



# Clayton County Police Department

# PROCEDURES

Subject <b>EFFECTIVE COMMUNICATION WITH DEAF &amp; HARD OF HEARING INDIVIDUALS</b>			Procedure # <b>D15</b>
Authorizing Signature 	Effective <b>06-20-2026</b>	<input type="checkbox"/> New <input checked="" type="checkbox"/> Amended <input type="checkbox"/> Rescinds	Total Pages <b>8</b>

## I. PURPOSE

The purpose of this policy is to provide guidelines for personnel to ensure effective, compliant communication with individuals who are deaf or hard of hearing during police contacts, in accordance with state and federal legal mandates, including the Americans with Disabilities Act (ADA).

## II. POLICY

It is the policy of the Clayton County Police Department (CCPD) to provide effective communication to individuals who are deaf or hard of hearing to ensure equal access to police services and to conform with provisions of federal and state law. This is accomplished by furnishing qualified interpreters, written materials, or other appropriate auxiliary aids and services free of charge.

A. The CCPD will provide individuals who are deaf or hard of hearing with the opportunity to request their preferred auxiliary aids and services. The CCPD must give primary consideration to these requests and honor the individual's choice unless:

1. An equally effective alternative is available based on the context of the interaction that is taking place (e.g., length, importance, or complexity of the communication); or
2. The requested aid would fundamentally alter the nature of the law enforcement service or create an undue financial or administrative burden.

A determination that an aid constitutes an undue burden or fundamental alteration shall only be made by the Chief of Police (or authorized designee).

B. This policy addresses situations where a qualified interpreter must be furnished pursuant to the Code of Georgia, as well as those where a police officer, after consulting with the deaf or hard of hearing individual, determines that the services of a qualified interpreter are necessary to ensure effective communication.

C. Sworn and non-sworn personnel shall provide an opportunity for effective communication in every interaction with a deaf or hard of hearing person, in accordance with this policy.

### III. DEFINITIONS

**Note:** Under the Americans with Disabilities Act (ADA), it is a standard practice and considered respectful to use “persons who are deaf or hard of hearing” rather than “hearing impaired.” Based on OCGA § 24-6-651 and OCGA § 30-1-5, the Georgia Code has evolved to prioritize “deaf or hard of hearing person” over “hearing-impaired person,” though both appear in different sections of the code. For the purpose of this policy, persons who are deaf or hard of hearing are considered equivalent to “hearing-impaired individuals” as used in the Official Code of Georgia Annotated (OCGA).

**Auxiliary Aids and Services:** The Americans with Disabilities Act (ADA) uses the term “auxiliary aids and services” to refer to the ways to communicate with people who have communication disabilities. Examples include qualified interpreters on-site or through video remote interpreting (VRI) services; notetakers; real-time computer-aided transcription services; written materials; exchange of written notes; telephone handset amplifiers; assistive listening devices; assistive listening systems; telephones compatible with hearing aids; closed caption decoders; open and closed captioning, including real-time captioning; voice, text, and video-based telecommunications products and systems, including text telephones (TTYs), videophones, and captioned telephones, or equally effective telecommunications devices; videotext displays; accessible electronic and information technology; or other effective methods of making aurally delivered information available to individuals who are deaf or hard of hearing.

**Communication Access Realtime Translation (CART):** A verbatim/near-verbatim, real-time speech-to-text service that converts spoken language into text using trained stenographers/voice writers. It is provided in-person/remotely for deaf or hard of hearing individuals to ensure full communication access.

**Deaf or Hard of Hearing:** “Deaf or hard of hearing” means possession of hearing levels, absent the aid of a hearing device, that in any way impedes an individual’s ability to perceive sound. OCGA § 30-1-5 (a)(4).

**Effective Communication:** “Effective communication” means communication with persons with disabilities that is as effective as communication with others, achieved by furnishing appropriate auxiliary aids and services where necessary to afford qualified individuals with disabilities an equal opportunity to participate in or benefit from the services, programs or activities of a public entity.

**Exigent Circumstances:** Those circumstances what would cause a reasonable person to believe that a particular action is necessary to prevent physical harm to an individual, the destruction of relevant evidence, the escape of a suspect, or some other consequence improperly frustrating legitimate law enforcement efforts.

**Hearing Impaired Person:** “Hearing impaired person” means 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 conversational tone. OCGA § 24-6-651(3).

**Proceeding:** Any meeting, hearing, trial, investigation, or other proceeding of any nature conducted by an agency. OCGA § 24-6-651(5).

**Qualified Interpreter:** “Qualified interpreter” means any person certified as an interpreter for hearing-impaired persons by the Registry of Interpreters for the Deaf or a court qualified interpreter. OCGA § 24-6-651(6).

**Teletypewriter (TTY):** Electronic device for text communication via a telephone line that is used to communicate with deaf and hard of hearing persons by typing and reading communications. Other names include telecommunications device for the deaf (TDD) and textphone.

**Text-to-911:** A technology that enables the ability to send a text message to reach 911 emergency call takers from a mobile phone or device.

**Texting:** A simple term for the sending of brief electronic messages, over a cellular network, between two (2) or more mobile devices, utilizing Short Message Service (SMS) protocols.

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.

Videophone: A telephone with a camera and screen for visual, real-time communications.

Video Relay Service (VRS): Telecommunications relay service that enables persons with hearing disabilities who use American Sign Language (ASL) to communicate with hearing people over Videophones in real-time, via a sign language interpreter. VRS is not an interpreting service for officers to communicate with deaf and hard of hearing individuals (see the definition for VRI). VRS allows deaf and hard of hearing individuals to have access to the telephone system. **Note**: The Federal Communications Commission issued a Public Notice stating that VRS cannot be used as a substitute for “in-person” interpreting services or for Video Remote Interpreting (VRI).

Video Remote Interpreting (VRI): Interpreting service that uses video conference technology over dedicated lines or wireless technology offering high-speed, wide-bandwidth video connection that delivers high-quality video images. **Note**: VRS and VRI are two (2) different services that use the same videophone technology. VRS is a means of giving deaf and hard of hearing individuals access to the telephone system and shall not be used by officers as an interpreting service.

#### IV. PROCEDURES

The following procedures shall apply to personnel when they encounter individuals who are deaf or hard of hearing (hereinafter also referred to as D/HH) during the performance of their official duties.

##### A. Department’s Commitment to Effective Communication

1. The Department shall ensure all personnel use an individual’s preferred communication method to provide service equivalent to that provided to all other community members.
2. To ensure effective communication, critical for safety and accuracy, officers shall provide appropriate auxiliary aids and services at no cost to the individual. Officers shall give primary consideration to the individual’s expressed preference. The appropriate aid depends on the context of the interaction, such as its length, importance, or complexity. These aids include, but are not limited to:
  - a. Written notes, gestures, or visual aids;
  - b. Computers, mobile devices, assistive listening systems, and TTY/TDD technology;
  - c. Qualified sign language or oral interpreters; and
  - d. Other effective methods for delivering information.
3. Officers must ensure clear communication by using qualified interpreters for complex interactions (e.g., interrogations), while gestures and written notes may suffice for simple ones.
4. Officers shall not conclude an investigation without verifying that effective communication has occurred.

##### B. E911/Communications Center

1. The E911/Communications Center maintains 24/7 Text-to-911 capability, supporting Short Message Service (SMS) emergency requests. Text-to-911 is intended for emergency use only by individuals who are D/HH, speech-impaired, or in dangerous, voice-incapable situations.
2. Text-to-911 calls hold the same urgency as voice calls, requiring plain English, no abbreviations, and immediate redirection of non-English users to voice calls for interpretation services. Non-emergency texts shall be forwarded to the proper line.
3. E911 personnel shall receive initial training for Text-to-911 calls during the E911 Academy, with a review during the Communications Training Officer (CTO) phase of training, and annual in-service training as necessary.

C. Notice of Right to Effective Communication and Determination as to Effectiveness of Communication

This section establishes the Notice and Determination Procedures referenced throughout this policy.

1. Except in exigent circumstances as outlined below (Section IV.D.), officers encountering individuals believed to be D/HH must:
  - a. Immediately use written notes or other means to confirm D/HH status;
  - b. Use the *Communication Needs Assessment Form* (Appendix B of this policy) to identify if the individual requires American Sign Language (ASL), Signed English, or other auxiliary aids, and to offer a free qualified interpreter; and
  - c. Request a qualified interpreter as outlined below (Section IV.L.) if needed, or notify a supervisor to secure unavailable auxiliary aids.
2. When a D/HH individual is a suspect or asked for consent to a search, officers must determine if a qualified interpreter is needed. If required, communication must stop until an interpreter or Video Remote Interpreting (VRI) device is available, except as noted below (Section IV.D.).
3. Officers shall provide materials if a D/HH individual prefers written communication. However written notes may not substitute for a sign language interpreter when one has been requested.

D. Exceptions: Exigent Circumstances, Arrests on Warrants/Probable Cause, Terry Stops/Pat-downs

The above Notice and Determination Procedures (i.e., Section IV.C.) need not be followed immediately in any situation involving exigent circumstances. Officers may engage in necessary communication with D/HH persons, or take immediate action as required by the exigency.

1. Nothing in this policy precludes an officer from engaging in communication or taking immediate action necessitated by exigent circumstances.
2. Upon conclusion of the exigency, officers must adhere to the aforementioned Notice and Determination Procedures and provide a qualified interpreter if necessary.

E. Primary Consideration

1. A qualified interpreter is generally required for complex or lengthy interactions, including:
  - a. Issuing Miranda Warnings or obtaining consent;
  - b. Taking formal witness or suspect statements; and
  - c. Extensive or detailed conversations.
2. Officers must give primary consideration to the aid or service requested by the D/HH individual. Officers must honor this choice unless:
  - a. Another method is equally effective based on the context of the interaction that is taking place (e.g., length, importance, or complexity of the communication); or
  - b. The requested aid would fundamentally alter the nature of the law enforcement service or create an undue financial or administrative burden.

A determination that an aid constitutes an undue burden or fundamental alteration shall only be made by the Chief of Police (or authorized designee).

3. The assessment of the need for aids or interpreters shall be documented in the *Communication Needs Assessment Form* (Appendix B).

F. Use of a Member of the Public or Minor Children to Facilitate Communications

1. Officers shall not require a D/HH individual to provide their own interpreter or rely on an accompanying adult for interpretation except:
  - a. In an emergency involving an imminent threat to safety where no qualified interpreter is available; or

- b. When the D/HH individual specifically requests the arrangement and it is deemed appropriate under the circumstances.
2. Officers shall not rely on children to interpret or facilitate communication except in emergencies involving an imminent threat where no adult interpreter is available.
3. Officers shall not use any member of the public for interpretation if there is a possibility that the parties involved have conflicting interests in the incident (e.g., domestic violence).
4. During an imminent threat, officers may use any effective communication method (e.g., written notes, non-qualified interpreters) for immediate safety. Standard auxiliary aid procedures must resume once the threat subsides.
5. When an incident involves both hearing and D/HH individuals, officers must prioritize securing auxiliary aids for the D/HH individuals. Relying solely on written notes for an American Sign Language (ASL) user while interviewing others verbally places the D/HH individual at a disadvantage and may result in an incomplete or inaccurate record.

#### G. Interpretive Services

Officers must ensure effective communication with D/HH individuals. The need for a qualified interpreter is governed generally by the length, importance, or complexity of the communication.

1. In simple enforcement situations/minor encounters (e.g. traffic stops, consensual police-citizen encounters, non-criminal incidents), written notes may suffice for effective communication.
2. When officers are interviewing a witness or a suspect, or engaging in any complex conversation with a D/HH person whose primary language is sign language, a qualified interpreter is usually needed to ensure effective communication. In some situations, a qualified interpreter with legal certification may be required.
3. Officers may arrest a D/HH suspect without a qualified interpreter if probable cause is established without interrogation. If probable cause must be established through questioning or interrogation, follow the steps in Section IV.I. of this policy.
4. Officers must not jeopardize their safety or the safety of others to accommodate a D/HH person.
5. When required by law or other situations necessary for effective communication, officers shall follow procedures in Section IV.L. of this policy to request a sign language interpreter.
6. Until a qualified sign language or oral interpreter arrives, officers shall use concise written notes to inform the D/HH suspect that an interpreter has been requested and is en route.
7. Once a qualified sign language or oral interpreter arrives on scene, officers shall brief the interpreter on the incident and utilize them to facilitate communication.
  - a. When using the services of any interpreter, officers shall:
    - 1) Look and speak directly to the D/HH person.
    - 2) Talk at a normal or slightly slower rate, with frequent pauses to allow for interpretation.
    - 3) Use simple language, avoid jargon/slang, and ensure the interpreter remains impartial.
    - 4) If a third person, such as a friend or family member, is present to assist in communicating with the D/HH person, observe the same practices.
  - b. Officers shall not seek advice, discuss confidential information, inquire about truthfulness or prior interactions, or allow the interpreter to speak with the D/HH person without an officer present.

#### 8. On-Call Interpreter Services

The Department maintains a list of sign language and oral interpreting services available 24/7 to provide qualified interpreters as needed. This list is located in Appendix A of this policy. Each

service is vetted for quality, reliability, and other factors. The Department shall update this list annually or as necessary.

- a. Qualification Standards: A qualified sign language or oral interpreter must communicate effectively, accurately, and impartially (receptively and expressively) between American Sign Language (ASL)/Signed English and spoken English. An interpreter must:
  - 1) Match the specific communication method of the D/HH individual (e.g., ASL vs. Signed English); and
  - 2) Possess familiarity with necessary specialized law enforcement vocabulary.
- b. Certification vs. Qualification: While a qualified interpreter may be certified, a certified interpreter is not necessarily “qualified” if they are a poor communication match for the individual or the specific situation.
- c. Restricted Interpreters: To ensure impartiality and confidentiality, family members, friends, or children of the D/HH individual are generally excluded from serving as interpreters.

#### H. Arrest Situations

See also CCPD SOP: *A8: Criminal Process & Arrest Procedures*.

1. Officers must follow the above Notice and Determination Procedures (i.e., Section IV.C.) whenever they arrest someone who is D/HH.
2. In most situations, handcuffs shall be applied with the person’s hands secured behind their back (thumbs up, palms out) and double-locked prior to searching for weapons and contraband.
  - a. When safe and feasible, officers may handcuff D/HH arrestees in the front to facilitate communication via sign language or writing notes.
  - b. If circumstances warrant handcuffing behind the back, essential communication shall be completed prior to application, provided it is safe to do so.

See also CCPD SOP: *D26: Handcuffing & Restraints*.

3. D/HH arrestees shall be informed of the charges and their Miranda rights (if the officer intends to conduct an interrogation). Follow the steps in Section IV.I. of this policy for all interrogations.
4. Officers must ensure D/HH arrestees retain necessary communication devices (hearing aids, cochlear implants, eye glasses) during transport, provided it is safe to do so.
5. Officers shall secure personal cell phones and mobile devices in the possession of a D/HH arrestee and turn them over to booking authorities immediately upon arrival.

#### I. Interrogation of a Suspect who is D/HH

See also CCPD SOP: *D36: Interviews & Interrogations*.

1. Pursuant to OCGA § 24-6-653 – Procedure for interrogation and taking of statements from hearing impaired persons arrested for violation of criminal laws.

(a) 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.

(1) 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) 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.

2. Officers must follow the above Notice and Determination Procedures (i.e., Section IV.C.) and OCGA § 24-6-653 when they are seeking to interview or interrogate a D/HH suspect to determine probable cause, or when they intend to interrogate a D/HH arrestee.
  3. If it is determined that a qualified interpreter is necessary for effective communication, officers shall not administer Miranda warnings or conduct questioning until the interpreter has arrived. Upon arrival, the Miranda warning shall be administered through the qualified interpreter.
- J. Interviewing D/HH Victims, Witnesses, Complainants, and Other Non-Suspects
1. The above Notice and Determination Procedures (i.e., Section IV.C.) shall be followed in every instance when officers interview a victim, witness, complainant, or non-suspect who is D/HH.
  2. During initial responses where time is of the essence (e.g., obtaining suspect/vehicle descriptions or determining emergency needs), officers must ensure effective communication. While a qualified interpreter is required if necessary for effective communication, immediate, time-sensitive information may be gathered through alternative means if the individual agrees.
  3. If the D/HH individual can communicate effectively without a qualified interpreter, officers may use alternatives, including, but not limited to, writing or uncertified interpreters (e.g., family members, friends, coworkers or other acquaintances). Alternate means of communication include, but are not limited to, uncertified interpreters and writing.
    - a. If written communication is used, officers must retain all written notes, questions, and responses, and attach them to their report.
    - b. If an uncertified interpreter is used, the officer must ensure the interpreter's information is included in the report as a witness.
  4. A qualified interpreter shall be requested immediately if the D/HH individual is unable or unwilling to communicate through writing and/or an uncertified interpreter.
- K. Appointment of Qualified Interpreters for Agency Proceedings
- Pursuant to OCGA § 24-6-652 – Qualified interpreters at agency proceedings.
1. 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.
  2. A hearing-impaired person shall notify the agency not less than ten days, excluding weekends and holidays, prior to the date of the proceeding of the need for a qualified interpreter. If the hearing-impaired person received notice of the proceeding less than ten days, excluding weekends and holidays, prior to the proceeding, such person shall notify the agency as soon as practicable after receiving such notice.

#### L. Requesting a Qualified Interpreter

In those instances where, pursuant to OCGA § 24-6-653, it is mandatory that a qualified interpreter be provided for a D/HH person taken into custody, or in those instances where it is necessary to utilize a qualified interpreter to ensure effective communication, the following procedures shall be followed:

1. When an officer decides that a qualified interpreter is needed, they must identify the D/HH person's language preference and notify their supervisor to request a qualified interpreter.
2. If the supervisor concurs with the officer's assessment, they will immediately contact the appropriate County-approved interpreting service (see Appendix A of this policy) to request a qualified interpreter.
3. At the time of the request, the supervisor must provide the interpreter with the following:
  - a. The location where the interpreter should report;
  - b. The D/HH person's sign language preference;
  - c. The name of the D/HH person needing interpretation;
  - d. Whether the D/HH person is a victim, suspect, or witness; and the nature of the offense or incident.

#### M. Documentation

1. Officers must document the communication method used with any D/HH individual.
2. If written communication is used, officers must attach all original written notes, questions, and responses to their report.
3. If a qualified interpreter is used, the report must include:
  - a. The interpreter's name and credentials;
  - b. The notification time;
  - c. The exact start and end times of the interpretation session;
  - d. The specific communication mode (e.g., ASL, Signed English); and
  - e. The format (on-site or Video Remote Interpreting).
4. Completed reports must be forwarded through the chain of command. If a qualified interpreter is used, the report must also be forwarded to the Logistics & Operations Unit for payment processing.
5. Waiver of Qualified Interpreter Services

Whenever a qualified interpreter is offered and the D/HH person decides to waive that right, the reporting officer must note this in their report.

#### N. Guidance and Resource Materials

1. All personnel must review and maintain a working knowledge of the *CCPD Training Bulletin # 26-001, Communicating with People Who are Deaf/Hard of Hearing*. This bulletin provides practical compliance strategies and outlines appropriate communication methods for various law enforcement encounters, ranging from routine traffic stops to complex interrogations.
2. The U.S. Department of Justice (DOJ) provides specialized technical assistance and guidance through the ADA website ([www.ada.gov/](http://www.ada.gov/)). These resources are designed to help law enforcement agencies comply with Title II of the Americans with Disabilities Act (ADA).

#### V. CANCELLATION

This procedure amends and supersedes the following standard operating procedure: *D15: Hearing-Impaired Persons*, dated February 10, 2020.