

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 restrictions to their hearing that limits access to sound and spoken language. Communication preferences and abilities vary 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 individual's 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 (non-criminal events)
 - e. Hand gestures
 - f. Certified Bilingual member
 - g. Contracted in-person interpreter
 - h. Any emerging technology used or available to law enforcement.
2. **Interpreters.** If a conversation's details will be scrutinized in court, an interpreter should be used.
- 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 individual, 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. 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.
3. **Unavailable/Impractical Communication Methods.** There will be occasions when the preferred communication method is unavailable or when the complexity and nature of the incident requires officers to use a different communication method. Members should work with the individual to identify alternative methods that still allow for effective communication.

4. **Using Non-Certified Interpreters.** Non-certified interpreters can be used during non-criminal incidents.
5. **Unique Communication Needs Exception.** 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.
6. **Exigent Circumstances.** Officers may temporarily deviate from this policy during exigent circumstances.

B. Criminal Incidents

1. **Arrests.** Arrestees wearing personally owned communication aids (e.g., hearing aids, cochlear devices) 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. Interpreter or interpreter service, or
 - ii. Certified Bilingual member, or
 - iii. Written Miranda 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** – The Department’s Language Access Liaison will include Sign Language 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.

5.23.05 TRAINING

The Department will provide all public-facing employees with periodic training on Deaf and Hard of Hearing policies, procedures, and interpreting techniques.