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***“INTEGRITY...FAIRNESS...SERVICE”***

**SPECIAL ORDER # 04-11**

**DATE:** July 18, 2011

**TO:** All Police Department Personnel. To be Announced at Roll Call and a Copy Posted on the Bulletin Board for 30 Days.

**RE:** Hearing Impaired and Limited English Proficiency (LEP) Persons

**EFFECTIVE:** Immediately

**BACKGROUND:** The Baltimore County Police Department has encountered an increasing number of citizens, suspects, witnesses and victims with diverse communication needs. Members should seek assistance when encountering persons with Limited English Proficiency (LEP). The improper use of language or a document could be detrimental to the prosecution of a case and/or present a negative impression of the Department.

**PURPOSE:** This policy provides direction and assistance to police personnel by establishing procedures and identifying resource options for proper communication with LEP citizens, suspects, witnesses and victims.

**RELATIONSHIP TO DEPARTMENTAL VALUES:** This program upholds the Departmental value of **SERVICE** by promoting our efforts of serving the diverse population of Baltimore County.

**POLICY:** Department members encountering LEP persons will ensure effective communication is established when conducting interviews, investigations or community service.

**PROCEDURES:** Members must remain calm, patient, and assure the Hearing Impaired or LEP person that you will seek assistance. Attitude and body language are key factors in establishing a calm situation and trust. Remember that many LEP persons are immigrants from countries where the police are feared, not respected.

1. The affected person's family or friends may be used to assist in translation for non-criminal interpretations. A family member or friend will not be used to render the necessary interpretation for an interview, interrogation, or charging document due to personal involvement, considerations of confidentiality or evidence (unless exigent circumstances exist).
2. Deaf or hearing-impaired subjects may be able to communicate through writing, visual aids, gestures, and the use of a Telecommunication Device (TDD/TTY) or dialing 7-1-1 from any phone. The Federal Communications Commission (FCC) has adopted the use of the 7-1-1 dialing code for access to Telecommunications Relay Services (TRS). TRS permits persons with a hearing or speech disability to use the telephone system via a text telephone (TTY) or other device to call persons with or without such disabilities.

## **SPECIAL ORDER # 04-11 (Continuation)**

3. Attempt to determine the language of an LEP person. The guide attached to this Special Order has been developed to assist personnel. Each language contains three sentences that translate, **“Point to your language. An interpreter will be called. The interpreter is provided at no cost to you.”**
4. Officers will attempt to locate the appropriate language interpreter by requesting the Communications Team to broadcast for an on-duty officer that may be available for assistance as an interpreter for the specific language.
5. If an on-duty officer is not readily available, the officer will make the necessary arrangements for the use of the Language Line. All Language Line conversations will be conducted through the Communications Center.
6. Any call-out of an off-duty Sign/Foreign Language member or a Certified Interpreter will only be made with the approval of the shift/unit commander.

### **Definitions**

Non-Certified Interpreter - is an interpreter that is generally accepted as reliable in collecting information and communicating immediate needs of LEP or Hearing Impaired individuals.

Certified Interpreter - is an interpreter who has Maryland Court recognized interpretation skills and is currently listed on the Maryland Court Interpreter “Release List” Registry.

### **Interviews and Interrogations**

Due to the highly sensitive nature of interviews and interrogations and their close scrutiny by the Judicial System, the following procedures will be used:

1. Any incident or case where the Miranda Rights Waiver (Form 14) or the Waiver of Rights to Prompt Presentment (Form 266) is implemented and the subject is or may be charged with a crime, the shift/unit commander responsible for the case will make the decision on whether a certified interpreter is used.
2. The investigating officer will be present during the interview or interrogation to assist the interpreter and will remain responsible for all duties not related to interpretation.
3. The interpreter will summarize their participation and actions of the interview, and the information will be placed on either a Supplement (Form 11), or a Confidential Report of Investigation (Form 47), and forwarded through the proper channels.

### **Hispanic Liaison Officer**

The Department’s LEP requests for assistance have overwhelmingly been for Spanish speaking officers and Language Line interpreters. In response, a designated Hispanic Liaison Officer (HLO) has been established by the Community Resources Bureau. This officer is available to assist members with Community Outreach Programs and Hispanic community information requests.

**NOTE:** The HLO is not to be used for routine language interpretation requests.

1. The HLO is assigned to the Community Resources Team and may be contacted during normal business hours at extension X-5901.
2. The Communications Team will be contacted to verify on-duty field status of the HLO.

## **SPECIAL ORDER # 04-11 (Continuation)**

3. The Communications Team will contact an off-duty HLO upon request of a Unit/Shift Commander to assist with Racial, Religious or Ethnic (RRE) occurrences, incidents involving Media attention or any case/incident a shift/unit commander deems the HLO would be beneficial.
4. Once an off-duty HLO is contacted by the Communications Team, the HLO will immediately contact the requesting shift/unit commander to discuss the situation.
5. The HLO will notify his/her immediate supervisor for approval prior to responding for any off-duty call back incident.

### **Personnel Section**

The Personnel Section of the Management Services Division will be responsible for:

1. Monitoring and establishing the Department's LEP needs and abilities.
2. Maintaining and annually updating the Maryland Court Interpreter "Release List" Registry for Department use.
3. Providing the Communications Team with a list of certified interpreters and a list of members that can assist with non-certified interpretation.

### **Communications Team**

The Communications Team of the Administrative & Technical Services Bureau will be responsible for:

1. Maintaining the lists provided by the Personnel Section of certified interpreters and members that can assist with non-certified interpretation.
2. Providing and recording all Language Line communications including the identification of the Department member and Language Line operator.
3. Notifying an off-duty HLO when requested by a shift/unit commander.

**IMPLEMENTATION:** A copy of this Special Order will be given to all sworn members of the Department and non-sworn supervisors and managers.

By order of,

A handwritten signature in cursive script that reads "James W. Johnson".

JAMES W. JOHNSON

*Chief of Police*