

## **Interacting with Deaf and Hard of Hearing Individuals**

### **5.23.01 PURPOSE**

The purpose of this policy is to provide members with guidance for communicating with the deaf and hard of hearing community and to comply with Title II of the Americans with Disabilities Act (ADA), Section 504 of the Rehabilitation Act, and California Government Code §11135.

Procedural guidance is based, in part, on the ADA's published recommendations on establishing effective communication.

### **5.23.02 DEFINITIONS**

- A. American Sign Language (ASL)** – The most commonly used sign language in North America.
- B. Deaf or Hard of Hearing Individual** – A person with ~~temporary or permanent restrictions to their hearing that limits access to sound and spoken language. limited to no functional hearing. This includes individuals who are born deaf, have become deaf later in life, or who have partial hearing loss due to age, illness, or injury.~~ Communication preferences and abilities will vary widely among individuals.
- C. Video Interpretation Services (Video Remote Interpreting)** – A mobile phone or web-based service that connects officers to a live interpreter through video, allowing real-time communication.

### **5.23.03 POLICY**

- A.** The Department will not discriminate against or deny any individual access to services or programs because of their disability. Deaf or hard of hearing individuals are entitled to a level of service equivalent to that provided to other persons.
- B.** The Department will furnish auxiliary aids or interpreter services as required and without cost to the user.

### **5.23.04 PROCEDURES**

#### **A. Communication Methods**

- 1. Prioritize Individual's Chosen Communication Method.** ~~When communicating with a deaf or hard of hearing individual,~~ Members shall prioritize using the individuals chosen or preferred communication method, such as:

- a. Printed communication card (SFPD Form 601)
- b. Physically written or digitally typed messages
- c. Phone application language services (Video Remote Interpreting)
- d. Family or an accompanying adult as an interpreter
- e. Hand gestures
- f. Certified Bilingual member
- g. Contracted in-person interpreter

2. **Family Members and Accompanying Adults as Interpreters.** **Non-certified interpreters can be used during non-criminal incidents.** ~~Officers cannot REQUIRE an individual to provide their own interpreter. However, some individuals may prefer to use a family member or an accompanying adult to interpret for them. Officer can only allow this if:~~

- ~~a. The deaf or hard of hearing individual requests it, and~~
- ~~b. The adult family member or accompanying adult must agree to interpret, and~~
- ~~c. The interpreter is 18 years or older, and~~
- ~~d. Appropriate given the nature of the incident, and~~
- ~~e. There is no conflict of interest or doubt about impartiality.~~

~~Example #1: A child cannot interpret for a parent unless it's an exigent circumstance.~~

~~Example #2: A spouse cannot interpret for the other spouse during a domestic violence incident.~~

~~Example #3: A reportee can bring an adult family member to interpret while making a cold report at a district station.~~

3. **Interpreters.** If a conversation's details will be scrutinized in court, an interpreter should be used. ~~Be careful about miscommunication in the absence of an interpreter, a nod of the head may be an attempt to appear cooperative, rather than consent or a confession of wrongdoing.~~

- a. How to Request an Interpreter:
  - i. Certified Bilingual members are requested through dispatch.
  - ii. In-person interpreter, refer to [\*Department Notice "Request for Sign Language Interpreters"\*](#) or most current notice.
  - iii. Phone video remote interpreter, refer to [\*Department Notice "Language Line, on demand interpreting"\*](#) or most current notice.
- b. Using an Interpreter:
  - i. Speak directly to the person, not the interpreter. Avoid saying to the interpreter, "tell them."

- ii. Only one person should speak at a time. Speak at a normal pace and volume.
- iii. Do not speak privately to the interpreter in the presence of the deaf or hard of hearing individual.
- iv. Look at the person not at the interpreter when communicating.
- v. When using a phone application language service, keep the screen facing the individual, as the interpreter may begin signing before you finish speaking.

c. ~~Contracted~~ In-Person Interpreters:

- i. In-person interpreters are on-call. Response times may exceed 30 minutes, depending on availability and location.
- ii. Interpreters can be arranged ahead of time for a preplanned interview.
- iii. In-person interpreters are provided by a vendor. The vendor will only provide trained qualified interpreters who are familiar with law enforcement vocabulary and are trained to interpret effectively, accurately, and impartially.

**4. Unavailable/Impractical Communication Methods.** There will be occasions when the preferred communication method cannot be provided. Members should work with the individual to identify alternative methods.

Use the following criteria to decide when an alternative communication method is appropriate:

~~If the individual's chosen or preferred communication method is:~~

- a. Unavailable, **or**
- b. Impractical given the circumstances, length, complexity, and importance of the communication, **then**
- c. The officer should use a different, but equally effective communication method.
  - i. Example #1: **Unavailable:** While taking a cold burglary report, the individual requests the phone application language service be used, the officer connects to the service, but no sign language interpreters are available. The request is considered unavailable. The officer should offer another method, such as written statements or a Certified Bilingual member, to facilitate effective communication.
  - ii. Example #2: **Impractical:** During a stop for a traffic infraction, the individual requests an in-person interpreter. The estimated arrival time for the in-person interpreter is over 30 minutes. The request is considered impractical given the circumstances, length, complexity, and importance of the communication. The officer should offer another method, such as phone application service or written notes, to facilitate effective communication.

5. **Exigent Circumstances.** Officers may temporarily deviate from this policy during exigent circumstances.
6. **Unique Communication Needs.** Some individuals have unique or highly specialized communication needs, such as those who are deaf but do not use sign language, or who are both deaf and blind. In these situations, officers may use any reasonable method to communicate, including help from family members or other non-certified individuals.

## B. Criminal Incidents

1. **Arrests.** Arrestees wearing personally owned communication aids (e.g., hearing aids, cochlear processors) can continue using them while in custody.
2. **Station Holding Cells.**
  - a. Holding Cell Exemption: Refer to *San Francisco Police Department's Booking and Detention Manual*.
  - b. Phone Call Requirements and Allowances: Deaf or hard of hearing individuals may use the provided TTY phone or their personal cell phone to complete their phone calls, as their personal devices already have applications that enable effective phone communication. Refer to *San Francisco Police Department's Booking and Detention Manual*.
  - c. Teletypewriter: All station booking counters are equipped with Teletypewriters. For use instructions refer to [Department Notice "Teletypewriter \(TTY\) Phones and the California Relay Service \(CRS\)"](#) or most current notice.
3. **Suspect Interrogations.**
  - a. Handcuffing: During an interrogation, members can, safety permitting, modify standard handcuffing procedures to allow the suspect to use sign language or writing.
    - i. Examples: handcuffing in front, handcuffing to fixed object, removing handcuffs, etc.
  - b. Miranda Warning: Communicate the Miranda warning via:
    - i. ~~Any~~ Interpreter or interpreter service, or
    - ii. A Certified Bilingual member, or
    - iii. A Written Mirand card.
  - c. Interrogations: An in-person interpreter shall be provided before beginning an interrogation, if the suspect uses sign language, unless the suspect clearly indicates they do not need or want an interpreter.

- i. If no in-person interpreters are available, video interpretation service (Video Remote Interpreting) can be used.
4. **Witnesses and Victims.** Members should prioritize using an interpreter in criminal matters if the witness or victim uses sign language. [Ca.Evid.Code § 754\(j\)](#)

### C. Language Access Liaison

1. The Department's Language Access Liaison will include the signed languages as part of their responsibility.

### D. Facility Signage

At all district stations and other SFPD buildings open to the public, the Department will post signage in compliance with ADA requirements which can include, the International Symbol for Hearing Loss, the International Symbol for TTYs, and signage indicating the availability of sign language interpreters.



Hearing Loss

Telecommunications  
Device (TDD/TTY)

Sign Language Interpreters