



# CONCORD POLICE DEPARTMENT

## STANDARD OPERATING PROCEDURE

### COMMUNICATING WITH THE DEAF OR HARD OF HEARING

**GENERAL ORDER:** 09.11

**CREATED:** March 1, 2007

**ISSUE DATE:** August 19, 2019

**ACTION:** Revises original general order

**EFFECTIVE DATE:** September 1, 2019

#### 09.11.0

#### PURPOSE

The purpose of the general order is to establish procedures to ensure a consistent high level of service to all persons who are deaf or hard of hearing.

#### 09.11.1

#### POLICY

The Concord Police Department has legal obligations under the Americans with Disability Act (ADA) to communicate effectively with people who are deaf or hard of hearing. The Concord Police Department shall work to ensure that all department coworkers effectively communicate with members of the public that are deaf or hard of hearing.

#### 09.11.2

#### DEFINITIONS

##### A. DEAF PERSON

A person whose hearing impairment is so significant that the individual is impaired in processing spoken information through hearing, with or without amplification. For the purpose of this general order, the term "deaf person" shall include adults and juveniles.

##### B. QUALIFIED INTERPRETOR

An interpreter certified and licensed as qualified under standards and procedures promulgated by the Department of Human Resources and in accordance with N.C.G.S. 90D-4.

**NOTE: N.C.G.S. 90D-4 specifies that no person shall offer or practice services to interpret or transliterate unless currently licensed under this chapter.**

##### C. NONQUALIFIED INTERPRETOR

An interpreter for the deaf not certified by the North Carolina Department of Human Resources who can adequately communicate with and interpret for the deaf in a simultaneous and accurate fashion. This interpreter may be used if a deaf person is a witness, victim or complainant.

**09.11.3      REQUESTING AN INTERPRETOR****A.    DEAF PERSONS IN CUSTODY**

1. Officers shall be required to provide qualified interpreters to deaf or hearing impaired persons under arrest, prior to any questioning.
2. Prior to questions, the person shall be read an Advice of Rights for Deaf or Hearing Impaired.
3. A deaf suspect may elect to waive either or both the rights to an interpreter or his/her Miranda Rights. If the deaf suspect chooses to make a voluntary statement once the waiver of rights form has been completed, request him/her to write the statement in his/her own words. If the person cannot write, then a qualified interpreter must be relied upon to assist the officer in obtaining a statement.
4. If the officer believes that a subject he/she has arrested is deaf, the officer shall notify Communications that a qualified and licensed interpreter is needed. The Concord Police Department shall utilize Fluent Language Solutions of Charlotte by calling (704) 532-7446 via cell phone or the communications center.

**NOTE: Should Fluent Language Solutions be utilized, notify the Administration Bureau commander for billing purposes.**

5. If an officer does not intend to question a deaf or hard of hearing arrestee, the officer should nonetheless inform the magistrate that the subject is deaf or hard of hearing or has other communication needs at the time he/she is presented before the magistrate.

**B.    WITNESSES, VICTIMS, OR SUBJECTS NOT IN CUSTODY**

1. Officers are not legally required to provide interpreters to suspects that are deaf or hearing impaired, who have not been arrested or who are not in custody.
2. In general interaction, the appropriate accommodation for a deaf or hard of hearing person will vary with the length and complexity of the communication involved. In certain circumstances, oral communication supplemented by gestures and visual aids or an exchange of written notes will be an effective means of communication with people who are deaf or hard of hearing.
3. If a hearing impaired subject's testimony is likely to be a key element of the prosecution, an interview utilizing a qualified interpreter shall be considered if practical.
4. An interpreters shall not be requested to the scene of domestic violence or other places where the interpreter's safety is jeopardized. In emergencies, an interpreter may be transported to the scene of potential danger, but only after the situation has been explained to the interpreter and reasonable precautions have been taken to ensure the interpreter's safety.

**09.11.4    TECHNIQUES FOR EFFECTIVE COMMUNICATION**

- A. Officers may utilize the following auxiliary aids to communicate effectively with a subject that is deaf or hard of hearing:
1. Face the subject and do not turn away while speaking even when utilizing an interpreter.
  2. Do not cover your mouth or chew gum.
  3. Speak slowing and distinctly using gestures and facial expressions.
  4. Use visual aids when possible.
  5. Write a note to ask the subject what communication aid or service is needed.
  6. Use short sentences and simple words.



GARY J. GACEK  
CHIEF OF POLICE