



# INTERPRETERS/LANGUAGE SERVICES

FC No.: 1121

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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 with hearing impairments. Language services will also be made available so the department may serve all members of the community.

### II. Available Services for Hearing Impairment

#### A. Auxiliary Aids and Services

Auxiliary aids and services include qualified interpreters, written materials, note pads, and other effective methods of communicating with individuals with hearing impairments.

#### B. Primary Consideration

When an auxiliary aid or service is required to ensure effective communication, the department must provide an opportunity for individuals with hearing impairments 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

1. Communications Division - The Communications Division maintains a teletype line for citizens with hearing/speech impairments. The phone number is (301) 762-7619. This number is for official police services only. Telecommunications devices (TTYs) are located at each ECC call-taker console for emergency calls.

2. Department Facilities - The Americans with Disabilities Act requires use of the TTYs for the deaf or an equally effective telecommunications system to communicate with individuals who use TTYs. Most of the department's facilities have TTYs. If one is not available, employees calling TTY 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 TTY 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 TTY user through the operator. The Maryland Relay Service will not be used for emergency telephone communication.

#### D. Employee Interpreters

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

#### E. Birnbaum Interpreting Services

1. Normal Working Hours - The county has a contract with Birnbaum Interpreting Services through the Department of Health and Human Services (HHS). Officers should contact HHS at **(240) 777-1098**, Monday through Friday, 0830 to 1700 hours, to obtain an authorization number (MC#). The officer must be prepared to provide the following information before a number will be issued:

- a. The officer's name
- b. Department
- c. Phone number
- d. Job date
- e. Job time
- f. Index code - 47401010A

g. Sub-object code - 2024  
h. Agency Code - 4740  
The officer must then call Birnbaum Interpreting Services at (301) 587-8885 and make the arrangements over the phone. An Interpreter Request Fax Sheet must then be faxed to (301) 565-0366. (See Appendix A.) **Officers must specify a "certified" interpreter trained in legal interpreting.**

2. After Normal Working Hours - Call Birnbaum and leave a message. The on-call interpreter will call the officer back.  
The officer must call HHS the following day to obtain a Montgomery County Number. The number must then be called in to Birnbaum Interpreting Services.

F. Other Services

If, for any reason, Birnbaum cannot provide an interpreter, arrangements may be made with one of the following interpreter services:

1. **Sign Language Associates, (301) 946-9710; after hours, (301) 946-9720**
2. Centralized Interpreter Referral Service, (410) 243-3800

**Officers must specify a "certified" interpreter trained in legal interpreting.**

G. Notices About Hearings/Meetings

Notices about Montgomery County Department of Police hearings or meetings should include a statement that sign language interpreters are available upon advance request. The department's TTY number should be on the notice. Normally, seven business days notice must be given to Birnbaum Interpreting Services in order to obtain an interpreter. Requests with less than seven business days notice will be charged a much higher hourly rate.

H. Cancellation of Services

Any cancellation of a Birnbaum Interpreting Services assignment must be made with two full business days notice prior to the event. If cancellations are made after that time, full payment will be due Birnbaum Interpreting Services. If the meeting is canceled and an interpreter is no longer needed, or an interpreter fails to show up for an assignment, contact Birnbaum Interpreting Services.

III. **Available Foreign Language Services**

- A. Linguistic Center, Andrews Air Force Base

A telephone patch system between the "911" switchboard and the Linguistic Center, which translates Spanish on an emergency basis, is available 24 hours a day. Officers will contact ECC by calling 911 using the complainant/victim's telephone and request a patch be established with the language service. ECC will notify all participants that the conversation will be recorded. A copy of the recording can be made for investigative/court purposes. Refer to FC 750, "Communication Tapes."

B. AT&T Language Line

The AT&T Language Line provides interpreters for more than 140 languages. This service is available, via telephone, 24 hours a day, 7 days a week. Call (800) 523-1786 and give the department's identification number (130010). All witness, suspect, and defendant statements obtained with the assistance of an interpreter, and involving a case that will be prosecuted, must be recorded. Arrangements can be made, prior to the telephone call, by contacting ECC. All parties involved in the telephone call must be informed that the call is being recorded. To obtain a copy of the recording, refer to FC 750.

C. Bilingual Police Officers

A list of bilingual police officers is maintained at ECC.

D. International Language Center (ILC)

ILC of Rockville can provide language translation services 24 hours a day, at (301) 251-9277. ILC may only be used when the need for an interpreter is apparent, the use of another service is impractical, and the crime is classified as an 0100 through 0400, or first or second-degree sexual assaults. Internal Affairs Division may utilize this service while investigating allegations of serious misconduct by a department employee. Use of ILC needs to be authorized by a division director. Exceptions to this policy can be made at the discretion of the Chief, Investigative Services Bureau.

IV. **Communicating With Hearing Impaired Suspects/Victims/Witnesses**

NOTE: Only qualified interpreters will be used. Qualified interpreters are obtained through Birnbaum Interpreting Services (refer to section II.F). Departmental personnel will not be used as qualified interpreters. 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

If a suspect without a hearing impairment would have been arrested on probable cause, 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

1. If an officer needs to interview a suspect with a hearing impairment to determine if there is probable cause to make an arrest for a serious offense (e.g., rape, aggravated assault, burglary), the use of a qualified interpreter is highly recommended. A qualified interpreter must be provided if written communication is ineffective.
2. If the investigation does not involve a serious offense, the officer may postpone the interview and possible arrest until the services of a qualified interpreter can be arranged.
3. In any case that requires an investigator to respond to the scene, the responsibility of contacting an interpreter is relinquished to the responding investigator.

C. Interrogating an Arrestee

If an arrestee with a hearing impairment 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. This is necessary for communication during the interrogation as well as 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 a suspect without a hearing impairment would have been issued a civil or traffic citation without being questioned by the investigating officer, then a suspect with a hearing impairment in the same situation does not need to be provided with a qualified interpreter. For example, if a suspect with a hearing impairment is stopped for speeding, or is to be issued a civil citation, the officer does not have to call an interpreter.
2. If an officer has stopped a suspect 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 with a hearing impairment 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 some other means of communication, 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 a hearing impaired individual will take place, the officer must obtain the services of a qualified interpreter before making the arrest/detention. Birnbaum Interpreting Services (refer to section II.F) can provide a qualified interpreter within one hour of a request.

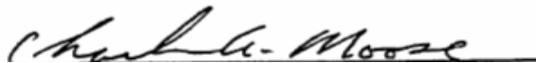
V. **Interpreters For District Court Traffic Cases**

The State's Attorney's Office prosecutes incarcerable traffic offenses and will make their own arrangements with the administrative judge for interpreters 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, and therefore, the responsibility of requesting a language or sign language interpreter is placed on the officer presenting the case. When an officer has a witness who requires an interpreter in a traffic case, the officer will contact the District Court Traffic Division, (301) 279-1568/1569, 14 days in advance of the scheduled court date, whenever possible. The Traffic Division will then file a written request with the administrative judge for the interpreter to appear on the court date.

V. **Proponent Unit:** Policy Development Unit

VI. **Cancellation**

*This directive cancels Function Code 1121, effective date 12-01-98.*



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