



CITY OF PORTLAND, OREGON



Bureau of Police

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EXECUTIVE ORDER

Date: August 7, 2013
TO: All Bureau Members
RE: DIR. 640.36

ACTION: This directive has been significantly revised. Please read the attached directive carefully.

BACKGROUND: This revision is part of an ongoing effort by the Bureau to ensure a consistently high level of service to all community members by implementing policies that represent the best available practices in law enforcement. This revision also seeks to comply with the Bureau's specific legal obligations under Title II of the Americans with Disabilities Act (ADA) and Title VI of the Civil Rights Act of 1964

640.36 COMMUNICATION WITH HEARING IMPAIRED AND LIMITED ENGLISH PROFICIENT PERSONS

Refer: Title II of the Americans with Disabilities Act (ADA)
Title VI of the Civil Rights Act of 1964
ADA Model Policies for Law Enforcement: Communicating With People Who Are Hard of Hearing and Communicating With Limited English Proficient Persons
DIR 870.90 Waiver, Statements and Rights Notification Forms

1. STATEMENT OF PURPOSE

- 1.1.** The Bureau is dedicated to the principle that all community members are entitled to meaningful access to police services. The Bureau recognizes that language barriers can sometimes inhibit or even prohibit individuals from accessing and/or understanding important rights, obligations and services and from communicating accurately and efficiently in different situations.
- 1.2.** This policy establishes protocols for accessing interpreter services when necessary to ensure effective communication with community members who have special language needs due to hearing impairment or limited English proficiency.

2. DIRECTIVE SPECIFIC DEFINITIONS

- 2.1. Hearing Impaired:** A person who is deaf (has profound hearing loss) or hard of hearing (has moderate to severe hearing loss).
- 2.2. Limited English Proficient:** A person who does not speak English as his or her primary language and who has a limited ability to read, speak, write, or understand English. (Title VI definition).

3. POLICY

- 3.1.** The Bureau will make every reasonable effort to ensure members communicate effectively with community members who have special language needs due to hearing impairment or limited English proficiency. The Bureau will take reasonable steps to provide timely, meaningful access to persons with hearing impairment or limited English proficiency to the Bureau's services, programs and benefits.
- 3.2.** Bureau members will access interpreter services for community members with special language needs in accordance with the guidelines outlined in this policy.

4. SERVICE REQUIREMENTS FOR HEARING IMPAIRED PERSONS

- 4.1.** Interpreter services will be provided for hearing impaired persons when:
 - 4.1.1.** Interviewing a hearing impaired person as a witness, victim, or suspect concerning a criminal investigation. (See DIR 870.90 for further guidance).
 - 4.1.2.** Conducting a criminal investigation involving a minor child who is a witness, victim, or suspect when the parent(s), guardian, or custodian of the child is hearing impaired.
 - 4.1.3.** Providing police services to a hearing impaired person who requests interpreter services.
 - 4.1.4.** In the course of performing their duties, a member determines interpreter services are required for effective communication with a hearing impaired person.
- 4.2.** In exigent circumstances, or while awaiting an interpreter, alternative communication methods (such as written notes) may be used. Use of alternative communication methods does not take the place of a qualified interpreter and such communications made using such alternative methods should be confirmed once an interpreter is available.
- 4.3.** When special language needs are identified, members will inform community members that interpreter services are available free of charge.
- 4.4.** Hearing impaired persons shall be provided access to a teletypewriter (TTY, also known as a telecommunications device for hearing impaired people, or TDD) in order to make a phone call in any situation in which a non-hearing impaired person would have access to a telephone. Members must also accept telephone calls placed by persons who are hard of hearing through the Telecommunications Relay Service.

5. SERVICE REQUIREMENTS FOR LIMITED ENGLISH PROFICIENT PERSONS

- 5.1.** Members will utilize interpreter services whenever it is necessary to help a Limited English Proficient (LEP) person access and/or understand important rights, obligations and services that have a nexus to the contact. Those services may include:
- 5.1.1 An available on-duty member who is proficient in the LEP person's primary language.
 - 5.1.2 An Interpreter accessed via contracted services.
 - 5.1.3 Telephone interpreter services via the Language Line.
- 5.2.** When a member determines interpreter services are necessary, he or she will request an on duty member who is proficient in the LEP person's native language. If an on-duty member is not available to interpret, or the interpreter is needed for the purposes of interrogation, the member will utilize either a Contract Interpreter or the Language Line (using the procedures outlined in Section 6).
- 5.3.** The Bureau will regularly evaluate and identify its vital documents that need to be translated and made available for the public to ensure meaningful access to police services. The Bureau will also translate documents upon request as needed to ensure access to its programs, services and activities.

6. REQUESTING INTERPRETER SERVICES

- 6.1.** All members in the field who are in need of immediate interpreter services of any kind can make the request directly to BOEC via radio.
- 6.2.** Members (investigative or otherwise), who do not have an immediate need, can make appointments for interpreter services utilizing the procedures found in the *Reference Materials* on the Intranet/CAD.
- 6.3.** Members may also use the Language Line for situations appropriate for telephone interpreters by utilizing the procedures found in the *Reference Materials* on the Intranet/CAD.
- 6.4.** Members should be aware that when BOEC receives a call that requires dispatch of patrol units to conduct a criminal investigation involving a hearing impaired person, BOEC will automatically contact an interpreter to respond to the scene. The member responding to the call will be notified via radio that an interpreter will be in route, and the interpreter cannot be cancelled without supervisor approval.
- 6.5.** Members who need access to a teletypewriter to comply with Section 4.3 of this directive can find a list of city facilities with teletypewriter capabilities on the intranet in the Reference Materials section.

6.6. Officers should review and have a working knowledge of the publication *Communicating with People Who Are Deaf or Hard of Hearing: ADA Guide for Law Enforcement* as well as any subsequent reference materials that may be found in the *Reference Materials* on the Intranet/CAD.

7. **COSTS**

7.1. Community members will not be charged any fee or be responsible for any costs associated with providing interpreter services.

8. **HISTORY**

8.1. Established August 2013

8.2. By (by J. Johnston)

8.3. Effective August 2013

8.4. Review by August 2015

For more information; please contact Dave Virtue, Chief's Office, at 503-823-0264.



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MWR/dv