

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

### **5.23.01 PURPOSE**

The purpose of this order is to provide guidance for communicating with the deaf and hard of hearing community and to ensure individuals can access Department services and communicate effectively during police contacts.

Deaf or hard of hearing individuals are entitled to a level of service equivalent to that provided to other persons.

### **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 members to a live interpreter through video allowing for real-time communication.

### **5.23.03 POLICY**

The Department will not discriminate against or deny any individual access to services or programs because of their disability and will comply with the [Title II of the Americans with Disabilities Act \(ADA\)](#), [§ 504 of the Rehabilitation Act](#), and [California Government Code § 11135](#).

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 Individuals' 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. Quick reference 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 (as defined in DGO 5.20)
  - g. Contracted in-person interpreter
  - h. Any emerging technology used or available to law enforcement
2. **Interpreters** – Except for routine traffic citations, if a conversation is likely to be relied upon as evidence in court, an interpreter should be prioritized.
  - a. How to Request an Interpreter
    - i. Certified Bilingual members are requested through Dispatch.
    - ii. For in-person interpreter service, refer to the latest Department Notice for the current vendor contact information.
    - iii. Phone video remote interpreter service is provided by *LanguageLine Solutions*.
  - 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. 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 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.
    - ii. In-person interpreters are on-call. Response times may exceed 30 minutes, depending on availability and location.
    - iii. Interpreters can be arranged ahead of time for preplanned interviews.

3. **Unavailable Communication Methods** – A communication method is unavailable when it cannot be accessed or used at the time it is needed. Members should work with the individual to determine an effective alternative. Unavailable methods include, but are not limited to:
  - a. The equipment, platform, or service is not accessible (e.g., no cell service, no interpreter availability, app not working).
  - b. The method is unreasonably delayed (e.g., extended wait time for an in-person interpreter during a traffic stop).
4. **Impractical Communication Methods** – A communication method is impractical when it is available but cannot be used effectively. Members should work with the individual to determine an effective alternative. Impractical methods include, but are not limited to:
  - a. The nature, length, or complexity of the incident requires a different method to ensure effective communication (e.g., detailed interview, multiple parties).
  - b. Environmental or operational conditions prevent effective use (e.g., noise, poor lighting, crowd control, weather, safety/positioning).
  - c. The chosen method is not working for the individual (e.g., the person cannot effectively read/write, lip-read, use technology).
5. **Consensual and Non-Criminal Encounters** — Members are encouraged to engage in consensual encounters with members of the public to build community rapport and trust. Members should use the communication method preferred by the deaf or hard of hearing individual, which can include non-certified interpreters like family members and friends.
6. **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, members may use any reasonable method to communicate, including help from family members or other non-certified individuals.
7. **Exigent Circumstances** – Members may temporarily deviate from this policy during exigent circumstances.

## **B. Criminal Incidents**

1. **Arrests** – Arrestees wearing personally owned communication aids (i.e., 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 Teletypewriter (TTY) phone or, if it would not compromise the investigation, their personal cell phones to complete their phone calls. Their personal cell phones likely 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 TTYS. For use instructions, refer to the most current *Department Notice "Teletypewriter (TTY) Phones and the California Relay Service (CRS)."*

## 3. Custodial Interrogations

- a. Handcuffing - During an interrogation, members can, safety permitting, modify standard handcuffing procedures to allow the suspect to use sign language or writing. Examples: handcuffing in front, handcuffing to fixed object, removing handcuffs, etc.
- b. Miranda Admonition - Communicate the Miranda admonition via a written Miranda card and:
  - i. Interpreter or interpreter service, or
  - ii. Certified Bilingual member
- c. Interrogations - Members will use in-person interpretation 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 immediately available, video interpretation service/video remote interpreting can be used.

4. **Witnesses and Victims Interviews** – Members should prioritize using an interpreter in criminal matters if the witness or victim uses sign language ([California Evidence Code § 754 \(j\)](#)).

## C. Language Access Liaison – The Department's Language Access Liaison will include American Sign Language as part of their responsibility.

1. **Facility Signage** – At all district stations and other Department 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.

2. **Access to Video Remote Interpreting** – All members will have access to a video remote interpreting service (*LanguageLine Solutions* or other service as coordinated by the Language Access Liaison) through their Department-issued cell phones.
3. **Training** - All public-contact positions as defined by [San Francisco Administrative Code § 91.2](#), will be provided training at intervals to align with DGO 5.20 Language Access Services.

PROPOSED