



**CITY OF AKRON, OHIO**  
**POLICE DIVISION**  
**KENNETH R. BALL II, CHIEF OF POLICE**

<b>NUMBER</b> P-2020-027	<b>EFFECTIVE DATE</b> February 7, 2020	<b>RESCINDS</b> P-84-027 issued 4-4-84
<b>SUBJECT</b> Deaf and Hard of Hearing Procedure		<b>ISSUING AUTHORITY</b> Chief Kenneth R. Ball II

## **I. POLICY**

Regulations in place by the United States Department of Justice and requirements of the Americans with Disabilities Act (ADA) make it clear that people who identify themselves as deaf or hard of hearing (D/HH) are entitled to a level of service equivalent to that provided to others.

It is the policy of the Akron Police Department to ensure that a consistently high level of service is provided to all community members, including those who are D/HH. Employees of the police department will make all reasonable attempts to provide equitable and appropriate police services as needed.

## **II. DEFINITIONS**

- A. American Sign Language (ASL) - A common visual language of standardized signs used by D/HH individuals that is specific to the United States. ASL has its own separate syntax, phonology, and morphology in and of itself which is not derived from English.
- B. Auxiliary aids and services - As defined in the Americans with Disabilities Act (ADA), these are communication aids that assist people who are deaf or who have hearing loss. They include, for example, hearing aids, cochlear implants, the exchange of written notes, telecommunications devices for the deaf (TDDs) also called text telephones (TTs) or teletypewriters (TTYs), telephone handset amplifiers, assistive listening systems, videotext displays, and hearing assistance dogs.
- C. Certified Sign Language Interpreter - A certified sign language interpreter is a person who has received certification from the Ohio Supreme Court Language Services.
- D. Lip-reading - Also referred to as speech reading; the ability to use information gained from movements of the lips, face, and body to increase understanding.
- E. Ohio Relay Service 711 - A free relay service that can be contacted by dialing 711 on any telephone. If a D/HH individual has a TTY or TDD device, the service will relay communications between the D/HH individual and hearing individuals.

## III. PROCEDURE

- A. Encounters with people who are deaf and hearing impaired - Communication problems in police-public encounters provide the basis for potential frustration and embarrassment. Failure of officers to recognize that a person has hearing impairment, or that person's failure to make his or her impairment known to officers, can also lead to critical misunderstandings. To avoid such potentialities, officers shall be cognizant of the following:
1. Be alert to indications that a person may be deaf or have hearing impairment. Such indications include but are not limited to the following:
    - a. The appearance of bumper stickers, rear window decals, or visor notices/symbols indicating the disability.
    - b. Failure of persons to respond to spoken commands or signals.
    - c. Use of signs, hand signals, or gestures in an attempt to communicate.
    - d. Display of cards by the person noting his or her hearing disability.
    - e. Inability or difficulty of a person to follow verbal instruction or requests for information.
    - f. A need to see the officer's face directly, suggesting that the person is attempting to lip-read.
    - g. Evidence of assistive devices such as hearing aids, cochlear implants, or picture symbols.
    - h. Evidence of behaviors such as increased agitation or irritability, low frustration levels, withdrawal, poor attention, or impaired equilibrium.
  2. When dealing with persons who are, or who are suspected of being D/HH, officers shall never assume that the person understands any communication from an officer until the officer confirms understanding through appropriate responses to questions or directives.
  3. When a person is identified as D/HH, officers shall determine by written or other forms of communication the person's preferred means of communication including, but not limited to, sign language, lip-reading, reading and note writing, or speech.
  4. For persons who use sign language, a family member or friend may interpret under emergency conditions or, in minor situations, for the sake of convenience, when an interpreter is not available or required by law. In all other situations, officers shall not rely on family members or friends for sign language interpretation due to their potential emotional involvement or conflict of interest.

5. Officers shall address all questions and directives to persons who lip-read by facing them directly and speaking in a moderately paced conversational tone. Shouting or using exaggerated mouth movements interfere with the ability to lip-read. Understanding can be further degraded by the presence of facial hair, chewing gum, cigarettes, and so on.
  6. Officers shall be aware that only about one-third of words can be accurately interpreted by lip-reading. Therefore, communication of a critical nature (e.g., Miranda warnings) shall be reinforced by other means of communication.
  7. Officers shall not assume that persons who wear hearing aids can hear and fully understand what is being said. Some use hearing aids to provide sound awareness rather than to increase speech understanding.
  8. Highly stressful situations, background noise, multiple speakers, and complex information and instructions can compromise the limited effectiveness of hearing aids. Officers shall test comprehension by seeking appropriate responses to simple questions or directives.
  9. D/HH persons may require additional time to understand and respond to commands, instructions, and questions; therefore, officers shall allow D/HH persons additional time to understand and respond to any communication from an officer.
- B. Sign Language Interpretation Requirements - The need for use of a sign language interpreter is governed generally by the length, importance, and complexity of the communication.
1. In simple enforcement situations, such as traffic stops, driver's license checks, or consensual police-public encounters, a sign language interpreter is not required. A notepad and pencil, or another preferred form of communication may provide effective communication.
  2. During interrogations, a certified sign language interpreter is required to effectively communicate with a person who uses sign language. If a certified sign language interpreter is not available, a qualified or skilled sign language interpreter may be used.
  3. A sign language interpreter need not be available in order for an officer to make an arrest of a subject where probable cause is established independent of interrogating the D/HH suspect.
  4. Interpreters shall be requested through safety communications. Sworn personnel shall not use any individual as a sign language interpreter who has a conflict of interest with the investigation.
- C. Arrest Situations
1. Some D/HH persons need their hands free in order to communicate. Unless absolutely necessary for the safety of officers or others, the use of handcuffs shall be avoided if possible. If handcuffs are required, all essential communication with the suspect should

be completed prior to their application if possible.

2. D/HH persons often have reduced verbal communication skills, speech that may be incoherent or otherwise resemble that of an individual who is intoxicated, and difficulty with equilibrium. When a D/HH person is suspected of Operating a Motor Vehicle While Intoxicated (OVI), officers shall avoid administering standard field sobriety tests (SFST). The only appropriate SFST to administer on a D/HH person is the horizontal gaze nystagmus test. Officers may also utilize alternative tests such as a breathalyzer or other blood alcohol test.
3. Some D/HH persons have limited written language skills, particularly involving difficult matters such as legal warnings and admonitions. Therefore, officers shall not assume the effectiveness of this form of communication and should gain confirmation of a person's understanding whenever possible.
4. Officers shall ensure that D/HH persons who are arrested and transported have their communication devices with them.

By Order Of,

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Kenneth R. Ball II  
Chief of Police

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