

Seattle Police Department

Legal Bulletin

*An Accredited Law
Enforcement Agency*

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Sign Language Interpreter Access/Use

The purpose of this Legal Bulletin is twofold: to provide a reminder of DP&P 3.009-Interpreters/Translators and also to provide officers with the Department of Justice Guidelines

regarding hearing impaired and hard of hearing individuals

1. Reminder of DP&P 3.009-Interpreters/Translators:

Please review this manual section and become familiar with the standards and applicable protocol.

This manual section was updated in 2006 under Directive D 06-059. This update is included below for your reference:

Sign Language Interpreter Access/Use Policy & Procedure

If a law enforcement agency conducts a criminal investigation involving the interviewing of a hearing

impaired person, whether a victim, witness, or suspect, the appointing authority shall appoint and pay for a

qualified interpreter throughout the investigation. Whenever a law enforcement agency conducts a

criminal investigation involving the interviewing of a minor child whose parent, guardian, or custodian is

hearing impaired, whether as a victim, witness, or suspect, the appointing authority shall appoint and pay

for a qualified interpreter throughout the investigation.

RCW 2.42.120(4)

If a hearing impaired person is arrested for an alleged violation of a criminal law, the arresting officer or

the officer's supervisor shall at the earliest possible time procure and arrange for a qualified interpreter, for

any notification of rights, warning, interrogation, or taking of a statement.

RCW 2.42.120(5)

If the communications mode or language of the hearing impaired person is not readily interpretable, the

interpreter or hearing impaired person shall notify the appointing authority who shall appoint and pay an

intermediary interpreter to assist the qualified interpreter.

RCW 2.42.140

No employee of the law enforcement agency who has responsibilities other than interpreting may be appointed as the qualified interpreter.

A hearing impaired person is defined as a person who is deaf, deaf-blind (both hearing and visually impaired), or hard of hearing.

The Seattle Police Department has a contract with sign language interpreter services to provide assistance 24 hours a day, 7 days a week. Any Field Unit requiring an interpreter should contact the on-duty Chief Dispatcher in the Communications Section. The Chief Dispatcher will make the necessary calls to obtain the interpreter.

When Communications personnel receive a 911 call from a hearing impaired person and the call is of an urgent nature an interpreter will be contacted automatically to respond. For calls that require the dispatch

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of patrol units to conduct a criminal investigation the Communications Section will contact an interpreter to respond once an Officer is enroute. The Officer(s) responding will be notified via voice transmission that an interpreter will be enroute.

Field Units desiring to cancel the response of an interpreter through Radio will normally require a field supervisor's approval.

To locate interpreters, contact the Chief Dispatcher in the Communications Section.

2. DOJ Guidance regarding hearing impaired and hard of hearing individuals - NOTICE:

The Department of Justice (DOJ) published guidance regarding situations where Law Enforcement

needs to come into contact with people who are deaf or hard of hearing.

GUIDE FOR LAW ENFORCEMENT OFFICERS

When In Contact with People Who Are Deaf or Hard of Hearing

As a law enforcement officer, you can expect to come into contact with people who are deaf or hard of hearing.

Title II of the Americans with Disabilities Act (ADA) of 1990 prohibits State and local government from discriminating against an individual with a disability. Municipal and State police and county sheriff

departments are bound by this Federal law. Your office has adopted a more detailed policy regarding law enforcement officers' communication with people who are deaf or hard of hearing. You should become familiar with this policy.

What does title II require of you when interacting with persons who are deaf or hard of hearing?

Among other things, your communication with such an individual must be as effective as your communication with hearing people.

How do you communicate?

Provide aids or services as necessary to ensure that the deaf or hard of hearing individual understands what

you are saying and that you understand him or her. These can include:

- Use of qualified sign language or oral interpreters
- For people who are hard of hearing, speaking loudly and clearly, and use of assistive listening devices (to amplify sound)
- Use of gestures or visual aids to supplement oral communication
- An exchange of written notes
- Or use of a computer or typewriter.

What method of communication should you use?

The law requires you to give primary consideration to the individual's preference. Ask how the person

wishes to communicate.

For example, some people who are deaf do not use sign language and may need to use a different aid or

rely on lip-reading. In one-on-one communication with an individual who lip-reads, an officer should face

the individual directly, and should ensure that the communication takes place in a well-lighted area.

Honor the individual's choice unless it would significantly interfere with your law enforcement responsibilities or you are confident that other means of communicating that may be easier to provide are

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just as effective. Remember that deaf or hard of hearing persons must be able to understand you as well as

those who do not have hearing impairments.

DO NOT ask a family member or friend to interpret for a deaf individual unless it is urgent to communicate immediately and that is the only option. If the deaf person requests that arrangement and the

other person agrees, however, you can proceed.

How do you know when you are communicating clearly to an individual who is deaf or hard of hearing?

Ask the person to summarize what you are saying. Test his or her understanding.

If the person uses sign language, what kinds of communication require an interpreter?

Consider the length, importance, and complexity of the communication, as well as the context.

- In a simple encounter, such as checking a driver's license or giving directions, a notepad and pencil or perhaps gestures will normally be sufficient.
- During interrogations and arrests, a sign language interpreter will often be necessary.
- If the legality of a conversation will be questioned in court, such as where Miranda warnings are issued, a sign language interpreter may be necessary. You should be careful about misunderstandings in the absence of a qualified interpreter. A nod of the head may be an attempt to appear cooperative in the midst of misunderstanding, rather than consent or a confession of wrongdoing.
- In general, if an individual who does not have a hearing disability would be subject to police action without interrogation, then an interpreter will not be required, unless one is necessary to explain the action being taken.

Example: An officer clocks a car on the highway driving 15 miles above the speed limit. The driver, who

is deaf, is pulled over and issued a non-criminal citation. The individual is able to understand the reasons for the citation, because the officer exchanges notes and points to information on the citation. A sign language interpreter is not needed.

Example: An officer responds to an aggravated battery call and upon arriving at the scene observes a bleeding victim and an individual holding a weapon. Eyewitnesses observed the individual strike the victim. The individual with the weapon is deaf, but the officer has probable cause to make a felony arrest without an interrogation. An interpreter is not necessary to carry out the arrest.

Example: An officer responds to the scene of a domestic disturbance. The husband says the wife has been beating their children and he has been trying to restrain her. The wife, who is deaf, requests an interpreter.

The officer begins by exchanging notes but the woman's responses indicate a lack of comprehension and poor grammar. An interpreter is necessary to carry out any arrest. In this situation, it would be inappropriate to use a family member to assist with communication, even if it is offered.

Do you have to take a sign language interpreter to a call about a violent crime in progress or a similar urgent situation involving a person who is deaf?

No. An officer's immediate priority is to stabilize the situation. If the person being arrested is deaf, the officer can make an arrest and call for an interpreter to be available later at the booking station. Questions or comments regarding this bulletin may be directed to Shawna Skjonsberg-Fotopoulos, Risk Manager Human Resources Section. Phone 615-1233.