



INTERPRETERS/LANGUAGE SERVICES

FC No.: 1121

Date: 11-17-20

If a provision of a regulation, a departmental directive, or rule conflicts with a provision of the contract, the contract prevails except where the contract provision conflicts with State law or the Police Collective Bargaining Law. (FOP Contract)

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I. Policy

It is the policy of the department to furnish appropriate auxiliary aids and services whenever necessary to ensure effective communication with individuals who are deaf or hard of hearing. Language services will also be made available whenever necessary to ensure effective communication with individuals that are limited English proficient (LEP), so the department may serve all members of the community.

II. Definitions

- A. Interpreter - A person who translates speech orally, i.e., translator.
- B. Limited English Proficient (LEP) - A person is LEP if his/her native language is not English, and he/she has a limited ability to speak, read, write, or understand English.
- C. Multilingual - Able to speak effectively in multiple languages.

III. Available Services for Those Who Are Deaf or Hard of Hearing

A. Auxiliary Aids and Services

Auxiliary aids and services include qualified sign language interpreters, written materials, note pads, assistive listening devices, and other effective methods of communicating with individuals who are deaf or hard of hearing. The type of aid or service required for effective communication will depend on the individual's usual method of communication and the nature, importance, and duration of the communication.

B. Primary Consideration

When an auxiliary aid or service is required to ensure effective communication, the department must provide an opportunity for individuals who are deaf or hard of hearing to request the auxiliary aids and services of their choice and must give primary consideration to the choice expressed by the individuals. "Primary consideration" means that the department must honor the choice, unless it can be shown that another equally effective means of communication is available, or that use of the means chosen would

result in a fundamental alteration in the service, program, or activity, or ~~in~~ undue financial and administrative burdens.

C. Telecommunications Devices for the Deaf (TDD)

1. Communications Division - All ECC operations floor consoles are TDD equipped for emergency and non-emergency calls.
2. Department Facilities - The Americans with Disabilities Act requires use of the TDD for the deaf or an equally effective telecommunications system to communicate with individuals who use TDD. Most of the department's facilities have TDD. If one is not available, employees calling TDD users should call the Maryland Relay Service at 711. If the phone used has a three-digit block on it, call (800) 735-2258 and wait 35 to 40 seconds after the TDD tones sound for an operator. Employees using the service will communicate with the system operator by voice and will carry on a conversation with the TDD user through the operator. The Maryland Relay Service will not be used for emergency telephone communication.

D. Employee Sign Language Interpreters

The department maintains a list of employees who can use sign language (i.e., Telestaff); when temporary emergency assistance is needed, contact ECC.

E. Visual Communication Services Through TCS Interpreting Inc. (interpreting services for people who are deaf or hard of hearing)

The County has a contract with TCS Interpreting, Inc. (TCS) to provide visual communication services including the following: American Sign Language, Pidgin Signed English, oral interpretation, Cued Speech, tactile/low vision interpreting (for those who are blind as well as deaf), trilingual interpreting, and video remote interpreting services are available to county employees. If the officer is not able to determine the type of interpreting required, TCS will assist in that determination. Interpreting services for people who are deaf or hard of hearing are available on a 24/7 basis.

1. Routine Requests

Interpreting requests scheduled with at least **three** full business days advanced notice are considered routine requests. Officers should contact the ADA Compliance Office in DGS at adacompliance@montgomerycountymd.gov or 240-777-6197 for assistance or contact TCS directly at client@interpreting.com or call 240-478-6392 (M-F 0800 to 1730 hours) and provide the following information:

- a. Account: Montgomery County Police Department
- b. Officer's name and ID number
- c. Description of interpreting needs
- d. Officer's contact information.

2. Last-Minute Requests (24/7 basis)

Last-minute requests are those that are made with less than three business days advanced notice to TCS. Officers should:

- a. Call the TCS Emergency Line at 240-515-0212. This line is monitored 24/7; however, during high volume call times, the officer may need to leave a message. TCS will respond to the officer within 30 minutes to confirm the interpreter.
- b. Officers should provide the following information to TCS:
 - i. Account: Montgomery County Police Department
 - ii. Officer's name and ID number
 - iii. Description of interpreting needs
 - iv. Officer's contact information.

F. Video Remote Interpreting Services

Video remote interpreting services provides American Sign Language interpreting using an off-site interpreter, internet connection, computer or tablet with a camera, and specialized software. This service is available at the CPU and MCDC only and permits connection with an interpreter within ten minutes.

- G. Sign language interpreters are also available for department employees via the Language Bank (see IV. B.).

IV. **Available Foreign Language Services**

A. Telephone Interpreter - Voiance

The Montgomery County Police Department has a contract with Voiance for telephone interpreter services. Voiance provides interpreters in hundreds of languages and operates 24/7. This service is provided to Montgomery County Police Department personnel only. Do not disseminate the account information and PIN. Instructions for accessing a Voiance interpreter are the following:

1. Dial **1-833-379-XXXX**
 - a. **Backup phone number 1: 1-833-7XX-XXXX**
 - b. **Backup phone number 2: 1-818-5XX-XXXX**
2. Enter pin # XXXX
3. **Select the language needed:**
 - a. **Press "1" for Spanish**
 - b. **Press "0" for all other languages**
4. When the interpreter comes on the line, allow the interpreter to greet you and the customer.
5. Record the interpreter's ID # and, if the interpreter is willing to share, their phone number in case of accidental disconnection.
6. Give the interpreter a brief explanation of the call. Ask one question at a time and speak clearly at a normal pace.
7. Speak in **the** first person and avoid slang, jargon, and metaphors.
8. Allow the interpreter to clarify linguistic and cultural issues.
9. Say "End of Call" to the interpreter when the call is completed.

B. Language Bank

The Montgomery County Office of Community Partnerships' Language Bank is a group of volunteers who are on-call to help translate or interpret in multiple languages for County government agencies and registered non-profit organizations serving residents with limited English proficiency. To obtain assistance from a Language Bank interpreter:

1. Go to the language bank website <http://www.montgomerycountymd.gov/partnerships/language-bank.html> to login using your county login user ID.
2. Select **Search** from the menu bar to identify volunteers by criteria including language, times available, and whether they can do oral interpretation and/or written translation. Contact information for those volunteers who meet your criteria will be displayed.
3. Contact a volunteer(s) directly via phone or email to explain your current need and to request service. At the time of the request, or as soon after as possible, the volunteer will respond to let you know whether he or she is available to help with your request.
4. Language bank volunteers serve on an on-call basis; the indication times are general. If **your** meeting is anticipated to last longer than 30 minutes, try to schedule an in-person interpreter.
5. Following **the** use of language bank services, users will receive a follow-up email requesting the completion of a user survey, or you may **log in** to the language bank and click on usage report. This feedback assists in tracking the services provided and improving the program.

C. Voiance Telephone Interpreting Service Recordings

All witness, suspect, and defendant statements obtained with the assistance of a Voiance telephone interpreter, and involving a case that will be prosecuted, should be recorded. Arrangements for recording

the telephone call can be made, prior to the telephone call, by contacting ECC on the non-emergency line. All parties involved in a recorded telephone call must be informed that the call is being recorded. To obtain a copy of the recording, refer to FC 750.

D. Multilingual Police Officers

The Personnel Division maintains a list of multilingual police officers. When notified, ECC will update an officer's capability to include language interpretation skills in the CAD system and Telestaff.

V. **Communicating with Suspects/Victims/Witnesses who are Deaf or Hard of Hearing**

NOTE: Qualified interpreters are obtained through TSC-Interpreting INC. or Video Remote Interpreting Services (refer to sections III.E and III.F). Departmental personnel will not be used as qualified interpreters as a county certification is not recognized as sufficient for legal sign language translations. All identifying information for the interpreter must be included in the police report. All written questions and responses between and among police officers and persons with hearing impairments must be treated as evidence and handled accordingly.

A. Communicating When There is Probable Cause to Arrest Without Interviewing the Suspect

1. If a suspect without a hearing impairment would have been arrested on probable cause without being questioned, then a suspect with a hearing-impairment in the same situation does not need to be provided with a qualified interpreter. For example, if an officer responds to an aggravated assault call and, upon arriving at the scene, determines that sufficient probable cause exists to make an arrest without taking any statement from the suspect, the officer may make the arrest without the assistance of an interpreter. A qualified interpreter may still be required if an officer is unable to convey to the defendant the nature of the criminal charges by communicating on a note pad or by using another means of communication.

B. Communicating When Probable Cause Needs to be Established

If an officer needs to interview a suspect who is deaf or hard of hearing to determine if there is probable cause to make an arrest, the use of a qualified interpreter is highly recommended. A qualified interpreter must be provided if written communication is ineffective.

C. Interrogating an Arrestee

If an arrestee who is deaf or hard of hearing is to be interrogated about criminal-or traffic charges, the arresting officer/investigator must obtain the services of a qualified interpreter if the arrestee uses sign language as a means of communication and it is necessary for effective communication. Only interpreters provided through TSC Interpreting Inc. or Video Remote Interpreting Services should be used when interrogating an arrestee. A county certification is not recognized as being sufficient for legal sign language translations. This is necessary for communication during the interrogation **and** communicating the Miranda warnings and/or DR-15 warnings to the arrestee prior to the interrogation.

D. Communicating Prior to the Issuance of a Civil or Traffic Citation when there is Probable Cause Without Having to Interview the Suspect

1. If an individual without a hearing impairment would have been issued a civil or traffic citation without being questioned by the investigating officer, then an individual who is deaf or hard of hearing in the same situation does not need to be provided with a qualified interpreter.
2. If an officer has stopped an individual for committing a traffic violation and is unable to convey to the violator the nature of the violation, either by communicating on a note pad or another means of communication, then the officer should use discretion as to whether to call a qualified interpreter to the scene.

E. Interviewing a Victim or Critical Witness During an Investigation of an Offense

1. In the case of a non-serious offense (e.g., a theft report), if an officer is able to communicate effectively with a victim or critical witness who is deaf or hard of hearing using a note pad, the officer may proceed with the interview. However, if an investigating officer is unable to communicate effectively by using a note pad or other auxiliary aid or service, then the investigating officer must provide a qualified interpreter. If the investigating officer cannot wait until a qualified interpreter arrives, the officer will ask the victim or critical witness to come voluntarily to the police station when a qualified interpreter is available.
2. In the case of a serious offense where the victim/witness is critical to establishing probable cause, the officer must provide a qualified interpreter for the interview if the victim/witness uses sign language as a means of communication and the interpreter is needed for effective communication.

F. Prior Knowledge of Arrest/Detention

When an officer has prior knowledge that an arrest or detention of an individual who is deaf or hard of hearing will **occur**, the officer must obtain the services of a qualified interpreter before making the arrest/detention.

VI. Communicating with Suspects/Victims/Witnesses who are Limited English Proficient

A. Communicating When Probable Cause Needs to be Established, During Critical Witness Interviews and During Arrestee Interrogations

1. If the individual has limited English proficiency, and the officer is unable to communicate effectively, an interpreter must be obtained. The following methods may be utilized:
 - a. Sworn officer certified by the County
 - b. Current telephone interpreter through Voiance
 - c. Civilian MCP employee certified by the County
 - d. Employee from another county agency certified by the County
 - e. Language Bank interpreters
2. Officers are discouraged from using family members, friends, or other relatives to serve as interpreters when establishing probable cause, conducting critical witness interviews, and arrestee interrogations.

VII. Interpreters for District Court Traffic Cases

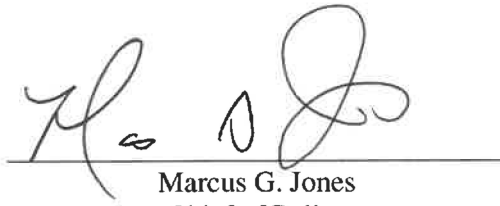
- A. The State's Attorney's Office prosecutes incarcerable traffic offenses and will make arrangements with the administrative judge for interpreters or other auxiliary aids and services when needed. However, the State's Attorney's Office will not arrange for interpreters in District Court traffic cases, which are punishable by fines only. **Therefore**, the responsibility of requesting a language or sign language interpreter is placed on the officer presenting the case.
1. When an officer has a witness, who requires an interpreter in a traffic case, the officer will **complete** the request for spoken language interpreter form and send it to the District Court Traffic Division (form located here: <https://www.courts.state.md.us/sites/default/files/import/courtforms/joint/ccdc041.pdf>.)
 - 2.. **Requests must be made at least 14 days prior to the court date.** The Traffic Division will then file a written request with the administrative judge for the interpreter to appear on the court date.

VIII. CALEA Standards: 1.2.3, 1.2.4, 1.2.5, 41.2.5, 41.2.6, 41.2.7, 42.2.1, 42.2.8, 44.2.1, 44.2.2, 44.2.3, 55.2.3, 55.2.4, 55.2.5, 55.2.6, 61.1.2, 61.1.3, 61.1.4, 61.1.7, 61.1.10, 61.2.2, 61.4.1, 70.1.5, 70.1.6, 71.4.1, 81.2.1, 81.2.5, 81.2.6, 81.2.7

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IX. Proponent Unit: Policy and Planning Division

X. Cancellation: This directive cancels Function Code 1121, effective date ***06-18-18***.



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Chief of Police