

General Order

Houston Police Department



ISSUE DATE:

June 21, 2022

NO.

500-13

REFERENCE: Supersedes all prior conflicting Circulars and Directives, and General Order 500-13, dated December 11, 2019

SUBJECT: USE OF INTERPRETERS AND TRANSLATORS

POLICY

The Houston Police Department recognizes the diverse nature of the greater Houston community and strives to provide prompt and effective communication between department personnel and those individuals in need of police services, including those persons who are Deaf or Hard of Hearing (DHH) or limited English proficient (LEP).

The department strives to be in compliance with all local, state, and federal laws consistent with its obligations under Title VI of the Civil Rights Act of 1964 and by Part A, Title II of the Americans with Disabilities Act (ADA).

This General Order applies to all employees.

DEFINITIONS

American Sign Language (ASL). The predominant sign language of deaf communities in the United States and most English speaking parts of Canada. ASL is the official sign language that is accepted by ADA Title II entities.

Auxiliary Aids and Services. Effective methods of making aurally delivered materials available to individuals with hearing impairments, including deaf service videos, placards, DHH certified interpreters, written notes, video remote interpreting, and qualified employee interpreters.

Deaf or Hard of Hearing (DHH) Certified Interpreter. A professional interpreter utilized by the department who holds an advanced or master level certification with the Board of Evaluation of Interpreters (BEI) or who is certified through the Registry of Interpreters for the Deaf (RID).

Deaf or Hard of Hearing (DHH) Person. An individual who is unable to communicate or who has difficulty communicating and/or understanding communication through spoken words.

Informal Interpreter. An HPD employee or an age-appropriate friend or family member of a DHH or LEP person who is able to effectively facilitate communication.

Limited English Proficient (LEP) Person. An individual whose primary language is not English and who possesses a limited ability to read, speak, write, or otherwise understand the English language.

Professional Interpreter. Any person hired for a fee to interpret or translate.

Qualified Employee Interpreter. Any employee who has passed the appropriate language proficiency test and is therefore qualified to serve as an interpreter and paid for their proficiency in a language other than English, including ASL.

Video Remote Interpreting (VRI). A video telecommunication service that uses video conferencing through a device to facilitate American Sign Language communication between a DHH person and a DHH certified interpreter.

1 RESOURCES AND TRAINING

It is imperative that all HPD employees are properly trained on how to effectively communicate with DHH and LEP persons. The department shall provide periodic training to employees about the department's DHH and LEP policies, including how to access department authorized telephonic and in-person language assistance. The department shall conduct such training for new recruits at pre-service training at the Academy and at roll call for officers on a periodic basis as deemed necessary by the Chief of Police.

The department strives to foster positive interactions with all members of our community. Therefore, the department shall take reasonable steps to develop in-house language capacity through training and by hiring personnel with language diversity skills. In an effort to improve employees' ability to independently communicate with LEP persons, HPD offers several foreign-language training curricula in different formats. Employees interested in foreign-language training should contact the Training Division for details and scheduling.

The following department resources are available for communicating with DHH or LEP persons:

- a. **Qualified Employee Interpreters:** The department has qualified employee interpreters who provide language assistance for all department approved languages including ASL.
- b. **Foreign Language Identification Flashcards:** Foreign language identification flashcards ("I Speak" cards) that allow LEP persons to select their primary language from a list of 38 different languages, to assist employees in identifying the language if interpretation services are needed.
- c. **Department Forms:** In an effort to provide assistance to LEP persons, many common police-related forms are available in other languages. Employees shall check the department's Intranet Portal or the concerned division to determine which translated forms are available.
- d. **Interpreter Services:** The department maintains a contract for translation services by professional interpreters.
- e. **Language Line:** The department maintains a contract for translation services with Language Line Solutions for professional interpreters in over 240 languages, available to the department via telephone.
- f. **LEP Posters:** LEP posters are displayed in public areas of all HPD buildings. These posters list different languages and advise persons that language assistance is available upon request.
- g. **Video Remote Interpreting (VRI):** DHH certified interpreters are available through VRI services which are provided throughout the department.

Desk or intake employees, as well as shift supervisors, shall familiarize themselves with the usage and location of the VRI device that is in or nearest to their division. Instructions for VRI device usage shall be situated next to each VRI device.

Malfunctions discovered with the VRI device during regular business hours shall be reported to the divisional technology coordinator and a shift supervisor. If malfunctions are discovered after regular business hours, the malfunction shall be reported directly to the Office of Technology Services and to a shift supervisor.

Technology coordinators in any division that has a VRI device shall ensure that the device is operable. The device shall be tested at minimum once a month and the test shall be recorded in the usage log that should always be located next to the device. The divisional technology coordinator shall contact the Office of Technology Services for any further troubleshooting issues.

During shift transition, the supervisors working the shift in which the malfunction was discovered shall ensure that a work order number is posted on the device and shall inform the relieving shift supervisors of any malfunctions of the VRI device.

Division commanders who have managerial oversight over a VRI device shall ensure that the division's technology coordinator maintains the device for operational readiness.

2 FIELD RESPONSE

Department employees shall focus on establishing effective communication upon becoming aware of a DHH or LEP person, whether at the scene of a call for service, on-view incident, or simply interacting with a member of the public. While this may require utilizing an informal interpreter, effective communication may be achieved through a series of written notes, gestures, and lip reading in some situations. Officers shall consider the DHH person's preferred choice of communication.

When an officer is unable to communicate effectively with a DHH or LEP person, the officer may ask an age-appropriate citizen for assistance as an informal interpreter. If an emergency exists, employees shall act in the best interest of the DHH or LEP person. Employees shall use the most reliable, temporary language assistance available to obtain basic facts at the scene.

On-Duty Qualified Employee Interpreters for LEP or DHH Persons

If no one is able to assist at the scene, the officer shall ask the dispatcher to send out a request for an on-duty qualified employee interpreter to make the scene and assist with gathering general information.

Dispatchers have the authority to dispatch the following on-duty qualified employee interpreters in the following order:

- a. Officer within the beat.
- b. Officer within the district.
- c. Civilian employee within the beat.

- d. Civilian employee within the district.
- e. Any on-duty officer.
- f. Any on-duty civilian employee.

An employee responding to assist the primary officer shall obtain a supervisor's approval if responding from a different division.

Off-Duty Qualified Employee Interpreters or Professional Interpreters

If an on-duty qualified employee interpreter is not available to communicate with a LEP or DHH person, employees shall contact an on-duty supervisor who shall determine if an off-duty qualified employee interpreter or professional interpreter is needed. If the supervisor determines that there is a legitimate need, the supervisor shall then contact or have the dispatcher contact the Crime Analysis & Command Center Division (Command Center) to have one assigned.

Subject to the specific guidelines in this General Order regarding DHH persons, the Command Center should assign the below listed interpreters in the following order:

- a. Any off-duty officer.
- b. Any off-duty civilian employee.
- c. Use of a VRI device for DHH persons, if the on-scene supervisor determines that an on-scene interpreter is not necessary.
- d. Use of the Language Line service for LEP persons, if the on-scene supervisor determines that an on-scene interpreter is not necessary and if approved by the requesting employee's shift commander.
- e. A professional interpreter, including a DHH certified interpreter, if the on-scene supervisor determines that an on-scene interpreter is necessary and if approved by the requesting employee's division commander.

Employees must be aware that having a professional interpreter come to the scene is a lengthy process; it may take several hours before one arrives.

DHH Certified Interpreters

When an officer is at a scene for a Class B misdemeanor or higher offense involving a primary complainant, witness, or suspect who is DHH, the officer shall either use a VRI device or contact the Command Center to request a DHH certified interpreter. A qualified employee interpreter who is not a DHH certified interpreter shall not provide translation in these situations. Employees should respect the DHH person's preference regarding a VRI or an in-person DHH certified interpreter whenever possible, but shall not unnecessarily delay an investigation to do so.

Officers shall use a VRI device or an in-person DHH certified interpreter as soon as possible at the scene, hospital, or at the Joint Processing Center (JPC), if a DHH person is under arrest for

a Class B misdemeanor or higher offense or is being given the statutory DWI warning for an intoxilyzer, blood, or urine test. This requirement also applies when the DHH person is a juvenile.

Arrest

If an officer arrests or transports a DHH or LEP person, the officer shall advise the suspect of the reason for the arrest in the most effective means of communication reasonably available. The officer shall verbally advise the HPD JPC supervisor that the suspect is a DHH or LEP person when placing the suspect in jail.

Routine Traffic Citations and Crash Investigations

An officer issuing a traffic citation may be able to effectively communicate using an informal interpreter, written notes, and/or information obtained via documents produced by the driver. If further investigation is necessary to complete the law enforcement interaction, then the officer shall request a qualified employee interpreter.

When documenting a traffic crash investigation involving a DHH or LEP person, employees shall list the following in the body of a report and/or traffic citation:

- a. The language and dialect used or needed to communicate with the DHH or LEP person.
- b. That an interpreter was used or is needed for further investigation.
- c. Pertinent information about the interpreter, including the person's name, address, telephone contact information, and license or certificate numbers.

3 INVESTIGATION RESPONSE

Investigations may require the use of an interpreter in order to properly protect the rights of the suspect and/or to ensure the accuracy of the information provided by a DHH or LEP person, whether a complainant, suspect, or witness. Although the DHH or LEP person may approve the use of an informal interpreter or qualified employee interpreter to facilitate communication when filing a report, police personnel shall arrange an interview with a professional interpreter if necessary to protect the integrity of the report.

Investigators who need an interpreter shall follow the guidelines set forth in Section 2, *Field Response*. Investigators shall use an on-duty qualified employee interpreter whenever possible before using an off-duty qualified employee interpreter or a professional interpreter. If a professional interpreter is warranted, investigators shall obtain approval of the investigator's division commander and contact the Command Center to have one assigned. If a specific interpreter is needed, the investigator shall request the Command Center to contact that interpreter.

If a qualified employee interpreter is utilized to assist in the investigation, the entire interview shall be audio and video recorded and the DHH or LEP person shall be informed of the qualified employee interpreter's dual role.

Complaints

When handling a complaint involving an LEP or DHH person, intake employees shall use a qualified employee interpreter if possible. If no such interpreter is available, intake employees may use the Language Line for LEP persons if approved by the shift commander and may use a VRI device for DHH persons. The intake employee shall translate written communications regarding complaints with LEP complainants and witnesses into that person's primary language.

Investigations Involving DHH Persons

Officers shall use a VRI device or an in-person DHH certified interpreter by scheduling an interview at a mutually agreeable date and time if a DHH person is:

- a. Involved in a crash involving serious injuries.
- b. Suspected of a felony offense.
- c. Suspected of committing a Class B or higher offense and is being interrogated under conditions requiring *Miranda* warnings.
- d. Giving a sworn oral or sign language statement.

Employees should respect the DHH person's preference regarding a VRI or an in-person DHH certified interpreter whenever possible, but shall not unnecessarily delay an investigation to do so. The investigating division is responsible for ensuring that a DHH certified interpreter is used to communicate with the DHH person in all of the above circumstances. This requirement does not preclude field units from using auxiliary aids and services to obtain basic and/or emergency information.

The above requirements also apply when the DHH person is a juvenile.

4 SUPPORT RESPONSIBILITIES

Employee Services Division

The Employee Services Division (ESD) shall maintain an accurate and current list of all qualified employee interpreters. The ESD shall provide the current list to the Command Center on at least a quarterly basis.

Office of Planning & Data Governance

On an annual basis, the Office of Planning & Data Governance (OPDG) shall determine whether specific vital documents should be translated into additional languages. The OPDG shall assess demographic data, review utilization of contracted language access services, and periodically consult with community based organizations in order to determine if there are additional languages into which vital documents should be translated.

The OPDG shall serve as the custodian of all vital documents that have been translated. If an LEP person seeks information about a document that is not translated into his or her primary

language, the department shall then provide competent oral interpretation of that document in the LEP person's primary language.

Alternative Dispute Resolution Unit

The ADA coordinator is a departmental representative designated by the Chief of Police and is the lieutenant over the department's ADR Unit. Personnel in the Alternative Dispute Resolution (ADR) Unit, including the ADA coordinator, shall review grievances concerning the availability and/or use of auxiliary aids and services. ADR Unit personnel may visit locations that have a VRI device to ascertain operability and accessibility. All employees, regardless of rank, shall cooperate with ADR Unit personnel.

5 COMPENSATION

The department provides incentive pay to qualified employee interpreters whose language skills are deemed critical to the mission of their job assignment.

Off-duty employees called to duty to provide language assistance shall be compensated according to General Orders 300-07, **Overtime Compensation – Classified**, and 900-07, **Overtime Compensation – Civilian**. Compensation shall be authorized from the time the employee receives the notification to no more than one hour past the end of the call-up assignment. Overtime compensation shall be handled by the qualified employee interpreter's division. To verify these times, the employee's supervisor shall contact the Command Center.

Divisions requesting the services of a professional interpreter other than a VRI shall be responsible for the interpreter's fee.



Troy Finner
Chief of Police