



2-18 CONTACT WITH DEAF, HARD OF HEARING, OR SPEECH IMPAIRED PERSONS

2-18-1 Policy

The purpose of this section is to establish procedures for handling individuals who are deaf or speech impaired. Persons who are victims, witnesses, or involuntarily detained/arrested, will be accorded the same privileges and rights as any other individual. All personnel will adhere to the Americans with Disabilities Act. ([SOURCE](#))

2-18-2 Procedure

A. Handling Deaf, Hard of Hearing, or Speech Impaired Persons

1. This standard operating procedure addresses only those situations where a police officer, after consulting with the deaf/hard of hearing or speech impaired individual, determines that the services of an interpreter, hereafter referred to as a "signer," are necessary to ensure effective communication.
2. During an Investigation:
 - a. Suspect: A signer must be provided if the situation is so complex or lengthy that written communication is ineffective. A signer must be provided before the officer makes an arrest. If the officer cannot wait until a signer arrives, the officer has two alternatives:
 - i. If the investigation does not involve a serious offense, the officer can postpone the investigation until he/she can return to the scene with a signer. If the signer is unable to respond or if the officer cannot return to the scene, the officer must document this fact in the report.
 - ii. If the investigation involves a significant case, the officer will contact his/her supervisor to determine if a detective will be called to assist. If the supervisor determines that a detective will not be called and if the officer cannot return to the scene, the officer must document this fact in his/her report.
 - b. Victim or Witness: If an officer is unable to communicate effectively with a victim or witness by use of a notepad or by use of some other means of communication, the officer must obtain a signer. If the officer cannot wait for a signer, the officer has three alternatives:
 - i. If the investigation does not involve a serious offense, the officer will have a signer dispatched to the victim's or witness' location and request the signer re-contact the officer via ECC, upon arrival. If a signer is unable to respond or if the officer cannot return to the scene, the officer must document the fact in his/her report.



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- ii. If the investigation does not involve a serious offense, the officer can ask the victim or witness to come voluntarily to the substation for a signer, where the officer can continue with the investigation. If a signer is unable to respond or if the officer cannot return to the substation, the officer must document the fact in his/her report.
 - iii. If the victim or witness information is needed for an arrest in a case or for completing the investigation of a case, the officer, must contact his/her supervisor. The supervisor will determine if a detective will be called to assist. If the supervisor determines a detective will not be called and if the officer cannot return to the scene, then the officer should document the fact in his/her report.
- c. Arrest or Issuance of Traffic and Criminal Citations
- i. In those situations where an officer has probable cause to make an arrest or issue a criminal citation without having to interview the deaf/hard of hearing or speech impaired suspect, the officer does not have to provide a signer, except for the following situations:
 - If an officer is unable to convey the nature of the criminal charges to the arrestee, the officer must call a signer unless the arrestee waives his/her right for a signer. The arrestee will be transported to an interview room at the main or the area substation where the officer will convey the information through the signer.
 - If an officer has stopped a suspect for committing a non-criminal (traffic) infraction and if the officer is unable to convey to the violator the nature of the infraction, the officer has the discretion to call a signer to the scene or issue a warning citation.
 - ii. Interrogation of an Arrestee
 - Subsequent to an arrest, the officer must obtain a signer prior to interrogation. If circumstances do not permit a delay in the interrogation of the arrestee; if a signer cannot be located within a reasonable period of time; and if written communication between the officer and the arrestee is effective, the officer may proceed with the interrogation by using a notepad.
 - If written communication is found to be ineffective or because the arrestee chooses to discontinue the interrogation, the officer must postpone the interrogation until a signer is present before continuing the interrogation.
 - The officer/detective will document arrival and departure times of the signer, and notify ECC of these times so the signer's time of service to APD can be accurately computed.



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iii. Waiver of Interpreter:

- A deaf/hard of hearing or speech impaired person may not waive his/her right to an interpreter unless given a reasonable opportunity to communicate privately with a qualified interpreter before such waiver. No waiver of the right to an interpreter will be valid unless the deaf/hard of hearing or speech impaired person knowingly and voluntarily signs the Deaf/Hard of Hearing or Speech Impaired Sign Language Interpreter Waiver Form, PD Form #4605.
- An interpreter will be used to read/write the Interpreter Refusal Waiver in the appropriate language for the person requesting a waiver.
- The Interpreter Refusal Waiver will be prepared in duplicate and signed by the officer's immediate supervisor.
- If after signing the waiver, the individual requests a signer, the officer must stop the interview and request that a signer is dispatched in order to continue with the interrogation/interview.

3. Interpreter Information and Written Evidence

- a. Officers will initiate an offense/incident report whenever an interpreter is called out. The report will include the name of the deaf/hard hearing or speech impaired person and all identifying information on the interpreter. The officer will, as soon as possible, send a copy of the report to APD Fiscal Division, in order to verify services were actually rendered.
- b. All written questions and responses between and among officers and deaf/hard hearing or speech impaired persons must be treated as evidence and handled accordingly.
- c. Original documents containing information from an interview will remain with the original report.
- d. A copy of the written questions and responses must be placed into evidence.

4. Providing Auxiliary Aid or Service of Choice

- a. When an auxiliary aid or service is required, the Police Department must provide deaf/hard hearing or speech impaired individuals with the auxiliary aids and services of their choice and will give primary consideration to the choice expressed by the individual.
- b. "Primary consideration" means that the Albuquerque Police Department must honor the choice, unless:
 - i. The department can show that another equally effective means of communication is available, or:
 - ii. Use of the means chosen would result in a fundamental alteration in the service, program, or activity or incur undue financial and administrative burdens.



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- c. Auxiliary Aids or Services includes:
 - i. Any written materials to aid in communication.
 - ii. Pencils, pens, and notepads.
 - iii. An Interpreter.
 - iv. Any other means for effective communication.
5. On-Call Interpreters
 - a. Emergency Communications maintains a roster of signers.
 - b. Officers will request the signers from ECC only.
 - c. Officers will request the signer on-call only after establishing:
 - i. That the deaf/hard hearing or speech impaired individual is the subject of an official police investigation.
 - ii. That the subject is the victim or witness of an official police investigation.
6. Evacuation Procedures
 - a. When it is necessary to evacuate a deaf/hard hearing or speech impaired on non-English speaking person from a building for any emergency, the following procedures will be used by the affected Floor Warden:
 - i. Alert the person of the emergency and direct him/her to the nearest fire exit.
 - ii. Ensure that the person understands that an emergency situation exists.
 - iii. Escort the person from the building.
7. Should a non-violent deaf/hard hearing or speech impaired person be arrested and transported to a police facility or any other location for questioning/interviewing, officers/detectives may allow, when safety permits, the handcuffing of the person in the front. Personnel are encouraged to utilize two officers during the transport and should never leave a deaf/hard hearing or speech impaired person alone in an interview room.