



# Tulsa Police Department

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**Policy #** 131

**Effective Date** 08/15/2003

**Policy Name** Use of Interpreters When Communicating with Deaf or Hard of Hearing Persons

**Approved Date** 08/15/2003

**Approved by** *Wendell Franklin, Chief of Police*

**Previous Date** 03/05/2001

## PURPOSE OF CHANGE:

To update policy format.

## POLICY:

The Tulsa Police Department is dedicated to providing quality police service to all citizens. Special services are usually necessary when dealing with persons who are deaf or hard of hearing.

There are many ways to communicate with deaf or hard of hearing persons: sign language, finger spelling, written, oral, oral/sign language combination, and speech reading. There are also different dialects in sign language just as there are in speech.

The primary and natural language of many people who are deaf or hard of hearing is American Sign Language (ASL) which is not related to and is totally different from English. Many people who are deaf or hard of hearing are bilingual and have become skilled in English as a second language. However, misunderstandings can and do occur, especially in stressful situations. The use of one's own language will provide better results for all persons concerned. The use of oral communication varies among deaf or hard of hearing people and may be directly related to the type and onset of deafness, residual hearing, and individual background. Therefore, clear, meaningful communication cannot always occur without a qualified sign language or oral interpreter.

An interpreter may not be necessary in all contacts with deaf or hard of hearing persons. In some cases, communication may occur by traditional means (i.e., notes or lip reading). However, an interpreter must always be called when needed or requested. Officers shall give primary consideration to the choice expressed by the citizen. Auxiliary aids and services will be provided whenever an officer cannot communicate effectively with a person who is deaf or hard of hearing.

An officer or employee who has sign language skills but is not a qualified interpreter may use those skills in an emergency prior to the arrival of a qualified interpreter.

When a deaf or hard of hearing person is arrested, an interpreter must be obtained. The arresting officer(s) or their supervisor shall obtain a qualified interpreter to interpret the communication between the officer(s) and arrestee.

With the exception of the use of an interpreter, the arrest and booking process for a deaf or hard of hearing person is the same as for any other arrestee.

**SUMMARY:** Procedures for obtaining an interpreter when communicating with deaf or hard of hearing persons.

**APPLIES TO:** All police personnel

## DEFINITIONS:

**AUXILIARY AIDS AND SERVICES** – qualified interpreters, written materials, note pads and other effective methods of making aurally delivered materials available to individuals who are deaf or hard of hearing.

**DEAF OR HARD OF HEARING PERSON** – a person whose sense of hearing is not functional for auditory communications.

**PRIMARY CONSIDERATION** – means that officers must honor a person's request for a particular auxiliary aid unless it can be shown that another effective means of communication is available or that use of the means chosen would result in a fundamental alteration in police services or undue administrative burden.

**QUALIFIED INTERPRETER** – an interpreter who is able to interpret effectively, accurately, and impartially both receptively and expressively, using necessary specialized vocabulary.

## **PROCEDURES:**

### **A. DEAF OR HARD OF HEARING PERSONS WHO ARE SUSPECTS – NOT ARRESTED**

1. Officers desiring to interrogate a deaf or hard of hearing suspect to determine if there is probable cause to make an arrest may attempt to communicate without an interpreter. An interpreter must always be provided if needed or requested by the person being interrogated. Officers will give primary consideration to the suspect's request for a particular auxiliary aid.
2. To obtain a qualified interpreter, contact the Tulsa Speech and Hearing Association (TSHA) directly or have the dispatcher contact the Coordinator of Interpreter Services (see attached).
3. Advise the contact person that a qualified interpreter is needed for an interview and provide the suspect's name and location (i.e., Booking, Detective Division).
4. If requested by an officer, the dispatcher will contact TSHA to obtain an interpreter. Dispatchers will inform the officer that contact was made and provide the interpreter's estimated time of arrival.
5. If an interpreter is not available, then the officer will fully document the steps taken to acquire one and any events that transpired during the interview.
  - a. Advise the suspect that if he/she wishes to discuss the case later with the assistance of an interpreter, to contact the assigned officer who will arrange for an interpreter to be present.
  - b. If the suspect contacts the dispatcher later, the dispatcher will contact the officer who is assigned to the case. If an officer has not been assigned to the case, the dispatcher will assign an officer to take a supplemental report.

### **B. DEAF OR HARD OF HEARING PERSONS WHO ARE ARRESTED**

1. The arresting officer will communicate to the arrestee in writing:
  - a. The offense(s) for which he/she is arrested.
  - b. A qualified interpreter will be provided at no cost.
  - c. The interview will be deferred until the interpreter arrives. (Statements obtained from an arrestee prior to an interpreter being present may not be used in court.)
2. The right of an arrested deaf or hard of hearing person to an interpreter may not be waived except by an arrestee who does not use sign language and who initiates the request in writing.
3. To obtain a qualified interpreter, the arresting officer may contact TSHA directly or have the dispatcher contact the Coordinator of Interpreter Services (see attached).
4. The arresting officer will advise the contact person that a qualified interpreter is needed for an interview and

provide the arrestee's name and location (i.e., Booking, Detective Division).

5. When requested by an officer, the dispatcher will contact TSHA to obtain an interpreter. The dispatcher will inform the officer that contact was made and provide the interpreter's estimated time of arrival.
6. An officer will transport the arrestee to the Detective Division.
7. Through the use of the interpreter the arresting officer or detective will notify the arrestee of the charges and the Miranda warning. Officers will ensure that the arrestee understands the charges and the Miranda warning. The interpreter will assist the arrestee and officer throughout the interrogation and booking process.
8. While booking the arrestee the arresting officer will inform the booking supervisor that the arrestee is deaf or hard of hearing. The interpreter should remain with the arrestee during the booking process (i.e., master file completion, fingerprinting, required phone calls).
9. To ensure the safety of the interpreter, the arresting officer (or other designated officer) must remain with the interpreter until all booking procedures are completed and the interpreter is no longer needed.
10. The arresting officer will document in the *Incident Report* and/or the Arrest and Booking Data Sheet that an interpreter was used. List the interpreter as a witness and indicate the time period used.
11. After booking the prisoner the arresting officer will forward an *Interoffice Correspondence* to Police Personnel on or before the next business day. Include the:
  - a. Arrestee's name.
  - b. Interpreter's name.
  - c. Time period used.

#### C. DEAF OR HARD OF HEARING PERSONS WHO ARE VICTIMS

1. When assigned to a call where a deaf or hard of hearing person is the victim and any of the following exists, officers will request an interpreter:
  - a. When requested by the victim.
  - b. Any time communication cannot reasonably take place using other means.
  - c. The victim is emotionally upset.
  - d. When an officer feels it would be appropriate.
  - e. The victim of a crime of violence, whether they show signs of being emotionally upset or not (e.g., Assault and Battery, Rape).
2. Officers will provide the following information to the contact person at TSHA or to the dispatcher:
  - a. Location where needed.
  - b. Purpose (e.g., reporting a crime, victim, interview witness).
  - c. Name of the officer the interpreter is to see upon arrival.
  - d. Person's name. (Most deaf or hard of hearing persons in the Tulsa area are clients of TSHA. If they know the victim, they may be able to send an interpreter who is most proficient in interpreting the victim's dialect.)
3. If an interpreter is not available, the assigned officer shall fully document any steps taken to acquire one and the events that transpired.
  - a. If additional information is necessary, the officer or detective assigned the call shall arrange for an interview with the victim and arrange for an interpreter to be present.

- b. The officer shall advise the person how to file a supplemental report in the event the victim obtains additional information.
4. The officer will document in the *Incident Report* that an interpreter was used. List the interpreter as a witness and indicate the time period used.
5. The officer will forward an *Interoffice Correspondence* to Police Personnel providing:
  - a. Victim's name.
  - b. Interpreter's name.
  - c. Time period used.

#### **D. DEAF OR HARD OF HEARING PERSONS WHO RECEIVE A CITATION**

1. In circumstances where a person can be issued a citation without being questioned by the investigating officer and the officer would do the same for an individual without a hearing impairment, then a driver does not need to be provided with a qualified interpreter.
2. If an officer has stopped a person who is deaf or hard of hearing for an offense for which a hearing person would be cited, and the officer is unable to convey to the person the nature of the offense by communicating on a note pad or by using another means of communication, then the officer should use his/her discretion whether to call a qualified interpreter to the scene or to refrain from issuing the citation at that time.

#### **E. OTHER USES OF INTERPRETERS**

1. In the following (or similar) circumstances an officer may contact an interpreter as outlined in Procedure A.1 or A.2:
  - a. When a deaf or hard of hearing citizen is at a police station or division seeking information and communication cannot otherwise take place.
  - b. When conducting tours of a police facility and deaf or hard of hearing persons are participants.
  - c. During Crime Prevention or Community Relations Programs where deaf or hard of hearing persons are in attendance.

### **REGULATIONS:**

1. Officers shall give primary consideration to a person's request for a particular auxiliary aid.
2. An officer or detective desiring to interview a deaf or hard of hearing person who is a critical witness and communication cannot reasonably take place using other means must either contact an interpreter (as outlined in Procedure A.1 or A.2) or discontinue the interview.

### **REFERENCES:**

131 Attachment, *Use of Interpreters – Attachment*