



<b>Series</b> 200 Operations	<b>Effective Date</b> 09/01/2022	<b>Review Date</b> Annually	<b>Directive Number</b>  <b>201.7</b>
<b>Chapter</b> 201 - Patrol Operations			
<b>Reviewing Office</b> Professional Education and Training Division			<input type="checkbox"/> <b>New Directive</b> <input checked="" type="checkbox"/> <b>Revised</b> <small>Revisions are in <i>italics</i></small>
<b>References</b>			

## **DEAF OR HEARING IMPAIRED PERSONS**

### **201.7 - 1 PURPOSE**

The purpose of this directive is to provide guidelines for police contacts with persons who are deaf or who have hearing impairments.

### **201.7 - 2 POLICY**

It is the policy of the Detroit Police Department that both sworn and non-sworn members of this department that come into contact with complainants, suspects, victims, or witnesses who are deaf or hearing impaired shall make the necessary adjustments to ensure he/she receive the appropriate service.

### **201.7 - 3 Procedures**

#### **201.7 - 3.1 Identifying**

The following information is provided only for general guidance to assist members in identifying deaf or hearing impaired persons:

A deaf person will usually indicate deafness or a hearing impairment by pointing to *their* ears and then to *their* mouth (the sign for “deaf”). A deaf person may point to *their* head, indicating *they* cannot hear. *They* may reach into a pocket, car glove compartment, or even under a car seat to obtain a pencil and paper. While members must act responsibly to assume *their* own safety, members must be careful not to misinterpret these actions as reaching for a weapon.

A deaf person constantly watches what is going on, trying to catch some clue as to what is being said. A deaf person will usually be very curious. In contrast, a person pretending to be deaf is likely to behave almost in the opposite way. They will try to ignore not only what can be heard, but also what can be seen. The pretender is not curious.

#### **201.7 - 3.2 Arrest**

Any officer who arrests a person who is deaf shall contact Notification and Control for an interpreter. In order to use any admissions or confession that a deaf person may make, only interpreters obtained through Notification and Control are to be used. Under no circumstances are family members, friends, or other individuals to be used as interpreters.

**201.7 Deaf or Hearing Impaired Persons**

Until an interpreter arrives, write messages in simple language explaining what is transpiring or will transpire. In writing, notify the deaf person that an interpreter has been called. Under no circumstances should the member do anything more without the aid of an interpreter. Do not advise the deaf person of Miranda Rights without the interpreter present.

Officers should use discretion based on the 'totality of the circumstances' during encounters with deaf or hearing impaired persons. If feasible, during the arrest, officers should avoid restraining the arms and/or hands of a deaf person because this is *their* method of communication. Restraining a deaf or hearing impaired person in this manner can cause a sense of panic. If circumstances exist where a reasonable officer would believe the individual to pose a safety concern, the officer should handcuff the person to the rear of *their* back; however, the Americans with Disabilities Act (ADA) recommends deaf individuals be handcuffed to the front in order for the person to sign or write notes.

Once an interpreter has arrived, use *them* to facilitate communication. Speak directly to the deaf person. Do not ask advice of the interpreter or say things you do not want communicated to the deaf person. The interpreter is required to interpret through sign language everything said in the presence of the deaf person. This protects not only the deaf person but also the law enforcement agency and its personnel.

At the conclusion of the advisement and/or interrogation, if the deaf person is to be kept in custody, the interpreter should stay to interpret the booking process.

**201.7 - 3.3 Telephone Privileges**

If a deaf person is taken into custody *their* right to communicate with *their* family or attorney cannot be denied because of *their* deafness. The Detroit Detention Center (DDC) is equipped with a Telecommunications Device for the Deaf (TDD). The TDD is located in the supervisor's office, Building 500, of the DDC. If a deaf or hearing impaired detainee requests to use the TDD, the detainee shall be brought to the supervisor's office in Building 500 of the DDC. If the detainee desires, the officer in charge of the DDC is responsible for ensuring that at the conclusion of the booking process, the interpreter contacts the family and/or attorney. This information shall be recorded in the Prisoner Telephone Log Book. A deaf or hearing-impaired detainee may be subject to having telephone or visitation privileges restricted with necessary justification.

**201.7 - 3.4 Victims or Witnesses**

If a deaf person is a victim or witness of a crime, a supervisor of the officer in charge of the case may request an interpreter through Notification and Control. Do not discount deaf persons as potential witnesses. Though *they* may not have heard what happened, *they* can frequently describe an incident with a high degree of accuracy.