5-09/005.30 - Communicating Through a Sign Language Interpreter

If the communication with a deaf individual is critical (e.g., a suspect is being interrogated), it could become involved. If communicating in writing is ineffective, or a sign language interpreter is requested, a qualified sign language interpreter should be provided. Be aware, however, that not every individual who can sign, can sign well enough to facilitate effective communication in all contexts. Individuals with limited signing abilities may not be able to sign fast enough, may lack special vocabulary and may not be able to cope with variations in sign languages. Since successful prosecutions could depend on whether a suspect understood the Miranda rights or understood questions during interrogation, the credentials of the sign language interpreter can be called into question. Therefore, if the communication is critical, a certified sign language interpreter should be obtained.

Often individuals with disabilities will have a family member or friend who is readily available and willing to interpret for them. In some contexts, it may be acceptable for these individuals to function as interpreters. Nevertheless, the Department cannot require individuals with disabilities to provide their own interpreters and cannot compel or expect others to serve as interpreters. Be sensitive to circumstances in which the individual with the disability may not want a family member or friend to be involved in the communication. Also be aware that friends and family members may have difficulty limiting their involvement in interpreting and may not interpret precisely what is being communicated. If this could present a problem, or if a qualified interpreter is not readily available and willing to interpret, the Department will need to provide an interpreter.

Qualified sign language interpreters can be obtained by placing a call to the Sheriff's Headquarters Bureau. When placing a call, be prepared to provide the following information:

- The nature of the interaction for which the interpreter is needed;
- When and for how long the interpreter is needed;
- The location at which the interpreter is needed;
- A contact person who will be available at the location when the interpreter arrives; and
- Any other special requirements.

It may take an hour or more for a qualified interpreter to respond to the location. Therefore, depending on the situation and the individual's wishes, it may be preferable to schedule a later appointment for the interaction. If a professional interpreter is obtained, the contact person at the unit may be required to sign an invoice after the service is provided. Divisions and units will not be responsible for the costs.

The following examples may be used as a guideline for handling the various types of situations encountered:

- Communicating with a hearing impaired suspect prior to an arrest when probable cause to arrest exists without having to interview;
    - If an individual without a hearing impairment would have been arrested on probable cause, then a suspect with a hearing impairment in the same situation does not need to be provided with a qualified interpreter; however, a qualified interpreter may still be required if a deputy is unable to convey to the arrestee the nature of the criminal charge by communicating with a note pad or other means of communication;
- Interviewing a suspect with a hearing impairment when the need to establish probable cause exists. If a

deputy needs to interview a suspect with a hearing impairment to determine if there is probable cause to arrest, a qualified interpreter must be provided if written communication is ineffective; and

- Interrogating an arrestee with a hearing impairment.

If a hearing impaired arrestee cannot fully understand his Miranda warning without the use of an interpreter, then a qualified interpreter shall be summoned before the interrogation is conducted.

- Communicating with a hearing impaired suspect prior to the issuance of a citation;
    - If an individual without a hearing impairment would be issued a citation without being questioned by the investigating officer, then a suspect with a hearing impairment does not need to be provided with a qualified interpreter. For example, if a suspect with a hearing impairment is caught on radar speeding, the investigating deputy does not have to provide an interpreter to the violator;
- Interviewing a victim or critical witness with a hearing impairment during the investigation of a serious offense;
    - If the investigating officer is able to communicate effectively on a note pad or other means and have the victim or witness with the hearing impairment write his responses, then the investigation may proceed without an interpreter present. However, if effective communications are not established by using a note pad or other means, then a qualified interpreter should be provided;
    - When qualified interpreters are used in the course of an investigation, all identifying information about the interpreter shall be included in the report. All written questions and responses between the hearing impaired person and the investigating officer shall be treated as evidence and handled accordingly. A copy of the written questions and responses shall accompany the report and the originals booked into evidence.