

General Order

Houston Police Department



ISSUE DATE:

December 11, 2019

NO.

500-13

REFERENCE: Supersedes all prior conflicting Circulars and Directives, and General Order 500-13, dated August 27, 2018

SUBJECT: USE OF INTERPRETERS AND TRANSLATORS

POLICY

The Houston Police Department (HPD) 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

ADA Coordinator. Departmental representative designated by the Chief of Police who shall resolve grievances concerning the availability and/or use of *auxiliary aids and services*. The department's ADA Coordinator is the lieutenant over the department's Alternative Dispute Resolution Unit.

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

Auxiliary Aids and Services. Includes deaf service videos, placards, *DHH certified interpreters*, written notes, *video remote interpreting (VRI)*, *qualified employee interpreter*, and other effective methods of making aurally delivered materials available to individuals with hearing impairments.

Bilingual. Any individual who is able to read, speak, or write two languages fluently and communicate directly and accurately in both English and another language.

Deaf or Hard of Hearing Certified Interpreter. A person 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).

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

Limited English Proficient (LEP). Describes 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 or Translator. 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. These employees are paid for their proficiency in a language other than English.

Video Remote Interpreting (VRI). A video telecommunication service that uses video conferencing through a device to interpret American Sign Language (ASL). Interpreters utilized via this service are *DHH certified interpreters*.

1 AVAILABILITY OF RESOURCES

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.

The following department resources are available for communicating with deaf or hard of hearing (DHH) and/or limited English proficient (LEP) persons:

- a. **Bilingual Employees and Qualified Employee Interpreters:** The department has *qualified employee interpreters* who provide language assistance for all department approved languages including American Sign Language.

Certain employees are qualified to serve as interpreters as it relates to court proceedings. Civilian *qualified employee interpreters* are certified by the City of Houston, while officers are certified by a language vendor.

- 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 Spanish. Employees should 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 professional interpretation and translation services.
- e. **Language Line:** AT&T provides language assistance in over 150 languages by making interpreters available to the department via telephone. Because this is a fee-based service, prior supervisor authorization is required.
- 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. A list of VRI locations can be found

on the Intranet Portal, Quick Access to Information, VRI Locations, or by contacting the Command Center.

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.

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 that a member of the public is deaf or hard of hearing (DHH) or limited English proficient (LEP), whether at the scene of a call for service, on-viewed incident, or simply interacting with a member of the public. While this may require utilizing an informal interpreter, effective communication may in some situations be achieved through a series of written notes, gestures, and lip reading. Consideration should be given to 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. If no one is able to assist at the scene then the officer shall ask dispatch to send out a request for an on-duty officer who knows how to interpret or translate the needed language to make the scene and assist with general information gathering.

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.

The officer responding to assist the primary officer shall seek his supervisor's approval if responding from a different division.

If an on-duty *qualified employee interpreter* is not available, employees shall contact their supervisor who shall determine if an off-duty qualified employee interpreter or professional interpreter is needed. If it is determined that there is a legitimate need, the supervisor shall then contact or have the dispatcher contact the Command Center to have one assigned.

The Command Center should assign the below listed qualified interpreters in the following order:

- g. Any off-duty officer.
- h. Any off-duty civilian employee.
- i. A professional interpreter or use of the Language Line service.

Employees must be aware that having a *DHH certified interpreter* or *professional interpreter* come to the scene is a lengthy process; it may take several hours before one arrives. For DHH complainants and witnesses, VRI's are located throughout the department for general information gathering.

Division commanders may approve the use of an authorized off-duty qualified employee interpreter or a professional interpreter. The approving division commander shall contact the Command Center, which shall then contact the appropriate interpreter.

If a DHH complainant requests a *DHH certified interpreter* or 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 contact the Command Center to request a *DHH certified interpreter*. In this instance, the Command Center shall contact the division commander for approval before an on-scene interpreter is called out.

Arrest

If the arresting and/or the transporting officer is aware that the suspect is DHH or LEP, he shall be responsible for advising the suspect of the reason for the arrest in the most effective means of communication reasonably available. The officer shall verbally advise the jail HPD supervisor that the suspect is DHH or LEP when placing the suspect in jail.

Documentation

An officer issuing a common 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 would be necessary to complete the law enforcement interaction, then a *qualified employee interpreter* shall be requested.

In regards to a routine traffic crash investigation involving a DHH or LEP person, employees shall list the following within the body of a report 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 DHH certified interpreters or a professional interpreter in order to properly protect the rights of the suspect and/or to ensure the accuracy of the information related to the investigation that is being provided by a DHH or LEP complainant, suspect, or witness.

Investigators who need an interpreter shall follow the guidelines set forth in this General Order. Investigators shall try to use on-duty qualified employee interpreters first before using a professional interpreter. If a DHH certified interpreter or professional interpreter is warranted, investigators shall 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.

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 should arrange an interview with a DHH certified interpreter or professional interpreter, if necessary, to protect the integrity of the report.

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.

When handling a complaint involving an DHH or LEP person, employees should rely on an on-duty qualified employee interpreter or the Language Line. HPD shall translate written communications with DHH or LEP victims, witnesses, and complainants into that person's primary language.

DHH Specific Investigation

The following situations shall always require the use of a DHH certified interpreter by scheduling an interview at a mutually agreeable date and time. The DHH person is:

- a. Involved in a crash involving serious injuries.
- b. Suspected of a felony offense.
- c. Under arrest for any Class B misdemeanor or higher offense or for driving while intoxicated (DWI) and is being given the statutory or DWI warning.
- d. Suspected of committing a serious offense and is being interrogated under conditions requiring *Miranda* warnings.
- e. Being given an intoxilyzer, blood, or urine test.

- f. A minor arrested for driving under the influence (DUI) Class C.
- g. Giving a sworn oral or sign language statement.

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.

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 *bilingual* employees and certified employee interpreters. The ESD shall provide the current list to the Command Center on a quarterly basis or earlier if requested or if the list is updated.

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 department's OPDG director 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 Office of Planning and Data Governance 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, then the department shall provide competent oral interpretation of that document in the LEP person's primary language.

Alternative Dispute Resolution Unit

Personnel in the Alternative Dispute Resolution Unit, including the *ADA coordinator*, shall review grievances concerning the availability and/or use of auxiliary aids and services. A member of the ADR staff may visit locations that have a VRI device to ascertain operability and accessibility. All employees, regardless of rank, shall cooperate with ADR staff.

Technology Coordinator's Responsibilities

Technology coordinators in the 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 trouble shooting issues.

5 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.

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.

6 COMPENSATION

The department provides incentive pay to *bilingual* employees 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 Order 300-07, **Overtime Compensation**. 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 interpreting employee's division. To verify these times, the employee's supervisor shall contact the Command Center.

Divisions requesting the services of a DHH certified interpreter or professional interpreter shall be responsible for the interpreter's fee.



Art Acevedo
Chief of Police