General Order

Houston Police Department

ISSUE DATE:	NO.
August 7, 2012	500-23

REFERENCE: Supersedes all prior conflicting Circulars and Directives, and General Order 500-23, dated May 23, 2000

SUBJECT: USE OF INTERPRETERS: PROVIDING SERVICES TO LIMITED ENGLISH PROFICIENT PERSONS

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 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, HPD shall take reasonable steps to provide LEP persons meaningful access to its services. HPD utilizes various department and community resources to remove language barriers that may impede vital communications between employees and LEP persons.

Employees shall follow the procedures in this General Order to effectively communicate with any LEP person.

If employees determine that a person is deaf or hard of hearing, they shall refer to General Order 500-13, **Dealing With the Deaf or Hard of Hearing**.

This General Order applies to all employees.

DEFINITIONS

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.

Certified 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.

Interpreter. Any individual whose primary purpose is to listen to a communication in one language and orally convert it into another language while retaining the same meaning.

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.

1 PROTOCOL FOR PROVIDING LANGUAGE ASSISTANCE

When it is apparent in police-related matters that effective communication may not occur due to a language barrier, employees must attempt to provide effective, free language assistance, including whenever an LEP person requests language assistance services.

Field Encounters

When providing language assistance in the field, employees may request an on-duty certified employee interpreter via the dispatcher. If an on-duty certified employee interpreter is not available, employees shall contact their supervisor, who shall determine if the situation necessitates the use of an off-duty certified employee interpreter, professional interpreter, Language Line, or other department language resource.

If an emergency exists, employees shall act in the best interest of the LEP person. The well-being of the LEP person involved is of the utmost concern. Employees are to use the most reliable, temporary oral language assistance available to obtain basic facts such as descriptive information on a fleeing suspect or identifying information of an injured person.

In non-emergency circumstances, employees should use only family, friends, or bystanders for interpreting in very informal, non-confrontational contexts, and only to obtain basic information at the request of the LEP person. Using family, friends, or bystanders to interpret could result in a breach of confidentiality, a conflict of interest, or an inadequate interpretation.

Barring exigent circumstances, employees should not use minor children to provide interpreter services.

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

Employees shall list the following within the body of an incident report or traffic citation:

a. The language and dialect used or needed to communicate with the 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.

2 BOOKING OR TICKETING SUSPECTS

Jail Division

When a prisoner is booked at a City jail or police station lockup facility and language assistance is needed, a Jail Division supervisor or designee shall:

a. Provide the prisoner an interpreter in the following manner:

   1. Use an on-duty certified employee interpreter first before using a professional interpreter.

   2. If the use of a professional interpreter is warranted, a Jail Division supervisor or designee shall contact the Crime Analysis and Command Center to have one assigned.

   3. If a specific certified employee interpreter or professional interpreter is needed or was used previously with the prisoner, the Jail Division supervisor or designee shall inform the Crime Analysis and Command Center, who shall make a reasonable effort to contact that same person.

b. Note on the person's Criminal History Record:

   1. The prisoner's need for an interpreter and the language and dialect of the prisoner (if known).

   2. If the prisoner requested an interpreter.

   3. The name of any interpreter used, and the date and time the interpreter was contacted.

c. Notify the court that an interpreter may be required if the prisoner is to be arraigned before a municipal court judge.

Employees shall not use other prisoners to provide language services, barring exigent circumstances.

Booking Blotter, Ticket, and Incident Report

Employees shall list the following information on the booking blotter or ticket, and

within the body of the incident report (if generated):

a. The language and dialect used or needed to communicate with the prisoner.

b. That an interpreter was used or is needed for further investigation.

c. Information about the interpreter, including the person's name, address, telephone contact information, and license or certificate numbers.

3 INTERROGATION OF LEP SUSPECT(S)

When interrogating a detained suspect who is an LEP person, a certified employee interpreter shall be utilized first. If a certified employee interpreter is utilized, the entire interview shall be recorded and the LEP person shall be informed of the certified employee interpreter's dual role. In the event a certified employee interpreter is not available, a professional interpreter shall be utilized.

If a professional interpreter is utilized, the interrogation of the LEP suspect shall take place, if feasible, in a room equipped with audio and visual technology.

Interviews and Complaints Involving LEP Persons

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

If an emergency exists, officers are to act in the best interest of the citizen or prisoner. The well-being of the citizen or prisoner involved is of the utmost concern.

4 DEPARTMENT RESOURCES FOR COMMUNICATING WITH LEP PERSONS

The department shall take reasonable steps to develop in-house language capacity through training or by hiring personnel with specific language skills. The following department resources are available for communicating with LEP persons.

a. **Bilingual Employees and Certified Employee Interpreters:** The department has bilingual employees and certified employee interpreters who provide language assistance to LEP persons in Spanish, Vietnamese, Korean, Cantonese, or Mandarin. The department provides incentive pay to bilingual employees whose language skills are deemed critical to the mission of their job assignment. Certain employees are certified and qualified to serve as interpreters as it relates to court proceedings. Civilian certified employee interpreters are certified by the City of Houston, while officers are certified by a language vendor.

b. **Foreign-Language Training:** 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.

c. **Interpreter Services:** The department maintains a contract for professional interpretation and translation services. Professional interpreters and translators shall be requested by a supervisor only.

d. **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.

e. **Foreign Language Identification Flashcards:** The Training Division shall provide employees foreign language identification flashcards ("I Speak" cards) that allow LEP persons to select their primary language from a list of 38 different languages. This shall assist employees in identifying the language if interpretation services are needed.

f. **LEP Posters:** LEP posters are displayed in public areas of all HPD buildings. These posters list six different languages and advise persons that language assistance is available upon request.

g. **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.

h. **Community Meetings:** The department strives to foster positive interactions with all members of our community. Throughout the department, several community meetings are held in languages other than English. Employees should contact their division commander for additional information.

5 RESPONSIBILITIES

Investigators

Investigators who need an interpreter shall follow the guidelines set forth in this General Order. Investigators shall try to use on-duty certified employee interpreters first before using a professional interpreter. If a professional interpreter is warranted, investigators shall contact the Crime Analysis and Command Center to have one assigned. If a specific interpreter is needed, the investigator shall request the Crime Analysis and Command Center to contact that interpreter.

Supervisors

When an employee calls a supervisor to request the assignment of an off-duty certified employee interpreter or professional interpreter to a police scene, the supervisor may elect to report to the scene to further assess the situation. If it is determined that an off-duty certified employee interpreter or professional interpreter is needed, the supervisor shall contact or have the dispatcher contact the Crime Analysis and Command Center to have one assigned.

Dispatchers

Dispatchers have the authority to dispatch the following on-duty certified 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

Any other certified employee interpreter must be approved by the Crime Analysis and Command Center before being assigned to the incident.

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 Crime Analysis and Command Center on a quarterly basis or earlier if requested or if the list is updated.

Crime Analysis and Command Center

Only the Crime Analysis and Command Center may assign the below listed certified interpreters, in the following order:

a. Any off-duty officer

b. Any off-duty civilian employee

c. A professional interpreter or use of the Language Line service

Division Commanders

Division commanders may authorize the use of an off-duty certified employee interpreter or a professional interpreter. The division commander shall contact the Crime Analysis and Command Center, which shall then contact the appropriate interpreter.

6 DOCUMENT TRANSLATION

On an annual basis, the HPD Planning office shall determine whether specific vital documents should be translated into additional languages. The department's Planning 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.

Inspections Division 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.

7 COMPENSATION

Off-duty employees called to duty to provide oral 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.

To verify these times, the employee's supervisor shall contact the Crime Analysis and Command Center. Overtime compensation shall be handled by the interpreting employee's division.

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

8 TRAINING

It is imperative that all HPD employees are properly trained on how to effectively communicate with LEP persons. The department shall provide periodic training to employees about the department's 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.

9 RELATED GENERAL ORDERS

300-07, **Overtime Compensation**
500-13, **Dealing With the Deaf or Hard of Hearing**



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