

## RENO POLICE DEPARTMENT GENERAL ORDER

This directive is for internal use only and does not enlarge this department's, governmental entity's and/or any of this department's employees' civil or criminal liability in any way. It is not to be construed as the creation of a particular standard of safety or care in an evidentiary sense, with respect to any complaint, demand for settlement, or any other form of grievance or litigation. Violations of this directive, if substantiated, can only form the basis for intra-departmental administrative sanctions.

Chief of Police: Jerry Hoover /s/		
Legal Advisor: Karen Fraley /s/		
Approving Deputy Chief:		
General Order No: P-150-04	Issued: June 8, 2004	Supersedes: 3/260.000
General Order Title: <b>COMMUNICATING WITH THE HEARING-IMPAIRED</b>		

### **POLICY**

It is the policy of the City of Reno Police Department to furnish appropriate auxiliary aids and services when necessary to ensure effective communication with persons with hearing impairments. This policy addresses those situations where a police officer, or civilian employee, after consulting with an individual with a hearing impairment, determines that the services of a "qualified interpreter" are necessary to ensure effective communication.

### **DEFINITIONS**

#### **Auxiliary Aids and Services**

The term "auxiliary aids and services" includes qualified interpreters, note pads, written materials, and other effective methods of making aurally-delivered materials available to individuals with hearing impairments.

#### **Qualified Interpreter**

A "qualified interpreter" is one who is able to interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary. Accordingly, an interpreter must be able both to sign to the individual who is deaf what is being said by the hearing person and to voice to the hearing person what is being signed by the individual who is deaf. Because a qualified interpreter must be able to interpret impartially, a family member or friend may not be qualified to render necessary interpretation because of emotional or personal involvement or confidentiality considerations.

### **PROCEDURES**

When an auxiliary aid or service is necessary to ensure effective communication, the department will:

1. Provide an opportunity for an individual with a disability to request the auxiliary aid and service of his or her choice; and,
2. Give “primary consideration” to the choice expressed by the individual. “Primary consideration” means that the department must honor the choice, unless it can demonstrate that another equally effective means of communication is available, or that use of the means chosen would result either in a fundamental alteration in the service, program, or activity, or in undue financial burden.

### **Arrest On Probable Cause Where Interview Is Not Necessary**

If an individual without a hearing impairment would have been arrested on probable cause without an interview, then a subject with a hearing impairment in the same situation does not need to be provided with a qualified interpreter. However, if an officer is unable to convey to the subject the nature of the criminal charge by communicating on a note pad or by using another means of communication, then a qualified interpreter may be required. In this case, the subject should be transported to the jail and either the arresting officer or the transporting officer can convey this information through the interpreter when the interpreter arrives.

### **Interview Needed to Arrest Individual with a Hearing Impairment**

If an officer needs to interview a suspect with a hearing impairment to determine if there is probable cause to make an arrest, a qualified interpreter must be provided if written communication is ineffective. When the services of a qualified interpreter are required to ensure effective communication, the officer must postpone the interview and possible arrest until the officer can make arrangements for a qualified interpreter to be present. If a qualified interpreter cannot respond within the time frame permitted for an investigative detention, the suspect must be released until a qualified interpreter is available.

### **Interrogating a Subject with a Hearing Impairment**

If an officer cannot effectively inform the subject of the *Miranda* rights without the use of an interpreter, then the officer must secure the services of a qualified interpreter in order to communicate accurately the warnings to the subject prior to any interrogation.

An officer seeking to interrogate a subject with a hearing impairment must obtain the services of a qualified interpreter prior to any interrogation whenever an interpreter is needed for effective communication. The officer may proceed with the interrogation by using a note pad if:

1. Exigent circumstances do not permit a delay in the interrogation of the subject;
2. An interpreter cannot be located within a reasonable period of time; and
3. Written communication between the officer and the subject was effective in conveying an understanding of the *Miranda* rights.

However, if written communication becomes ineffective, for example, because the factual pattern is complex, because the subject is having difficulty communicating without an

interpreter, or because the subject chooses to discontinue the interrogation, the officer must discontinue the interrogation and wait until a qualified interpreter is present before continuing the interrogation.

### **Issuance of a Non-Criminal Citation**

If an individual without a hearing impairment would have been issued a non-criminal citation without having been questioned by the investigating officer, then a suspect with a hearing impairment in the same situation does not need to be provided with a qualified interpreter. However, if the officer is unable to convey to the violator the nature of the infraction by communicating on a note pad or by using another means of communication, then the officer should use his or her discretion as to whether to call a qualified interpreter to the scene or whether to issue a warning rather than a citation.

### **Interviewing a Victim or Critical Witness with a Hearing Impairment**

If an officer is able to communicate effectively by writing questions on a note pad and having the victim or witness with a hearing impairment write his or her responses, then the officer may proceed with the interview using a note pad. However, if an investigating officer is unable to communicate effectively with a victim or critical witness by using a note pad or some other means of communication other than a qualified interpreter, then the investigating officer must provide the victim or critical witness with a qualified interpreter.

All identifying information on the interpreter must be included in the report. All written questions must be included in the report. All written questions and responses between and among police officers and persons with hearing impairments must be treated as evidence and handled accordingly. A copy of the written questions and responses must be forwarded with the police report, and the originals must be placed in evidence.