



## Clayton County Police Department

# PROCEDURES

Subject <b>Hearing-Impaired Persons</b>		Procedure # <b>D15</b>	
Authorizing Signature 	Effective <b>02-10-2020</b>	<input type="checkbox"/> New <input type="checkbox"/> Amended <input checked="" type="checkbox"/> Rescinds	Total Pages <b>5</b>

### I. POLICY

It is the policy of the Clayton County Police Department to secure the rights of hearing impaired persons who, because of impaired hearing, cannot readily understand or communicate in spoken language. This is accomplished by furnishing appropriate auxiliary aids and services, whenever necessary, to ensure effective communication with individuals with hearing impairments.

- A. 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.
  
- B. The Clayton County Police Department will 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 Police Department will 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 the service, programs or activity or in undue financial and administrative burdens.
  
- C. This policy addresses those situations where a qualified interpreter must be furnished pursuant to the Code of Georgia as well as 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.

## II. DEFINITIONS

Department: Clayton County Police Department

Hearing Impaired Person: Any person whose hearing is totally impaired or whose hearing is so seriously impaired as to prohibit the person from understanding oral communications when spoken in a normal conversation tone (O.C.G.A. § 24-6-651).

Deaf or Hard of Hearing Person: means possession of hearing levels, absent the aid of a hearing device, that in any way impedes an individual's ability to perceive sound. (O.C.G.A. §30-1-5)

Qualified Interpreter: Any person certified as an interpreter by the National Registry of Interpreters for the Deaf or approved as an interpreter by the Georgia Registry of Interpreters for the Deaf (O.C.G.A. §24-6-651)

Uncertified Interpreter: Any person, other than a qualified interpreter, who is able to assist in providing accurate interpretation between spoken English and sign language by acting as an intermediary between a hearing impaired person and law enforcement or other public safety personnel.

Proceedings: Any meeting, hearing, trial, investigation, or other proceeding of any nature conducted by an agency.

## III. PROCEDURES

### A. Hearing impaired persons taken into custody

1. Pursuant to O.C.G.A. § 24-6-653, "an arresting law enforcement agency shall provide a qualified interpreter to any hearing impaired person whenever a hearing impaired person is arrested for allegedly violating any criminal law or ordinance of this state or any political subdivision thereof.

Except as provided in paragraph (2) of this subsection, no interrogation, warning, information of rights, taking of statements, or other investigatory procedures shall be undertaken upon a hearing impaired person unless a qualified interpreter has been provided or the law enforcement agency has taken such other steps as may be reasonable to accommodate such person's disability. No answer, statement, admission, or other evidence acquired through the interrogation of a hearing-impaired person shall be admissible in any criminal or quasi-criminal proceedings unless such was knowingly and voluntarily given. No hearing impaired person who has been taken into custody and who is otherwise eligible for release shall be detained because of the unavailability of a qualified interpreter."

2. O.C.G.A. § 24-6-653 also provides that if a qualified interpreter is not available, an arresting officer may interrogate or take a statement from such person, provided that if the hearing impaired person cannot hear spoken words with a hearing aid or other sound amplification device, such interrogation and answers thereto shall be in writing and shall be preserved and turned over to the court in the event such person is tried for the alleged offense.

B. Victims, witnesses, complainants, and others with hearing impairments

1. During the initial response to an incident, time is often of the essence in determining the type of police or other emergency response needed, descriptions of perpetrators and vehicles, and similar essential and time sensitive information.
2. In some instances, victims, witnesses, complainants, and other non-defendants with hearing impairments can communicate effectively without using qualified interpreters. Alternate means of communication include but are not limited to unqualified interpreters and writing.
3. If written communication is used, the officer shall retain all written communications, notes from the subject and questions written by the officer, etc, and they shall be attached to the report.
4. In some instances, effective communications with a hearing-impaired person can be established through an uncertified interpreter. An uncertified interpreter may or may not be a family member, close friend, coworker, or other acquaintance of the hearing-impaired person. The officer must ensure this person's information is included in the report as a witness.
5. If the hearing impaired person is unable to, or does not desire to, communicate through writing and/or an uncertified interpreter, or it becomes apparent that due to the complexity of the case or for other reasons that such communication is not effective, a qualified interpreter will be requested as soon as possible.

C. Appointment of qualified interpreter for agency proceedings

1. Pursuant to O.C.G.A. § 24-6-652, the agency conducting any proceeding shall provide a qualified interpreter to the hearing impaired person:
  - a. Whenever the hearing impaired person is a party to the proceeding or a witness before the proceeding; or
  - b. Whenever a person who is below the age of 18 years is a party to the proceeding or a witness before the proceeding conducted by an agency whose parents are hearing impaired persons or whose guardian is a hearing impaired person.

#### D. Obtaining a qualified interpreter

In those instances where, pursuant to O.C.G.A. §24-6-651, it is mandatory that a qualified interpreter be provided to a person taken into custody, or in those instances where it is necessary to utilize a qualified interpreter to assure effective communications with a hearing impaired person, the following procedure will be followed:

1. The officer will notify his/her supervisor that in his/her opinion a qualified interpreter is needed.
2. The supervisor will immediately assess the need for a qualified interpreter and determine that the hearing-impaired person does desire or requires the services of a qualified interpreter.
3. If the supervisor determines that a qualified interpreter is needed as required by law or to establish effective communication with the hearing-impaired person, the supervisor will determine, if possible, the sign language preference of the hearing-impaired person.
4. The supervisor will immediately contact the county approved interpreting services listed on Appendix A and request a qualified interpreter.
5. At the time of the request, the supervisor shall be prepared to inform the interpreter of the following:
  - a. The location to which to report.
  - b. The hearing-impaired person's sign language preference.
  - c. The name of the hearing impaired person.
  - d. Whether the hearing-impaired person is a victim, suspect, witness, etc.
  - e. The nature of the offense or incident involving the hearing impaired person.
6. The employee shall make a notation of the service used, the interpreter's name, the time called and the time the assignment is completed in his/her supplemental report. Email a copy of the report to their direct chain of command and Budget and Finance Unit to ensure payment of services.

#### E. Employee Conduct During the Use of an Interpreter

1. In instances where a qualified interpreter has been called, the following basic practices will be observed:
  - a. Do not ask the interpreter for his or her opinion of the situation.
  - b. Do not ask the qualified interpreter if, in his/her opinion, the hearing-impaired person is telling the truth.

- c. Do not ask the qualified interpreter if he or she has interpreted for the hearing-impaired person involved before. This information is confidential and cannot be discussed by the interpreter.
2. In using the services of any interpreter it is important to remember, that you are actually speaking with the hearing impaired person, not the interpreter. The interpreter's job is to accurately relay the communications between the hearing-impaired person and the officer. Comments that are directed at the interpreter will be in conflict with the purpose of the interpreter.
  - a. Do not say, "Ask him/her..." Ask your questions directly to the hearing-impaired person.
  - b. Do not say, "Tell him/her..." Make your statements directly to the hearing-impaired person.
  - c. Do not ask the interpreter to explain something to the hearing-impaired person in your absence.
  - d. If a third person, such as a friend or family member, is present to assist in communicating with the hearing-impaired person, observe the same practices.

E. Waiver of qualified interpreter services

Whenever a hearing-impaired person is offered a qualified interpreter and such person decides to waive the right to the use of such interpreter, it will be notated within the incident report by the reporting officer.

#### **IV. CANCELLATIONS**

- A. This directive amends and supersedes the following standard operating procedure(s):

D15: Hearing-Impaired Persons, dated March 12, 2012.