



# TRAINING BULLETIN

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Los Angeles Police Department

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Volume L, Issue 10

September 2021

## **INTERACTING WITH INDIVIDUALS WHO ARE DEAF, DEAFBLIND, OR HARD OF HEARING**

Contacts with individuals who are deaf, deafblind, or hard of hearing can be complicated by the misinterpretation of the person's actions. The ability to identify people rapidly with this disability will enhance officers' abilities to accomplish their field duties in a professional manner. The purpose of this Training Bulletin is to familiarize officers with many of the characteristics they may encounter when interacting with people who are deaf, deafblind, or hard of hearing, the laws and policies governing these encounters, and the field procedures to follow.

Hearing loss affects all levels of society, every age, race, education level, and occupation. Some people are born deaf and some become deaf later in life. Deafness is caused by a wide range of factors, including but not limited to heredity, illness or disease, accident, medication, violence, and aging.

Deafblind is a condition in which an individual has combined hearing and vision loss that limits access to both auditory and visual information. Experiences and understanding of the world around them will be different depending on whether a person was born deafblind or acquired vision and hearing loss through deterioration of these senses later in life. People who are deafblind have different ways of communicating. Tactile Sign Language (TSL) is often used by people who are deafblind, however TSL can also be used in communication between a deaf person and a person who is blind or has low vision. Unlike other sign languages, TSL does not rely on visuals but instead on touch.

Individuals who are deaf, deafblind, or hard of hearing are often unable to speak clearly, and many do not speak at all. There are also literacy level differences among the deaf community. Furthermore, while some individuals have English literacy skills, many individuals do not have a written form of a language to communicate. These individuals usually do not have expertise in reading lips. Even for individuals who can lip-read, numerous factors can inhibit their ability to rely on lip reading. In fact, only about 30 percent of words can be visually recognized by an expert lip-reader at best; the rest is left to guess work.

Organizations serving the deaf community believe that the term "deaf" sufficiently describes their condition. The term, "hard of hearing" may also be used to describe a specific range of hearing loss. The terms, "deaf and dumb" and "deaf mute," are archaic and offensive.

## **POLICE CONTACTS**

Any person you meet may be deaf, deafblind, or hard of hearing. The individual may be a victim, witness, suspect, or have been involved in a traffic collision. A person who does not answer or obey your instructions may not be refusing to cooperate. The deaf individual may not have heard or seen you at all, and the hard of hearing individual may not have heard you properly.

Officers need to be aware that while people who are deaf, deafblind, or hard of hearing do not fear police authority, but they do fear, that due to miscommunication, that they may be mistakenly arrested or even shot by a police officer. They also fear being mistaken for a person that is drunk, under the influence of drugs, uncooperative, or disrespectful. These appearances are often a result of the individual and officer's inability to communicate effectively with each other, coupled with anxiety created by the fear of being misunderstood or not understood at all. However, a person claiming deafness should be viewed with no less caution than any other person.

## **Identification of Deaf, Deafblind, and Hard of Hearing People**



In most cases, deaf people will probably point to their ears and indicate by shaking their heads that they cannot hear. In addition, the most recognized sign by the deaf community to signify hearing loss is to use the index finger to point to the ear and then to the mouth as illustrated.

Some individuals find it necessary to use various types of communication devices such as hearing aids, cochlear implants or artificial speech devices. These devices may be located in a pocket, under clothing, in a purse, or behind the ear. Other materials the person may reach for could include pencil and paper, electronic device, smartphone, an identification card, or a medic-alert tag to identify his or her deafness. Consequently, any movement for such a device may be misinterpreted.

## **COMMUNICATIONS**

The primary form of communication by the deaf community is American Sign Language (ASL). American Sign Language is a natural visual-spatial language which is governed

by complex linguistic rules and parameters that are distinct from spoken and written languages. It is most commonly used by the deaf community in the United States and parts of Canada. American Sign Language has its own unique structure, syntax, and grammar. Persons who use sign language are very expressive with their hand movements and may also use speech, fingerspelling, writing, body language, and facial expressions. American Sign Language is distinct from the English language. It is based on the movement of the signs, other body movements, and non-manual grammatical markers, which are known as "facial grammar." The setting is established not by words, but by visual-based perceptions. Accompanying facial expressions and body language indicate the intensity of emotion.

American Sign Language Gloss is a simplified notational system used to transcribe ASL into another language, which does not have grammar. American Sign Language Gloss is not the same as ASL translation. American Sign Language Gloss is sign to word equivalency. For example, a person types or writes "blood, blood, blood", which is how it is signed by hands and it means "Bleeding" in the English language.

It is important to remember that there is no written form of ASL. Because some deaf people may have limited reading and writing skills, written communication may not be effective for the individual or the officer. When writing notes to communicate with an individual who is deaf or hard of hearing, it is important to use simple, concise language, and pictures or diagrams to inform the person of the reason for being stopped, questioned, detained, or arrested.

### **Tips on One-to-One Communication**

When communicating with a person who is deaf, deafblind, or hard of hearing, remember that intelligence, personality, age at the onset of deafness, language background, listening skills, lip-reading ability, writing, reading, and speech ability vary with each person. People who are deaf, deafblind, or hard of hearing may communicate in several ways. Some will use only sign language or only speech while others may use a combination of sign language, speech, and fingerspelling. Many will write and use body language or facial expressions to express their message. In any case, they will use every possible way to convey an idea to another person.

The following tips will assist in communicating with a person who is deaf, deafblind, or hard of hearing:

- If an individual is wearing a hearing aid, do not assume the individual can hear you.
- It is important to gain the person's attention before speaking. Since people who are deaf, deafblind, or hard of hearing may not be able to hear usual calls for attention, they may need a tap on the shoulder or other visual signals to get their attention.

- Try to maintain eye contact with the individual to convey the feeling of direct communication in a well-lit area.
- Look directly at the person when you speak. Face the individual and do not turn away while speaking; even a slight turning of your head can obscure his or her vision.
- Speak slowly and clearly. Avoid exaggeration and overemphasis of words. This distorts your lip movements and makes lip-reading more difficult. Be aware that lighting, glare, angle, moustaches, visual noise, and other inaccessible environmental factors can also inhibit an individual's ability to read lips. Minimize background noise and other distractions whenever possible.
- Talk at your normal rate, or slightly slower if you normally speak very fast. Only one individual should speak at a time. Try to re-phrase a thought or question rather than repeat the same words.
- Use visual aids when possible, such as pointing to printed information on a citation or other document. Gestures, body language, and facial expressions are important factors in communication. Don't be embarrassed about communicating with pencil and paper.
- When communicating by writing notes, keep in mind that some individuals who use sign language may lack appropriate English reading and writing skills.
- If someone with a hearing disability cannot understand you, write a note to ask what communication aid or service is needed. If necessary, try to re-phrase a thought or question rather than repeat the same words.
- When you are interviewing a witness or a suspect or engaging in any complex conversation with an individual whose primary language is sign language, a qualified interpreter is usually needed to ensure effective communication.

On rare occasions, some people who are deaf, deafblind, or hard of hearing may have in their home or business, a telephone with a keyboard attachment known as a Telecommunication Device for the Deaf (TDD/TTY). This device enables them to transmit typewritten messages over the phone line that is received at locations with similar equipment.

## **Telecommunication Technology**

### Auxiliary Aids

Tools, equipment, items, and /or services used to effectively communicate with an individual who is deaf, deafblind, hard of hearing, and/or has low to no vision. These include assistive listening devices, qualified interpreter services, written communications and materials, pads, pens, gestures, telecommunication devices (TDD), videophones, and video remote interpreting devices (i.e., computers or tablets).

### Teletypewriter for the Deaf (TTY)

Technology that enables remote communications between deaf individuals and deaf and/or hearing individuals. In a conversation between two deaf individuals, both parties type and read responses using the teletypewriter device, and their typed conversation is transmitted back and forth across a standard telephone network.

Due to advanced technologies, as more individuals rely on telecommunication systems such as text messaging, videophones, and instant messaging via computer, smart phones, tablets, and other wireless devices, more individuals who are deaf, deafblind, hard of hearing, and people with speech disabilities are departing from older equipment and shifting their preference of use to these technologies with fewer people using TTY/TDD.

### Telecommunications Relay Services (TRS)

A telephone service that allows persons with hearing or speech disabilities to place and receive telephone calls. This technology is available in all 50 states, the District of Columbia, Puerto Rico, and U.S. territories for local and/or long-distance calls. Telecommunications Relay Services providers, that are generally telephone companies, are compensated for the costs of providing TRS from either a state or federal fund. There is no cost to the TRS user.

### Videophone

Telephones with a high-definition video display, capable of simultaneous two-way interactive video and audio for communication between people in real-time using separate internal high-speed bandwidth Internet telecommunication services.

### Video Relay Service (VRS)

Telecommunications relay service that allows individuals who rely on sign language to communicate over the telephone using a videophone and real-time sign language interpreter. Video Relay Services provide telephone access to deaf and hard of hearing individuals via videophone technology.

### Video Remote Interpreting (VRI)

An interpreting service using video conferencing technology to communicate with individuals who use ASL for short, same room conversations. The Federal Communication Commission prohibits VRS use as a substitute for in-person interpretation or VRI. Officers shall not request a deaf or hard of hearing person to use VRS on their phone or use VRS as an interpreting service.

### Text to 9-1-1

- Real Time Text (RTT) - A text technology that allows users to send and receive text characters, as they are typed, as well as other simultaneous media. It allows mobile users to send a text message to a 9-1-1 dispatcher in situations where people cannot voice a call to 9-1-1.
- Short Message Service (SMS) - A service typically provided by mobile carriers that sends short (160 characters or fewer) messages in blocks to another device.

Officers may utilize one or a combination of the appropriate communication tools:

- Qualified interpreters (in person and through video conferencing),
- Written communication (e.g., pen and paper),
- TTY,
- Videophones,
- Text messaging, and/or
- Any method most effective as preferred by the individual who is deaf, deafblind, or hard of hearing.

### **Requesting Interpreters**

The Americans with Disabilities Act (ADA) and California law requires that the Department provide reasonable accommodations to persons with disabilities (including individuals who are deaf, deafblind, or hard of hearing), ensuring equal and meaningful access to facilities, programs, services, and activities. In an effort to provide the best possible police service, and in keeping with our commitment to treat everyone with dignity and respect, it is the responsibility of every Department employee to ensure that appropriate and effective communication is established in all community contacts, including contacts with individuals who are deaf, deafblind, or hard of hearing.

The City has contracted with an outside provider to furnish certified Sign Language Interpreters (SLI), Certified Deaf Interpreters, and Tactile Sign Language Interpreters to respond within 45 minutes upon request. Generally, the complexity of the encounter will dictate when an SLI is requested, however an individual may request one at any time. Police service may be requested by contacting Communications Division at 9-1-1 for emergency situations. When requesting an SLI, advise Communications Division of any special circumstances. For example, interviewing a child may require special skills or a victim of a sexual assault may prefer an SLI of the same gender. Include whether the deaf or hard of hearing individual is the victim, suspect, or witness.

### Qualified Sign Language Interpreter

A qualified interpreter is an individual who may be certified by the National Registry of Interpreters for the Deaf, and is able to interpret and translate effectively, accurately, and impartially both receptively and expressively, using any necessary specialized

vocabulary given the deaf, deafblind, or hard of hearing individual's language skills and education.

California Evidence Code Section 754 mandates qualified interpreters for individuals who are deaf, deafblind, or hard of hearing in civil and criminal cases. Evidence Code Section 754 (k) states that a written or oral statement made by a deaf individual cannot be used against that individual unless the statement was made or elicited through a qualified interpreter.

### Certified Deaf Interpreter

Certified Deaf Interpreters are individuals who are deaf or hard of hearing individuals who are certified interpreters. They are utilized when the communication mode used by the deaf person is unique, such as when they have limited communication skills or use signs that a hearing interpreter may not be familiar with (non-standard signs, "home" signs, a foreign sign language, regional signs, or other communication styles).

### Tactile and Close-Up Interpreter

Tactile and Close-Up Interpreter communication with a deaf or hard of hearing individual with low vision. Tactile interpreting involves the individual feeling the interpreter's hands while the interpreter signs or fingerspells. Close-up interpreting may be used with individuals who can see signs, however only at very close range with added illumination, such as lighting the interpreters face and hands.

Generally, children, family friends or neighbors of the deaf, deafblind, or hard of hearing person should not be used as interpreters. Children lack the maturity and language skills to be reliable and their participation as interpreters could jeopardize their relationship with their parents. Family friends or neighbors should not be used to interpret out of respect for the individual's privacy and the possibility of inaccurate interpretation.

### **Working with Sign Language Interpreter**

Qualified sign language interpreters are professionals bound by a Code of Ethics. Their role is to ensure that all information is understood and accurate. When using an SLI:

- Speak directly to the deaf or hard of hearing individual, **not the interpreter**.
- Avoid saying to the interpreter, "tell him" or "ask her."
- Speak at a normal pace and volume.
- Do not speak privately to the interpreter in the presence of the deaf individual.
- Interpreters will interpret everything you say. Do not have side conversations or whisper.

- An interpreter may interject for clarification or corrections.
- Provide the interpreter with any written materials that will be used prior to the appointment.

### Minor Incident

When contact with a person who is deaf, deafblind, or hard of hearing is of a minor nature (e.g., traffic stop, completion of a basic crime report, etc.), the officer should attempt to communicate effectively by using a pen and paper, gestures or by asking if the person reads lips. If efforts to communicate fail or the individual requests an SLI, the officer shall request one via Communications Division.

### Serious/Complex Incident

An employee should request a qualified SLI via Communications Division when handling a serious incident (e.g., a complex investigation, investigation requiring Miranda admonition, test measuring alcohol consumption, arrest, etc.) involving a person who is deaf, deafblind, or hard of hearing.

### Deaf/Hard of Hearing Communication Card

The Deaf/Hard of Hearing Communication Card, Form 02.97.00, has been designed to assist with communication. The card displays the universal sign language interpreter symbol and may help to reassure the individual that the officer is attempting to establish communication even though the person may not be able to read the written information.

The card may also be used to determine if the individual needs a Sign Language Interpreter, to advise that an SLI is responding to assist with communication, and/or that the individual is under arrest and the location to which he or she is being transported.

The issuance of the card is documented on the Daily Field Activity Report, Form 15.52.00, or Traffic Daily Field Activity Report, Form 15.52.01.

<p><b>DEAF/HARD OF HEARING COMMUNICATION CARD</b> <b>Sign Language Interpreter Response / Arrest Advisement</b></p> <p>Do you need a sign language interpreter? Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p><input type="checkbox"/> They will meet us _____ It may take 45 minutes for the sign language interpreter to arrive.</p> <p><input type="checkbox"/> You are under arrest. I will take you to _____ A sign language interpreter will meet us there. You will ride in the police car.</p> <p>Officer's Name/Serial No. _____ Date _____</p> <p>02.97.00 (07-02)</p>	
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When a person who is deaf, deafblind, or hard of hearing is arrested, the arresting officers should complete and issue the card prior to transporting the arrestee and request an SLI, via Communications Division, to respond to the follow-up location.



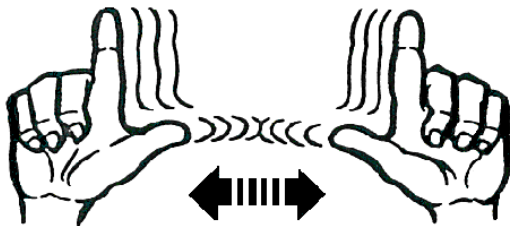
## TRAFFIC STOP PROCEDURES

People who are deaf or hard of hearing are not restricted from driving cars and many have a driver license. In such situations, traffic stops account for the most contact interactions between the driver who is deaf or hard of hearing and the police. The following are a few basic guidelines for facilitating such contact.

When making a traffic stop, be sure that you are in a position that allows the driver to see your red lights. If this does not cause the traffic violator to stop, try the horn and then the siren. If the vehicle still continues at the same rate of speed and does not try to evade you, it may be that the driver is deaf or hard of hearing.

When stopped, drivers who are deaf or hard of hearing may point to their ear and shake their head negatively or reach for a pad and pencil or communication device such as smartphone. When they indicate by gesture that they are deaf or hard of hearing, offer them a paper and pencil. This serves two purposes, the driver will not be reaching for an unseen object, and you will be showing understanding, which will reassure them and ease their fears.

### Driver License (Identification)



This sign indicates "driver license" and should be utilized when requesting identification. Using this sign will frequently place the individual at ease because it shows you recognize their deafness.

Violators who are deaf or hard of hearing must be given the same courtesy and consideration as hearing persons. However, because of their deafness, the traffic stop may be more difficult and time consuming. When you explain the citation you may have to draw a diagram of the violation to ensure that the individual understands what he or she did wrong.

### Police Officer – Common Sign



There is a common sign that is recognized throughout the United States to identify an officer to a person who is deaf, deafblind, or hard of hearing. To make this sign, use the right hand to form a makeshift "C." Place this "C" over the area where the badge is normally worn. However, it may also be necessary to visually show your badge or identification card. Under circumstance, you may need to allow individuals who have low vision or blind to feel your badge. Knowledge of this sign and its use are particularly important when working undercover or investigative assignments.

## **INVESTIGATIONS**

### **Witnesses**

Many people who are deaf, deafblind, or hard of hearing communicate with ASL. They may think more frequently in terms of primary sensory perception, and may be able to re-enact an entire incident with a high degree of accuracy. Therefore, they may prove to be very valuable witnesses.

### **Arrestees**

Consideration should be given to a person who is deaf, deafblind, or hard of hearing, and safety permitting, handcuffed with hands in front of their body in order to allow them to communicate using sign language or write notes. Officers, however, should continuously weigh the safety interests at hand against the continuing intrusion upon the arrestee.

A person who is deaf, deafblind, or hard of hearing has the same rights as any other person to make telephone calls. Consequently, officers should provide access to a TDD/TTY, amplified telephone, captioned telephone, videophone, or other telecommunication technology. The arrestee's right to privileged communications with attorney, doctor, clergy, or spouse cannot be denied because of hearing loss. The interpreter is bound by the laws of confidentiality if used during these privileged communications.

### **Miranda Warning**

A certified SLI who is qualified should be requested via Communications Division to interpret the Miranda admonition to the arrestee. The arrestee's responses are documented on the Investigative Action/Statement Form, 03.11.20, and included as a page of the report.

### **Pat Searches**

In circumstances where an officer, without communicating with the individual, has a reasonable suspicion that the individual is armed and dangerous, the officer may conduct a pat search of an individual who is deaf, deafblind, or hard of hearing without an SLI or proper accommodation.

- If following the pat search, the officer wishes to question the suspect who is deaf, deafblind, or hard of hearing, the officer must provide the notice and determination procedures using the Deaf/Hard of Hearing Communication Card, Form 02.97.00 immediately.
- If, following the pat search, the individual is free to go without any further communication, the Deaf/Hard of Hearing Communication Card, Form 02.97.00

is not required, unless the deaf or hard of hearing individual indicates a desire to communicate further. In that instance, officers shall follow the notice and determination procedures using the Deaf/Hard of Hearing Communication Card, Form 02.97.00 and use a video remote interpreting service, if applicable or necessary.

## **Consent**

An officer may not obtain consent to enter or to search from an individual who is deaf, deafblind, or hard of hearing until an SLI or proper accommodation is secured, and a qualified interpreter, if required, has been provided. For consent searches of private residences, officers shall obtain explicit consent in writing or verbally. Written consent shall be documented using the Consent to Search Form (In House Form 11 for English speaking individuals or In House Form 12 for Spanish speaking individuals.) Verbal consent shall be recorded using the Body Worn Video camera and/or digital recorder. Written or verbal consent shall be obtained prior to conducting a consent search of a deaf, deafblind, or hard of hearing suspect's residence.

## **Community Police Stations**

Upon taking a deaf, deafblind, or hard of hearing arrestee to the station, information generally provided to all arrestees shall be communicated effectively and promptly to the arrestee. This information shall be provided immediately and includes, but is not limited to, the notice of the right to counsel, the nature of the charges, the right to a telephone call, the procedure for posting bond or obtaining release, or any other information that is provided to arrestees.

## **Interview/Interrogation**

Before the interview, officers shall provide the SLI with any written materials or content that will be discussed. During the interview, officers should not speak privately to the interpreter in the presence of the deaf individual; interpreters will interpret everything you say. Do not have side conversations or whisper. The SLI may interject for clarification or corrections. If the officer leaves the room, the SLI will follow. The SLI shall not be left alone with the interviewee/arrestee.

## **Telecommunication Access**

Officers shall allow arrestees who are deaf, deafblind, or hard of hearing to make at least three completed phone calls no later than three hours after arrest upon being taken to the station. Officers shall provide these individuals with their choice of an operable TTY or videophone to enable them to place a telephone call with the same degree of independence and privacy that would be permitted to individuals without a disability.

## **Documentation**

Whenever an officer prepares a report involving an individual who is deaf, deafblind, or hard of hearing, the officer shall include in the report the manner in which the officer and the individual communicated, and if an interpreter was used, the name of the interpreter, the manner in which the interpreter provided assistance (i.e., American Sign Language), and whether the interpreter was in person or off-site utilizing video remote interpreting services.

## **CONCLUSION**

Contacts with people who are deaf, deafblind, or hard of hearing are unique by nature. As is the case with many other police and community interactions, the success of the contact is often determined by the officers' conduct during the first moments of the encounter. Officers' awareness of the issues that interact with the communities who are deaf, deafblind, and hard of hearing, and the ability to display patience as well as understanding are keys to the successful handling of a situation. Officers who remain alert to the possibility that they may be encountering a person who is deaf, deafblind, or hard of hearing and who follow the procedures presented in this Bulletin may avoid an embarrassing or an unfortunate situation.

**This Bulletin cancels and supersedes Volume XXXVI, Issue 5, Interacting With Individuals Who are Deaf or Hard of Hearing, December 2004**

Field Training Services Unit  
Police Training and Education

DISTRIBUTION "A"

Attachment: Telecommunication Devices for the Deaf (TDD/TYY),  
Non-Emergency Roster

**LOS ANGELES POLICE DEPARTMENT**  
**Telecommunication Devices for the Deaf (TDD/TTY)**  
**Non-Emergency Roster**

<u>Location</u>	<u>TDD/TTY Access No.</u>
77th Street Area	(213) 485-6409
Central Area	(213) 485-9819
Devonshire Area	(818) 832-0665
Foothill Area	(818) 756-9034
Harbor Area	(310) 726-7706
Hollenbeck Area	(323) 224-0125
Hollywood Area	(213) 485-9899
Mission Area	(818) 837-9858
Newton Area	(323) 846-6535
North Hollywood Area	(818) 756-9035
Northeast Area	(213) 485-6407
Olympic Area	(213) 382-4365
Pacific Area	(310) 482-6419
Rampart Area	(213) 484-3664
Southeast Area	(213) 485-9934
Southwest Area	(213) 485-1015
Topanga Area	(818) 756-5899
Van Nuys Area	(818) 785-6619
West Los Angeles Area	(310) 575-8719
West Valley Area	(818) 705-1566
Wilshire Area	(213) 485-2112
Internal Affairs 24-hour toll free hotline	(800) 339-6868