



SAN ANTONIO POLICE DEPARTMENT GENERAL MANUAL



Procedure 612 – Deaf or Hearing Impaired Persons

Office with Primary Responsibility:	SSO, IVA	Effective Date:	December 5, 2019
		Prior Revision Date:	July 31, 2010
Office(s) with Secondary Responsibilities:	PSC, PNC, TSC, FTC, IDC	Number of Pages:	4
Forms Referenced in Procedure:	SAPD Form #12 HI-A SAPD Form #12 HI-T	Related Procedures:	None

.01 INTRODUCTION

This procedure establishes guidelines which assist officers in recognizing and providing for the special needs of deaf and hard of hearing persons.

.02 POLICY

It is the policy of the San Antonio Police Department to require its officers to be able to communicate with the deaf and hard of hearing community through the use of DeafLink, written English, printed cards, signers, interpreters, or intermediaries in order to protect the constitutional rights and rights guaranteed under federal law for the deaf and hard of hearing community. Under the Americans with Disabilities Act (ADA), people who are deaf or hard of hearing are entitled to the same services law enforcement provides to anyone else. An officer must attempt to relay the same depth of information, and give the same opportunity for exchange with the deaf person that would be given a hearing person in the same situation, no matter what service is being provided.

.03 DISCUSSION

- A. In determining what type of auxiliary aid and service is necessary, a public entity shall give primary consideration to the requests of the individual with disabilities.
- B. Deaf Link is a Video Remote Interpreting (VRI) service available at all six substations and at Headquarters. An officer, a certified ASL interpreter, and the victim/suspect/witness that is deaf or hard of hearing can communicate through this service. Qualified interpreters can be provided through DeafLink 24 hours a day, 7 days a week.
- C. Officers, in their normal course of duties, may encounter persons who are deaf or hard of hearing. These persons may sound unusual due to speech which is slurred or unintelligible. In addition, they may have equilibrium problems which could affect their balance and ability to walk. These physical characteristics can vary and also describe persons who are impaired by alcohol, drugs, or other physical handicaps. Therefore, it is extremely important for officers to distinguish deaf and hard of hearing persons from persons with other impairments.
- D. When officers first realize they are in contact with a deaf or hard of hearing person, they should attempt to communicate with them by any means available: talking, writing, sign language, or any combination of the three (3). Often, one or more of these forms of communication will be adequate when communicating with a deaf or hard of hearing person. However, in some circumstances, talking and writing will be insufficient. When communication is complex and/or lengthy, the individual who is deaf or hard of hearing should be escorted to the nearest DeafLink location, or provided with a qualified on-site interpreter.
- E. When deaf or hard of hearing persons come in contact with officers, the first action they often take may be to obtain a pencil and paper to write out what they wish to communicate or to write answers to any questions they may be asked. The action of reaching for a pencil and paper should not be taken as an offensive or dangerous move, but simply an instinctive move in order for the deaf or hearing impaired person to communicate.
- F. The written communication used by many deaf or hard of hearing persons is very different from what officers are familiar with or use in their daily work. A hearing impaired person should not be misjudged because his grammar might seem to be incorrect or incomplete. Their written or signed language is the way they were taught to communicate and is normal for a deaf or hearing impaired person.



SAN ANTONIO POLICE DEPARTMENT GENERAL MANUAL



Procedure 612 – Deaf or Hearing Impaired Persons

- G. When dealing with persons who are, or 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.
- H. 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, lip-reading, reading and note writing or speech.
- I. For persons who use sign language, a family member or friend may interpret under emergency conditions until a qualified interpreter arrives, or in minor situations for the sake of convenience, but only with consent of the deaf person. 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.
- J. Officers shall address all questions and directives to persons who lip-read by facing them directly and speaking in a moderately paced conversational tone. Shouting or using exaggerated mouth movements interfere with the ability to lip-read. Understanding can be further degraded by the presence of facial hair, chewing gum, cigarettes and so on.
- K. Officers shall be aware that only about one third of words can be accurately interpreted by lip-reading. Therefore, communication of a critical nature (e.g. Miranda warnings) shall be reinforced by other means of communications. (See below)
- L. Officers shall not assume that persons who wear hearing aids can hear and fully understand what is being said. Some use hearing aids to provide sound awareness rather than to increase speech understanding.
- M. Highly stressful situations, background noise, multiple speakers and complex information and instruction can compromise the limited effectiveness of hearing aids. Officers shall test comprehension by seeking appropriate responses to simple questions or directives.
- N. Deaf or hard of hearing persons may require additional time to understand and respond to commands, instructions and questions.

.04 TERMINOLOGY (For specific use within this procedure, see Glossary)

American Sign Language	Auxiliary Aids and Services	Companions	Deaf Person
Effective Communication	Intermediary	Lip Reader	Qualified Interpreter
Sign Language	Signed or Written English	Signer	Tactile Interpreter

.05 INFORMATIONAL CARDS

- A. SAPD Form #12-HI-A, *Information For Hard of Hearing - Arrested Person*, is a card presented to a deaf or hard of hearing person who has been arrested or suspected of committing a Class B misdemeanor or higher offense, advising them they are under arrest and will be taken to jail or to a police facility for questioning.
- B. SAPD Form #12-HI-T, *Information For Hard of Hearing - Traffic/Misdemeanor Citation*, is a card presented to a deaf or hard of hearing person who has been stopped for a traffic violation, explaining why they were stopped and the action they should take concerning the traffic citation.

.06 NEED FOR DEAF LINK / QUALIFIED INTERPRETER

- A. Any officer unable to communicate effectively with a deaf or hard of hearing person involved in any police matter (i.e., traffic crash, disturbance, etc.) shall escort the individual to the nearest DeafLink location.
- B. If the police matter is serious and the individual cannot be escorted to the nearest DeafLink location, the officer shall request, through a supervisor, a qualified interpreter be provided to communicate with the deaf or hard of hearing person.



SAN ANTONIO POLICE DEPARTMENT GENERAL MANUAL



Procedure 612 – Deaf or Hearing Impaired Persons

.07 ARRESTED PERSONS / SUSPECTS WITH HEARING IMPAIRMENTS

- A. Deaf or hard of hearing persons arrested for any Class B misdemeanor or higher offense where probable cause has already been established and questioning is not necessary, will be given SAPD Form #12-HI-A, advising the person they are under arrest, and will be processed into the San Antonio Detention Center.
 - 1. The arrested person will be provided with access to DeafLink or with a qualified on-site interpreter to communicate the Miranda warning and interpret during any questioning, statement or confession; and
 - 2. The Miranda warning, questioning, statement or confession will be video taped by personnel from the Crime Scene Unit or the follow up unit responsible for investigating the crime. Both the qualified interpreter and the arrested person or suspect will be video taped.
- B. Deaf or hard of hearing persons arrested for any Class C misdemeanor, including traffic violations, where release is authorized through the issuance of a misdemeanor citation or traffic citation shall be given SAPD Form #12-HI-T, advising the person they are under arrest, and issued a misdemeanor citation or a traffic citation, whichever is applicable, for the alleged offense.
 - 1. Due to the difficulty in communicating with deaf or hard of hearing persons without a signer or qualified interpreter, officers will not make a custodial arrest if the actor refuses to sign the misdemeanor citation or traffic citation.
 - 2. The officer will write "Refused to Sign" and "Hearing Impaired" on the misdemeanor citation or traffic citation and release the actor or traffic violator.

.08 COMPLAINANTS / VICTIMS / WITNESSES WITH HEARING IMPAIRMENTS

- A. When effective communication is not possible between officers and deaf or hard of hearing complainants, victims, or witnesses to any Class B misdemeanor, or higher offense, access to DeafLink or a qualified on-site interpreter will be provided.
- B. When effective communication between officers and deaf or hard of hearing complainants, victims, or witnesses to any Class C misdemeanor is not possible, DeafLink, a departmental signer, or an on-site interpreter will be used to obtain their names, addresses, and telephone numbers, in case they are needed at a later date.

.09 AVAILABILITY OF DEPARTMENTAL SIGNERS/QUALIFIED INTERPRETERS

- A. The Communications Unit will keep an updated list of members of the Department who are signers and available to facilitate communication between officers and deaf or hard of hearing persons during their normal duty hours. Departmental signers should only be used if DeafLink cannot be accessed.
- B. The Communications Unit will maintain a list of companies or agencies which provide qualified interpreters on a twenty-four (24) hour basis to facilitate communication between officers and deaf or hard of hearing persons. These companies and agencies should only be used if DeafLink cannot be accessed.

.10 RESPONSIBILITIES

- A. Supervisors:
 - 1. Supervisors being notified by a subordinate that a deaf or hard of hearing person has been arrested or is a suspect in a Class B misdemeanor or higher offense shall contact the subordinate to determine the need for a qualified interpreter.



SAN ANTONIO POLICE DEPARTMENT GENERAL MANUAL



Procedure 612 – Deaf or Hearing Impaired Persons

2. If the supervisor determines a qualified interpreter is needed, the supervisor will authorize the use of DeafLink or a qualified on-site interpreter.

B. Officers:

1. Officers arresting or having a deaf or hard of hearing suspect in a Class B misdemeanor or higher offense shall advise a supervisory officer before proceeding with any investigation.
2. Officers communicating in any form of writing with deaf or hard of hearing persons involved in any Class B misdemeanor or higher offense shall process the writings as evidence.
3. When a signer or qualified interpreter is used, officers with report responsibility shall include identifying information on the signer or qualified interpreter in their reports.
4. Officers, when requested, shall sign the qualified interpreter's log book.

C. Crime Scene Unit:

When notified, personnel from the Crime Scene Unit will provide the equipment and video tape the Miranda Warning and interrogation process of deaf or hard of hearing persons arrested for or suspected of any Class B misdemeanor or higher offense.