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609****Austin Police Department
General Orders**

Interpreter Services

609.1 PURPOSE AND SCOPE

Immediate language interpretation services are available 24 hours a day by phone. Qualified interpreters for those who are deaf or hard of hearing are available to respond to the scene upon request.

609.2 LANGUAGE INTERPRETER SERVICE

- (a) The Language Interpreter Service should be used when interpretation is necessary to provide services to the public and to perform police duties.
- (b) The Language Interpreter Service should not be used:
 - 1. For interpretation for Spanish-speaking persons, unless a Spanish-speaking officer is not available, or unless exigent circumstances require immediate translation.
 - 2. When other means are available, unless this would jeopardize the investigation.
 - 3. For long interrogations, confessions, or statements.
- (c) To obtain an interpreter, the employee should:
 - 1. Request the APD Communications supervisor notify the interpreter service;
 - (a) Communications will provide the employee with any applicable agency identification number/code needed when contacting the service.
 - 2. Provide the interpreter service with the agency identification number/code if required, the requester's employee number, and the language required.
 - 3. The employee should explain to the interpreter what is needed.
- (d) All calls made from CTECC will be recorded. If a copy of the conversation and translation is needed for evidentiary purposes, a copy should be requested from APD Communications.

609.3 INTERPRETERS & OTHER COMMUNICATION FACILITATION SERVICES FOR THOSE WHO ARE DEAF OR HARD OF HEARING

Qualified interpreters and other communication facilitation services for those who are deaf or hard of hearing are available at all hours. Instructions for obtaining their services are available through APD Communications, the Booking Desk, Centralized Investigations and Municipal Court.

When choosing what type of interpretation, auxiliary aids, or other communication facilitation services to use or provide, employees should give primary consideration to the request made by the person who is deaf or hard of hearing.

609.3.1 INTERVIEWING A SUBJECT TO ESTABLISH PROBABLE CAUSE

If an officer needs to interview a subject who is deaf or hard of hearing to determine if there is probable cause to make an arrest, an interpreter or other service must be provided if written

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communication is ineffective. When an officer cannot wait until an interpreter or other service arrives, the following procedures apply:

(a) **Minor Offenses**

1. If possible, postpone the interview until an interpreter or other service is available. If an interpreter or other service is not available in a reasonable period of time, the officer must document the investigation as completely as possible for later follow-up by the appropriate investigative unit.

(b) **Serious Offenses**

1. If an interpreter or other service is not available in a reasonable period of time, a supervisor shall be contacted to decide if an investigator should be called in to wait for an interpreter or other service. If the supervisor decides that an investigator should not respond, the officer must document the investigation as completely as possible for later follow-up by the appropriate investigative unit.

609.3.2 COMMUNICATING WITH A SUSPECT BEFORE ARREST

If probable cause exists for the arrest of a person who is deaf or hard of hearing and the same standard would apply to a suspect who is not deaf or hard of hearing, then no interpreter or other service would be required before arrest unless the officer is unable to convey the nature of the criminal charges.

If the arrestee requests the opportunity to communicate through an interpreter or other service, the arrestee should be transported to the Central Booking facility. Either the arresting officer or the transporting officer can convey the information through the interpreter or other service upon arrival.

609.3.3 INTERROGATING AN ARRESTEE

If an officer cannot inform the arrestee of the Miranda warnings without the use of an interpreter or other service, then the officer must secure an interpreter or other service before any interrogation.

- (a) Suspects who are deaf or hard of hearing must be provided an interpreter or other service before any interrogation whenever one is needed for effective communication. If exigent circumstances do not allow a delay in the interrogation of the arrestee and an interpreter or other service cannot respond within a reasonable period, the officer may go on with the interrogation only if:
1. The arrestee can understand the Miranda warnings as given; and
 2. The arrestee specifically declines the opportunity to have an interpreter or other service present or available.
- (b) If written communication becomes ineffective, the officer must stop the interrogation and wait until an interpreter or other service is present or available.

609.3.4 COMMUNICATING WITH A TRAFFIC VIOLATOR

If a person who is not deaf or hard of hearing would be issued a traffic citation without the need of being questioned, then a person who is deaf or hard of hearing in the same situation does not need to be provided an interpreter.

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If an officer has stopped a subject for a traffic violation and is unable to convey the nature of the infraction through written communication or the use of other means, the officer should use discretion about whether to call an interpreter or other service or to issue a warning rather than a citation.

609.3.5 INTERVIEWING A VICTIM OR CRITICAL WITNESS

If officers can communicate effectively in writing with a person who is deaf or hard of hearing, they may proceed with an interview using a notepad or electronic device (written notes should be retained). However, if an investigating officer is unable to communicate effectively with a victim or a critical witness, the officer must utilize an interpreter or other communication facilitation service. If the officer cannot wait until an interpreter or other service arrives, the following procedures apply:

(a) Minor Offenses

1. Have an interpreter or other service dispatched to the victim's or critical witness's location and request APD Communications re-contact the officer when the interpreter arrives; or
2. The officer may ask the victim or critical witness to come voluntarily to the station when an interpreter or other service is available. When the victim/witness arrives, the investigating officer may then return to the station to complete the investigation or arrange for follow-up by the appropriate investigative unit.

(b) Serious Offenses

1. When the victim or witness is deaf or hard of hearing and is critical to establishing probable cause for an arrest or for completing the investigation, the investigating officer must contact the appropriate supervisor before leaving the scene. The supervisor will decide if an investigator will be called in to wait for an interpreter or other service. If the supervisor decides that an investigator should not respond, the officer must document the investigation as completely as possible for later follow-up by the appropriate investigative unit.

609.3.6 SPECIAL COMMUNICATION FACILITATION CIRCUMSTANCES

In circumstances where an interpreter or another communication facilitation service is required, employees may not rely on the family members, friends, or other persons accompanying a person who is deaf or hard of hearing to provide interpretation or communication facilitation services except as specifically permitted by this order.

- (a) If the person accompanying the person who is deaf or hard of hearing is an adult, then employees may rely on the accompanying adult to provide interpretation or communication facilitation services only when:
 1. There is an emergency involving an imminent threat to the safety or welfare of an individual or the public and no department-provided interpreter is immediately available; or
 2. The person who is deaf or hard of hearing specifically requests that the accompanying adult provide interpretation or communication facilitation services, the accompanying adult agrees to provide such assistance, and

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reliance on that adult for such assistance is appropriate under the circumstances (e.g., such assistance may not be appropriate if the person who is deaf or hard of hearing is a suspect in a serious criminal offense).

- (b) If the person accompanying the person who is deaf or hard of hearing is a child, then employees may rely on the child to provide interpretation or communication facilitation services only in an emergency involving an imminent threat to the safety or welfare of an individual or the public and no department-provided interpreter is immediately available.