

COMMUNICATION WITH INDIVIDUALS WHO ARE DEAF OR HEARING IMPAIRED

A. General Procedures

1. People who identify themselves as deaf or hearing impaired are entitled to a level of service equivalent to that provided hearing persons.
2. The department will make every effort to ensure that its officers and employees communicate effectively with people who have identified themselves as deaf or hearing impaired.
3. Effective communication with a person who is deaf or hearing impaired who is involved in an accident—whether as a victim, witness, suspect, or arrestee—is essential in ascertaining what actually occurred, the urgency of the matter, and type of situation.
4. Communication problems in police-public encounters provide the basis for potential frustration and embarrassment. Failure of officers to recognize that a person has a hearing impairment, or that person's failure to make his or her impairment known to officers, can also lead to critical misunderstandings. To avoid such potentialities, officers shall be cognizant of the following:
 - a. Be alert to indications that a person may be deaf or have a hearing impairment. Such indications include but are not limited to the following:
 1. The appearance of bumper stickers, rear window decals, or visor notices/symbols indicating the disability
 2. Use of signs, hand signals, or gestures in an attempt to communicate
 3. Display of cards by the person noting his or her hearing disability
 4. Inability or difficulty of a person to follow verbal instruction or requests for information
 5. A need to see the officer's face directly, suggesting that the person is attempting to lip-read,
 6. Evidence of assistive devices such as hearing aids, cochlear implants, or picture symbols
 7. Evidence of behaviors such as increased agitation or irritability, low frustration levels, withdrawal, poor attention, or impaired equilibrium.
 - b. When dealing with persons who are, or who are suspected of being, deaf or who have a hearing impairment, officers shall never assume that the person understands until it can be confirmed by appropriate responses to questions or directives.
 - c. Once someone is identified as a deaf or hearing-impaired person, officers shall determine by written or other forms of communication the person's preferred means of communication – sign language, reading and note writing, or speech.
 - d. For persons who use sign language, a family member or friend may interpret under emergency conditions or, in minor situations, for the sake of convenience, when an interpreter is not available or required by law. In all other situations, officers shall not rely on family members or friends for sign language interpretation due to their potential emotional involvement or conflict of interest.
 - e. Officers shall test comprehension by seeking appropriate responses to simple questions or directives. Deaf or hearing impaired persons may require additional time to understand and respond to commands, instructions, and questions.

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5. Various types of communications aid – known as “auxiliary aids and services” – are used to communicate with people who are deaf or hearing impaired. These include use of gestures or visual aids to supplement oral communication; and exchange of written notes; use of a computer or typewriter; use of assistive listening devices (to amplify sound for persons who are hearing impaired); or use of qualified oral or sign language interpreter.
6. The type of aid that will be required for effective communication will depend on the individual’s usual method of communication, and the nature, importance, and duration of the communication at issue.
7. In many circumstances, oral communication supplemented by gestures and visual aids, an exchange of written notes, use of a computer or typewriter, or use of an assistive listening device may be effective. In other circumstances, qualified sign language or oral interpreters are needed to communicate effectively with persons who are deaf or hearing impaired. The more lengthy, complex, and important the communication, the more likely it is that a qualified interpreter will be required for effective communication with a person whose primary means of communication is sign language or speech reading. For example:
 - a. If there has been an incident and the officer is conducting witness interviews, a qualified sign language interpreter may be required to communicate effectively with someone whose primary means of communication is sign language.
 - b. If a person is asking an officer for directions to a location, gestures and an exchange of written notes will likely be sufficient to communicate effectively and a sign language interpreter is often not required.

B. On-Call Interpretive Services

1. The Agency will maintain a list of sign language and oral interpreting services that are available (on-call 24 hours per day) and willing to provide qualified interpreters as needed. The Agency will update this list annually.
2. A qualified sign language or oral interpreter is one who is able to interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary. Accordingly, an interpreter must be able to sign to the deaf individual (or interpret orally to the person who does not use sign language) what is being said by the hearing person and to voice to the hearing person what is being signed or said by the deaf individual. The interpreter must be able to interpret in the language the deaf person uses (e.g., American Sign Language or Signed English) and must be familiar with law enforcement terms and phrases. Because a qualified interpreter must be able to interpret impartially, a family member, child, or friend of the individual who is deaf may not be qualified to render the necessary interpretation because of factors such as professional, emotional, or personal involvement, or considerations of confidentiality. Additionally, although a “qualified” interpreter may be certified, a certified interpreter is not necessarily “qualified”, if he or she is not a good communications match for the deaf person (e.g., where the deaf person uses Signed English and the interpreter uses American Sign Language) or the situation (e.g., where the interpreter is unfamiliar with law enforcement vocabulary). Certification is not required in order for an interpreter to be “qualified”.
3. In cases where a deaf or hearing impaired individual may be charged with a serious crime, the District Attorney should be consulted for appropriate determination of the interpretive services required prior to any interview or interrogation.

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C. Arrest Situations

- 1.** Recognizing that some persons need their hands free in order to communicate, all essential communication with the suspect should be completed prior to the use of handcuffs.
- 2.** Deaf persons and persons who have severe hearing impairments often have reduced verbal communication skills, speech that may be incoherent or otherwise resemble that of an individual who is intoxicated, and difficulty with equilibrium. As such, officers shall avoid administering standard field sobriety tests to such persons. Breathalyzer, blood alcohol, or horizontal gaze nystagmus should be employed as alternative tests.
- 3.** Some deaf and hearing-impaired persons have limited written language skills, particularly involving difficult matters such as legal warnings and admonitions. Therefore, officers shall not assume the effectiveness of this form of communication and should gain confirmation of a person's understanding whenever possible
- 4.** Officers shall ensure that deaf and hearing-impaired persons who are arrested and transported to a booking site have their communication devices with them.

D. TTY and Relay Services

- 1. Emergency Call Takers and Dispatchers**
 - a.** The emergency call center of this department shall be equipped to receive calls from TDD and computer modem users and all call takers will be trained to communicate with callers using TTY and TDD equipment.
 - b.** The deaf and hearing impaired shall be provided with direct, equal access to all emergency services provided by this department by communication through TTYs, TDDs, or alternative devices that are equally effective.
 - c.** Emergency call takers shall place a high priority on response to emergency calls for service from persons who are deaf or who have a hearing impairment.
 - d.** All call takers and dispatchers shall receive training on the use of TDDs, TTYs, and related devices as well as training in procedures and techniques for handling callers who have communication difficulties. All call takers and dispatchers shall receive training on the use of relay systems.