



Colorado Springs Police Department

General Order

315 Deaf or Hard of Hearing Persons

Section 300 – Special Populations

Effective Date: 5/11/2022

Supersedes Date: 9/28/2017

.01 Purpose

The purpose of this directive is to outline the requirements for effective communication during police contacts involving persons who are deaf or hard of hearing.

.02 Cross-Reference

[GO 120 Treatment of the Public](#)

[GO 121 Fair & Impartial Policing](#)

[GO 500 Use of Force](#)

[DL-315-01 Contacting Deaf or Hard-of-Hearing Persons](#)

[DL 315-02 Interviews and Interrogations of Deaf or Hard of Hearing Persons](#)

.03 Discussion

According to the Colorado Commission for the Deaf and Hard of Hearing (CCDHH), approximately nine (9) percent of the population has hearing loss to some degree. Both sworn and civilian personnel of this department may encounter people who are deaf or hard of hearing.

Deaf or hard of hearing individuals **must** be provided equal access to effective communication under the ADA Title II (28 CFR Part 35, § 35.160), CRS § 13-90-201 thru 210, and the CCDHH, by furnishing appropriate auxiliary aids or services when necessary.

.04 Policy

CSPD personnel will ensure appropriate contact and effective communication is provided to people who are deaf or hard of hearing, in accordance with all state and federal laws.

.05 Definitions

American Sign Language (ASL): A system of communication that uses motions or gestures of the hands and body language.

Assistive listening device (ALD): An auxiliary aid working either with a hearing aid or cochlear implant, or alone, to improve hearing acuity for all interactions.

Auxiliary services: Qualified interpreters, Communication Access Real-time Translation provider, assistive listening devices/systems, or other effective methods of making spoken or written information available to deaf or hard of hearing individuals.

Commission: The Colorado Commission for the Deaf and Hard of Hearing (CCDHH).

Communication Access Realtime Translation (CART): The same meaning as Computer Aided Real-time Translation (CART) and is the word-for-word translation from spoken English to text.

Deaf or hard of hearing: A person who has a functional hearing loss of sufficient severity to prevent aural comprehension, even with the assistance of hearing aids.

Effective communication: An individualized and culturally appropriate method of communication that results in equal access to information provided to all parties.

Interpreter: A professional who facilitates effective communication between all parties. Interpreters will fall into the following categories:

- *Sign Language Interpreter:* A professional who can hear and holds a valid Registry of Interpreters for the Deaf (RID) certificate and legal credential authorization issued by the Commission.
- *Certified Deaf Interpreter:* (CDI) A professional who is deaf and holds both a valid RID certificate and legal credential authorization issued by the commission. CDIs work with professionals who can hear, in providing an accurate interpretation between English and sign language, between variants of sign language, or between American Sign Language and other foreign sign languages by acting as an intermediary between the deaf or hard of hearing individual and the interpreter(s).
- *Deaf Interpreter (DI):* A professional who is deaf and holds a valid legal credential authorization issued by the Commission but does not hold an RID certificate. Deaf interpreters work with the professional interpreter(s), who can hear, in providing an accurate interpretation between English and sign language, between variants of sign language, or between American Sign Language and other foreign sign languages by acting as an intermediary between the individual who is deaf or hard of hearing and then interpreter(s).
- *Intermediary Interpreter:* An individual who has particular knowledge and/or experience relative to the unique communication needs of a deaf or hard of hearing person. The intermediary will assist the status I and/or status II interpreter(s), as defined by the

Colorado Commission for the Deaf and Hard of Hearing in 12 CCR 2516-1, in establishing effective communication on a case-by-case basis.

- *Oral Interpreter*: A professional who can hear and holds both a valid RID certificate and legal credential authorization issued by the commission. Oral interpreters are provided for individuals who rely on speech reading rather than sign language. "Legal Credential Authorization" is issued by the commission to qualified auxiliary service providers who have met all eligibility criteria and have submitted all required documentation.

Registry of Interpreters for the Deaf (RID): The national certifying body for interpreters who work with deaf and hard of hearing individuals.

.10 Identifying a Deaf or Hard of Hearing Person

A person who is deaf or hard of hearing may or may not acknowledge they have a hearing loss unless they have other circumstances that will prevent them from doing so (e.g., other disabilities, un-diagnosed hearing loss). They might have hearing aids, ranging from very small to a device that fits behind the ear.

Hearing Loss – Not Self-Identified

If it is suspected a person is deaf or hard of hearing but they have not self-identified, personnel are encouraged to respectfully ask the individual if they comprehend the communication exchange.

A person who is hard of hearing may not hear well enough to understand spoken language in a noisy environment or at a distance of a few feet. They may focus on a person's face in an attempt to speech read the mouth and facial expressions. The person who is hard of hearing might give an answer in a completely unrelated topic.

If the officer talking covers their mouth, or looks away, or has a bright light behind them, the person who is hard of hearing may have difficulty understanding what is being said.

Hearing Loss –Self-Identified

If the person then discloses a hearing loss, follow-up questions should be asked to prompt the auxiliary aid or service needed to facilitate effective communication. To determine if you are communicating clearly to an individual who is deaf or hard of hearing, ask the person to summarize what you are saying.

The type of auxiliary aid or service will vary by individual and depends on multiple factors:

- Age of hearing onset and first language modality
- Type of hearing acuity (e.g., mild, moderate, severe, profound)

- Nature, length, and complexity of the communication exchange
- How the person prefers to communicate

.15 Sign Language Use Indicators

A person who uses sign language will usually indicate deafness or hearing loss by pointing to their ears and then to their mouth, the sign for deaf. They may also point to their ear and shake their head, indicating they cannot hear.

They may reach into a pocket, car glove compartment, or even under a car seat to obtain pencil and paper. Some may also provide a card identifying them as deaf or hard of hearing. While personnel must act to assure their own safety, be cautious not to misinterpret these actions as reaching for a weapon.

.20 The Deaf or Hard of Hearing Person Who Speech Reads (Lip Reads)

A person who reads speech will not respond when you say something if you do not have their attention.

A person who reads speech will be able to read speech from one person at a time and won't respond if they are facing away from you, or if you are facing away from them.

.25 Identifying a Person with Cochlear Implants

Cochlear implants look similar to a "behind the ear" hearing aid, but they have an additional wire looping back and connecting to a powerful magnet that is inside the skull.

If the batteries wear out, the un-powered cochlear implant renders the user deaf. A person who uses cochlear implants may or may not have replacement batteries readily available.

A person with cochlear implants may or may not sign or read speech.

.30 Providing Effective Communication

When personnel encounter a person who is deaf or hard of hearing, they must determine what is needed for effective communication with that person, whether that means summoning a qualified interpreter or providing an assistive listening device.

Personnel **must** give primary consideration to, and honor, the individual's expressed choice of effective communication aid, except in limited circumstances.

Interpreters

Family members and friends should generally not be used to interpret for department personnel, as they may have a conflict of interest in the situation. In some limited circumstances, a friend or family member may be relied upon to interpret.

Exception: A family member may interpret in an emergency when the safety of the public or the person with the disability is of paramount importance, and an interpreter is not available, such as emergency personnel responding to a building fire. Department personnel could rely on the child of a deaf person to interpret the need to evacuate the building. Likewise, it may be appropriate to rely on a family member to interpret when a deaf individual has been robbed, and an officer in pursuit of the suspect needs immediate information.

For example:

- It would be appropriate to rely on a passenger who is a family member to interpret when an individual who is deaf is asking department personnel for directions or is stopped for a traffic violation.
- Conversely, it would not be acceptable for a family member or friend to interpret for a deaf individual during the investigation of a domestic disturbance or other criminal incidents. A certified legal interpreter should be summoned in these cases. These types of situations will be conducted in accordance with [DL-315-02 Interviews and Interrogations of Deaf or Hard of Hearing Persons](#)

Additionally, per the ADA, a family member may interpret for the sake of convenience in circumstances where an interpreter is not required by the ADA, such as in situations where the exchanging of written notes would be appropriate.

If it is determined an interpreter or other auxiliary aid or service is needed, personnel will make the request via the Communications Center. Personnel should specify the type of auxiliary aid or service needed to facilitate communication as some deaf or hard of hearing people might request an assistive listening device or a Communication Access Real-time Translation (CART) service instead of an interpreter. The Communications Center will then notify the contracted providers, and ask for a certified legal interpreter when appropriate.

Whenever possible, personnel should provide the name of the person who is deaf or hard of hearing to the Communications Center, as many of these persons are registered with, or are known to, the contracted providers, and this information can be valuable to that agency in identifying the most appropriate interpreter.

Handwritten notes can be considered an effective form of communication; however, this form of communication should be used mainly for basic interactions such as traffic stops, providing directions, etc.

For some people who are deaf or hard of hearing, English is their second language. For more complex interactions, an interpreter or ALD should be used.

Translation Devices

An interview room at the POC and in each substation is equipped with a videophone. In addition to providing Video Relay Service (VRS), these phones are equipped to provide video interpretation service (VRI). VRI is a subscription service using an interpreter to translate spoken words and ASL.

VRI services are also available via an iPad running 'Purple' software. Each patrol division has an iPad at the duty desk for this specific purpose. VRI does not take the place of a qualified interpreter but can be used to gather immediate facts or safety information. Operating instructions for the videophones are located next to the videophones at each location.