

	SFASU POLICE DEPARTMENT	
	Policy 7.7 Communication with the Deaf or Hard of Hearing	
	Effective Date: 04/12/19	Replaces:
	Approved: John Fields, Jr. Chief of Police	
	Reference:	

I. POLICY

It is the policy of this agency to ensure that a consistently high level of service is provided to all community members, including those who are deaf or hard of hearing. This agency has specific legal obligations under the Americans with Disabilities Act and the Rehabilitation Act. To carry out these policies and legal obligations, and to continue to provide the highest level of services to all members of the community, officers will use every means at their disposal to ensure appropriate understanding by those who are deaf or hard of hearing.

II. PURPOSE

It is the purpose of this policy to outline the management of communication with individuals who are deaf or hard of hearing.

III. GENERAL PRINCIPLES

- A. People who identify themselves as deaf or hard of hearing are entitled to a level of service equivalent to that provided hearing persons.
- B. The agency will make every effort to ensure that its officers and employees communicate effectively with people who are deaf or hard of hearing.
- C. Effective communication with a person who is deaf or hard of hearing who is involved in an incident -- whether as a victim, witness, suspect, or arrestee -- is essential in ascertaining what actually occurred, the urgency of the matter, and type of situation.

IV. PROCEDURES

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 hard of hearing. 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 instructions or to reply to 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 interacting with persons who are, or who are suspected of being, deaf or hard of hearing, 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 deaf or hard of hearing, officers shall determine by written or other forms of communication the person's preferred means of communication—sign language, reading and note writing, lip reading, or speech.
- D. For persons who use sign language, a family member or friend may interpret (1) under emergency conditions or (2) in minor situations and 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.
- F. Officers must realize that deaf or hard of hearing persons may require more time to understand and respond to commands, instructions, and questions than those who hear well.

V. COMMUNICATION AIDS

Various types of communication aids --- known as “auxiliary aids and services” --- are used to communicate with people who are deaf or hard of hearing. These include use of gestures or visual aids to supplement oral communication, an exchange of written notes, use of a computer or typewriter, use of assistive listening devices (to amplify sound for persons who are hard of hearing), and use of qualified oral or sign-language interpreters.

- A. 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. 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:
 - 1. 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.
 - 2. 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. To serve each individual effectively, primary consideration should be given to the communication aid or service that works best for that person. Officers must ask persons who are deaf or hard of hearing what type of auxiliary aid or service they need. Officers must defer to those expressed choices, unless there is another equally effective way of communicating, given the circumstances, length, complexity, and importance of the communication, as well as the communication skills of the person who is deaf or hard of hearing.

- C. The agency is not required to provide a particular auxiliary aid or service if doing so would fundamentally alter the nature of the law-enforcement activity in question, or if it would cause an undue administrative or financial burden. Only the Chief or his or her designee may make this determination.
- D. The input of people who are deaf or hard of hearing who are involved in incidents is just as important to the law-enforcement process as the input of others. Officers must not draw conclusions about incidents unless they fully understand (and are understood by) all those involved, including persons who are deaf or hard of hearing.
- E. People who are deaf or hard of hearing must never be charged for the cost of an auxiliary aid or service needed for effective communication.

VI. ON-CALL INTERPRETIVE SERVICES

- A. 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. Each of these services will be chosen after having been screened for the quality and skill of its interpreters, its reliability, and other factors such as cost. The agency will update this list annually.
- B. A qualified sign-language or oral interpreter has the following characteristic:
 - 1. Must be able to interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary.
 - 2. 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.

NOTE: Certification is not required in order for an interpreter to be “qualified.” For example, a certified interpreter who is skilled in American Sign Language may not be qualified to interpret for a person who uses Signed English. Some who are certified might not be familiar with law-enforcement terms or phrases.

- C. In cases where a deaf or hard-of-hearing 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.

VII. ARREST SITUATIONS

- A. Recognizing that some persons need their hands free in order to communicate, officer should not use handcuffs unless it is absolutely necessary for the safety of officers or others. If handcuffs are required, all essential communication with the suspect should be completed prior to their application if at all possible.
- B. Deaf persons and persons who have severe hearing impairments often have poor verbal communication skills. Their speech may be incoherent or otherwise resemble that of an individual who is intoxicated. They may have difficulty with equilibrium. Officers shall avoid administering standard field sobriety tests to such persons. Breathalyzer, blood alcohol, or horizontal gaze nystagmus should be employed as alternative tests.
- C. Some deaf and hard of hearing 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.
- D. Officers shall ensure that deaf and hard of hearing persons who are arrested and transported to a booking site have their communication devices with them.

VIII. TTY AND RELAY SERVICES: Emergency call takers and dispatchers

- A. The emergency call center of this agency 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 hearing impaired.
- D. All call takers and dispatchers shall receive training in the use of TDDs, TTYs, and related devices (every six months) as well as training in procedures and techniques for handling callers who have communication difficulties.

- E. All call takers and dispatchers shall receive training on the use of relay systems.

IX. TECHNIQUES FOR OFFICERS TO COMMUNICATE EFFECTIVELY

Officers must review and have a working knowledge of “Guide for Law Enforcement Officers When In Contact With People Who Are Deaf or Hard of Hearing.” This document reviews how officers should communicate effectively in situations that officers frequently encounter. These situations include the following:

- A. Issuing a non-criminal or motor vehicle citation.
- B. Communicating with a person who initiates contact with an officer.
- C. Interviewing a victim or a witness to an incident.
- D. Questioning a person who is a suspect in a crime.
- E. Making an arrest or taking a person into custody.
- F. Issuing Miranda warnings to a person under arrest or in custody.
- G. Interrogating a person under arrest or in custody.