

CITY OF LEBANON POLICE DEPARTMENT GUIDELINES FOR TRAINING ON EFFECTIVE COMMUNICATION IN POLICE SITUATIONS INVOLVING INDIVIDUALS WITH HEARING IMPAIRMENTS

Successful police contact with citizens is characterized by effective communication between the parties whether it is a suspect, victim, or complainant with whom the officer is talking. As such, police officers encountering an individual with hearing impairment should use appropriate auxiliary aids and services whenever necessary to ensure effective communication with the individual.

Auxiliary aids and services include qualified interpreters, written materials, note pads, and other effective methods of making aurally delivered materials available to individuals with hearing impairments.

When an auxiliary aid or service is required to ensure effective communication, the City of Lebanon Police Department must provide an opportunity for individuals with hearing impairments to request the auxiliary aids and services of their choice and must give primary consideration to the choice expressed by the individuals. "Primary consideration" means that the City of Lebanon Police Department must honor the choice, unless it can show that another equally effective means of communication is available, or that use of the means chosen would result in a fundamental alteration in the nature of its service, program, or activity or in undue financial and administrative burdens.

Police contact with citizens occurs most frequently during routine traffic stops. In situations involving drivers who are deaf and use sign language for communication, the officer should use appropriate sign language to initiate the exchange with the driver and should explain in writing the necessity for a stop and citation if the driver is to be charged with a traffic violation. The officer may not ask for a family member or friend of the driver to interpret.

These guidelines address only those situations where a police officer, after consulting with the individual with a hearing impairment, determines that the services of a qualified interpreter are necessary to ensure effective communication.

A. Arrest Upon Probable Cause Without An Interview

In circumstances where an individual without a hearing impairment would have been arrested on probable cause without an interview, then a suspect with a hearing impairment in the same situation usually does not need to be provided with a qualified interpreter.

However, a qualified interpreter may be required if an officer is unable to convey to the arrestee the nature of the criminal charges by communicating on a note pad or by using another means of communication. The arrestee should be transported to a holding cell where either the arresting officer or the transporting officer can convey the information through the interpreter when he or she arrives.

B. Interview Needed to Arrest Individual with a Hearing Impairment

If a police officer needs to interview a suspect with a hearing impairment to determine if there is probable cause to make an arrest, a qualified interpreter must be provided if the written communication is ineffective. When the services of a qualified interpreter are required to provide effective communication, but the officer cannot wait until a qualified interpreter arrives because the officer has to respond to another more urgent call, the following procedures apply:

- 1) If the investigation does not involve a serious offense, the officer must postpone the interview and possible arrest until the officer can return to the scene when a qualified interpreter is present. If this is not possible, the officer must document his or her investigation as completely as possible and file the appropriate report.
- 2) If the investigation involves a serious offense, the officer, before leaving the scene, must contact the appropriate investigations division supervisor and advise the supervisor of the case. The supervisor will determine if a detective will be called in to wait for a qualified interpreter. If not, the officer must document his or her investigation as completely as possible and file the appropriate report.

C. Interrogating an Arrestee with a Hearing Impairment

If an officer cannot effectively inform the arrestee of the Miranda warnings without the use of an interpreter, then the officer must secure the services of a qualified interpreter in order to communicate accurately the warnings to the arrestee prior to any interrogation.

An officer seeking to interrogate an arrestee with a hearing impairment must obtain the services of a qualified interpreter prior to any interrogation whenever an interpreter is needed for effective communication. If exigent circumstances do not permit a delay in the interrogation of the arrestee, if an interpreter cannot be located within a reasonable period of time (which should occur very infrequently), if written communication between the officer and the arrestee was effective in conveying an understanding of the Miranda warnings, or if the arrestee specifically declines the opportunity to communicate through an interpreter, the officer may proceed with the interrogation by using a note pad. However, if written communication becomes ineffective, for example, because the factual pattern is complex, because the arrestee is having difficulty communicating without an interpreter, or because the arrestee chooses

to discontinue the interrogation, the officer must discontinue the interrogation and wait until a qualified interpreter is present before continuing the interrogation. In most instances a qualified interpreter will be available and the interrogation will not be delayed.

D. Issuance of Appearance Ticket

In circumstances in which an individual without a hearing impairment would be issued an appearance ticket without being questioned by the investigating officer, then a suspect with a hearing impairment in the same situation does not need to be provided with a qualified interpreter. If an officer has stopped a suspect for committing a non-criminal infraction by communicating on a pad or by using another means of communication, then the officer should use his or her discretion as to whether to call a qualified interpreter to the scene or whether to issue a warning rather than a citation.

E. Interviewing a Victim or Critical Witness with a Hearing Impairment

If an officer is able to communicate effectively by writing question on a note pad and having the victim or witness with a hearing impairment write his or her responses, then the officer may proceed with the interview using a note pad. However, if an investigating officer is unable to communicate effectively with a victim or critical witness by using a note pad or some other means of communication other than a qualified interpreter, then the investigating officer must provide the victim or critical witness with a qualified interpreter. If the investigating officer cannot wait until a qualified interpreter arrives because the officer has to respond to another more urgent call, the following procedures apply:

- 1) If the investigation does not involve a serious offense, then (a) the officer can have a qualified interpreter dispatched to the victim's or critical witness's location and request the dispatcher re-contact the officer when the interpreter arrives. If a qualified interpreter is unable to respond or if the officer cannot return to the scene, the officer must document his or her investigation as completely as possible and file the appropriate report; or (b) the officer can ask the victim or critical witness to come voluntarily to the section office when a qualified interpreter is available. At that time, the investigating officer can return to the station to complete the investigation. If a qualified interpreter is unable to respond or if the officer cannot return to the station, the officer must document his or her investigation as completely as possible and file the appropriate report.
- 2) If the investigation does involve a serious offense and if the victim or witness with a hearing impairment is critical to establishing probable cause for an arrest or for completing the investigation, then the investigating officer, before leaving the scene, must contact his or her supervisor and advise the supervisor of the case. The supervisor will determine if an investigator will be

called in to wait for a qualified interpreter. If the supervisor determines that an investigator will not be responding; and if neither option (1) (a) nor (2) (b) above is available, then the officer may leave the victim(s) or witness(es) at the scene. The investigating officer must then document his or her investigation as completely as possible and file the report.

F. Obtaining Qualified Interpreters

Officers will arrange for a qualified interpreter from [a contractor] and request that a qualified interpreter be provided. If the person requests an interpreter other than from the [contractor], the request should be honored if the interpreter is available and qualified.

G. Reports/Evidence

All identifying information on the interpreter must be included in the report, including the interpreters name, the time the interpreter was called, and his/her time of arrival and departure. All written questions and responses between and among police officers and persons with hearing impairments must be treated as evidence and handled accordingly.