with translating the speaker's words. If one of the subjects is using abusive or profane language the interpreter is not obligated to continue. If a conflict of interest arises, the interpreter will inform the caller and transfer the call to another employee.

6. The Division's Client Number (Account Number) shall not be released to other agencies for free access to interpretation services. Should a Division employee become involved directly with another agency on an incident, a Division employee may assist with placing the call.
7. **Only certified interpreters or Patrol authorized interpreters shall be used for any interrogation, interview, or any other interaction where the any individual's legal rights could be adversely impacted in accordance with section D of this policy.**
8. **Division personnel should only use family, friends, or bystanders for interpreting in very informal, non-confrontational contexts, and only to obtain basic information at the request of the Limited English Proficiency Individual.**
9. **Division personnel shall only use minor children to interpret in emergency situations such as imminent threats to the public or a current substantial risk of harm. A delay or extended wait time for a certified interpreter is not considered an emergency.**
10. **Documentation**
 - a. Calls for the **Language Assistance Service** will be logged on the OTIS – Dispatcher Resources log under File 1 – LANG. The following information should be noted in the contents box:
 - i. A brief explanation of the reason,
 - ii. The interpreter identification number,
 - iii. The approximate length of the call,
 - iv. **Language requested/required for interpretation**, and
 - v. Any problems encountered with the service.
 - b. When the need for an interpreter is complete, notify the interpreter by stating, "call complete" or "end of call".
 - c. If calling from a non-OSP phone (e.g., county jail), record the location and phone number on the OTIS – Dispatcher Resources log for audit purposes.

D. INTERVIEWS AND INTERROGATIONS

1. **Criminal interrogations and victim/witness interviews are scenarios that potentially involve statements with evidentiary value. As such, accuracy is a priority. Moreover, a failure to protect the rights of a Limited English Proficiency Individual during arrests and/or interrogations presents risks to the integrity of the investigation and miscommunication during these interactions may have a substantial impact on any related criminal prosecution. A certified interpreter or Patrol authorized interpreter shall be used for any interrogation or taking of a formal statement where the suspect or witness' legal rights may be adversely impacted.**
2. **Because of the potential conflict of interest when conducting interrogations and acting as an interpreter, only Patrol Authorized Interpreters not connected to the investigation are to be used as interpreters during interrogations.**

3. ***Miranda warnings and all other vital written materials will be available to the suspect or witness in his or her primary language. In the case of a language into which these forms have not been translated and/or in the case of illiteracy, forms will be read to the suspect or witness in his or her primary language using the Language Assistance Service.***

E. COMPLAINTS

1. ***If an individual believes they have been discriminated against because of their Limited English Proficiency status while receiving services from the Division, he or she is encouraged to attempt to resolve the problem with the Ohio Department of Public Safety administration.***
2. ***Individuals who believe they have been discriminated against because of their Limited English Proficiency status while receiving services from the Division can also complete a discrimination complaint. The complaint should include the complainant's name, contact information and a brief explanation of the alleged discrimination. The completed complaint should be submitted:***

Mail: Ohio Department of Public Safety

Attention: Human Resources EEO Coordinator

1970 West Broad Street, 3rd floor

Columbus, Ohio 43223

Or

Email: tdchambliss@dps.ohio.gov

3. ***If the complaint is unable to be resolved at this level, the individual has the right to file a complaint with the Ohio Civil Rights Commission. The Ohio Civil Rights Commission has jurisdiction to investigate charges of discrimination in the areas of employment, housing, public accommodation (access to services and facilities open to the public), disability in higher education (beyond the high school/secondary level) and credit. The bases protected against discrimination in Ohio are: race, color, sex, disability, age, religion, national origin, ancestry, familial status in housing, military status and retaliation. The Ohio Civil Rights Commission has a statute of limitations of six months of the alleged act of discrimination for public accommodation, credit, or disability in higher education complaints, one year for housing complaints, or two years for employment complaints. All charges of discrimination must be filed within those periods following the last occurrence of discriminatory harm and the Ohio Civil Rights Commission cannot investigate acts of discrimination that occurred prior to that date. According to the Ohio Civil Rights Commission's website (<http://crc.ohio.gov/>), an individual may file a charge of discrimination with the Ohio Civil Rights Commission by visiting an office in person, by mail or by completing the charge form on-line. The Ohio Civil Rights Commission's central office is located at 30 East Broad Street, 5th floor, Columbus, OH 43215.***
4. ***Direct questions regarding the provisions and application of this policy to the EEO Coordinator at the address or email above or call 614-387-3169.***

F. TRAINING

1. ***Policy Assignment: This policy shall be assigned to all impacted personnel at least annually.***

2. ***New Hire Training: All newly-hired personnel will be required to complete the Limited English Proficiency training and will be instructed during orientation of the proper procedures to follow to secure translation or interpretation services if needed.***
3. ***Existing Employee Training: All current employees are required to complete the Limited English Proficiency training, at a minimum, biennially.***
4. ***When deemed necessary because of changes to law, this policy, or interpreter/translation service provider changes, the Limited English Proficiency training will be updated and provided to all Patrol personnel.***

G. MONITORING AND UPDATING THE LIMITED ENGLISH PROFICIENCY PLAN

1. ***Using a four factor analysis, the Division shall create and maintain a Limited English Proficiency Plan which is attached to this policy.***
2. ***Annual Requirements***
 - a. ***Annually, the Statistical Analysis Unit shall compile a summary of interactions between Division personnel and Limited English Proficiency Individuals. This will be forwarded to the DPS EEO Coordinator.***
 - b. ***Annually, the Division shall provide a public notice regarding the services available to Limited English Proficiency Individuals. This public notice shall be available at all times on the Division website.***
 - c. ***Annually, all Division personnel shall review and acknowledge the content of this policy and all attachments.***
3. ***Biennial Requirements***
 - a. ***Biennially, in conjunction with preparation of the Division budget, the Office of Finance and Logistics and the Department of Public Safety - Legal Services will review any contracts for translation and interpretation services to determine whether any changes should be implemented.***
 - b. ***Biennially, in conjunction with preparation of the Division's budget, the Office of Finance and Logistics along with the Office of Planning, Research and Development will ensure there is adequate funding to provide effective and efficient Limited English Proficiency services.***
4. ***Beginning in 2022 and every 5 years thereafter, the Division's Limited English Proficiency Plan shall be reviewed and updated as necessary. This review shall consist of, at a minimum:***
 - a. ***A review of previous annual Limited English Proficiency interaction data to determine what services are needed;***
 - b. ***A review of demographic data;***
 - c. ***Consultation with community-based organizations, if possible;***
 - d. ***Identification of vital documents to be translated, posted, and/or printed. This includes web-based, printed, posters, voicemail, social media, and any other communication methods used by the Division.***



ATTACHMENT – LIMITED ENGLISH PROFICIENCY PLAN

OSP-403.22

A. FOUR FACTOR ANALYSIS

1. *The number or proportion of Limited English Proficiency individuals eligible to be serviced or likely to be encountered by our state program:*

According to the 2019 American community survey estimates as reported on data.Census.Gov, about 7.5% of Ohio's population age 5 years and over reported speaking a language other than English, with 2.4% of the population speaking Spanish, 2.7% speaking other Indo-European languages, 1.3% speaking Asian and Pacific Island languages, and 1.1% speaking other languages. Survey data will be periodically reviewed for any changes in trends.

2. *The frequency with which Limited English Proficiency individuals come in contact with the Division's program, activities, and services:*

All contacts with Limited English proficiency individuals will be documented and maintained in the OTIS - dispatcher resources log. The following represents the number of requests for translation assistance (except for interactions where Patrol List personnel who were called to translate) related to the provision of services to Limited English Proficiency individuals in these calendar years:

Calendar year 2021 (As of November 30, 2021): 122

Calendar year 2020: 11

Calendar year 2019: 12

Calendar year 2018: 6

On the Patrol's webpage, the non-discriminatory statement, this current Limited English Proficiency plan, and the notice of rights are available to review.

3. *The nature and importance of the Patrol services:*

Public safety is important to all persons and the Division's policy as outlined in this document is to provide meaningful access to all Limited English Proficiency individuals. If documents are deemed vital to a service requested, the documents would then be translated to the language required by the individual. Interpreter and translation services are also currently available to Limited English Proficiency individuals in need of assistance.

4. *Determine the resources available to Limited English Proficiency individuals and the cost to the state program:*

The Division purchases translation and interpretation services for the purpose of serving the public. These services include: on-demand on-site, telephonic and video conferencing interpretation, and document translation in numerous languages. Attachment – *Language ID Card* lists the available languages for these services. Cost will vary depending on the type(s) and volume of services requested. Should a request for language assistance be received, whether it is interpreter or translation services, the Division will take all reasonable steps to ensure that Limited English Proficiency individuals have an equal opportunity to meaningfully communicate with Division personnel.



ATTACHMENT – LIMITED ENGLISH PROFICIENCY PLAN

B. LIMITED ENGLISH PROFICIENCY PLAN IMPLEMENTATION

The current implementation strategy and goals for the Limited English Proficiency plan for the Patrol are provided below.

Responsible Section	Action to be taken	Frequency / Status
DPS Legal; DPS EEO Coordinator; Office of Planning, Research and Development	Develop Limited English Proficiency plan and review for necessary updates.	December 29, 2021 and every five years thereafter
Office of Planning, Research and Development	Ensure employees who interact with Limited English Proficiency individuals receive Limited English Proficiency policy and attachments	Annually
DPS EEO Coordinator; Planning – SAU	Gather data for languages spoken	Annually
Office of Planning, Research and Development; DPS Visual Communications; Patrol Public Affairs Unit	Identify vital documents to be translated; have these documents translated and posted/printed. (Include web based, print, posters, voicemail, social media etc.)	January 31, 2022 and every five years thereafter
DPS EEO Coordinator; Planning – SAU	Compile and analyze data gathered to determine what Limited English Proficiency services are needed.	December 29, 2021 and every five years thereafter
DPS Legal; Office of Finance & Logistics	Review current language contract for translation and interpretation services to determine whether changes should be implemented.	December 31, 2021, and biennially thereafter
Office of Planning, Research and Development; Office of Finance & Logistics	Ensure that there is adequate funding, and that other resources are available to provide effective and efficient Limited English Proficiency services.	Ongoing
Office of Planning, Research and Development;	Notify beneficiaries of Limited English Proficiency services.	Annually
DPS Legal; DPS EEO Coordinator	Create and post notice of rights.	December 29, 2021
Office of Planning, Research and Development; Patrol Public Affairs Unit; Dispatch Operations	Track Limited English Proficiency interactions.	Ongoing
Planning – SAU	Report Patrol Limited English Proficiency interactions to the Department of Public Safety civil rights staff.	Annually
Office of Planning, Research and Development	Develop and conduct Limited English Proficiency training	April 15, 2022, and biennially thereafter



ATTACHMENT – LIMITED ENGLISH PROFICIENCY PLAN

OSP-403.22

DPS EEO Coordinator	Develop a civil rights complaint form	Completed - 2021
DPS Legal; Office of Planning, Research and Development; DPS EEO Coordinator	Review/Consider using Patrol List as interpreters/translators update policies surrounding	April 15, 2022

C. REVIEW OF CURRENT STATUS

1. A review was conducted of the 2019 American Community Survey as well as the interactions with Limited English Proficiency individuals documented in the last three completed calendar years. Based on the statewide survey and those interactions, records determined to be vital records will be translated and posted on the Division website and made available to Division personnel and Limited English Proficient individuals. Every five years, a review of the languages other than English will be considered using a reputable source and recent Division personnel contact with Limited English Proficiency individuals in order to inform revisions to this Limited English Proficiency Plan, a Notice of Rights, and Vital Records that necessitate translation into the primary languages of those Limited English Proficiency individuals. If additional services are identified or required, they will be provided as needed.
2. The following forms/documents have been translated and are immediately available for use in the language indicated:

FORM NUMBER	FORM NAME	AVAILABLE LANGUAGES
OHP 0153	HP-24R Consent to Search	English / Spanish
OHP 0277	HP-70G Constitutional Rights Waiver	English / Spanish
INV 0059	Voluntary Statement	English
INV 0159	Voluntary Statement	Spanish
HSY 7742	Always Buckle Your Seatbelt - Pamphlet	English
HSY 7760	Always Buckle Your Seatbelt - Pamphlet	Spanish