

DHS-PB-2021-013

SUBJECT: Handcuffing Clients Who Are Deaf or Hard of Hearing	APPLICABLE TO: All DHS PEACE OFFICERS	ISSUED October 25, 2021
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ADMINISTERED BY: DHS Police Operations	APPROVED BY: Joslyn Carter, Administrator Department of Social Services/ Department of Homeless Services
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■ INTRODUCTION

When a DHS Officer handcuffs a client, who is deaf or hard of hearing, the Officer may effectively deprive that client of the ability to communicate using sign language, hand gestures, or in writing. Because of this, DHS Officers must exercise special care when handcuffing clients who are deaf or hard of hearing.

■ PROCEDURE

Handcuffing a client who is deaf or hard of hearing should only be done when de-escalations efforts have failed. Please note: de-escalation efforts must utilize a client’s preferred mode of communication. When DHS Officers determine that it is necessary to handcuff a DHS client who is deaf or hard of hearing, in accordance with the guidelines set forth in the Peace Officer Guide, DHS Officers will adhere to the following:

- Clients who are deaf or hard of hearing should be cuffed in front so that they can better communicate while in cuffs, if necessary.
 - a) Be mindful that a client who is deaf or hard of hearing and uses sign language to communicate cannot communicate effectively when handcuffed (even when front cuffed).
 - b) Cuffing a client who is deaf or hard of hearing in the rear should only be used as a last resort for imminent safety-related situations only. For example: if there is valid concern of violent behavior from or by the client.

- c) If there is an imminent safety issue that precludes DHS Officers from cuffing a client who is deaf or hard of hearing in front, rear handcuffing a client who is deaf or hard of hearing is permissible only until the safety issue is resolved.
 - d) Once the situation is under control and it is safe to do so ensure that clients who are deaf or hard of hearing are uncuffed when in the presence of a qualified sign language interpreter (in-person or through Video Remote Interpretation) so that they may freely and effectively communicate with the interpreter or communicate using another preferred mode of communication.
- When DHS Officers need to communicate with a client who is deaf or hard of hearing, they must do so using the client's preferred method of communication.
 - a) Clients who are deaf or hard of hearing may have one preferred mode of communication or may use a combination of methods and auxiliary aids.
 - b) **Please note: The client's preferred method of communication must be honored.**
 - c) DHS Officers should check with staff at the shelter as to the shelter's procedure for obtaining a qualified sign language interpreter.
 - Once an in-person interpreter arrives on site, follow the procedure above on uncuffing clients.
 - If client prefers Video Remote Interpreting or if in-person interpretation is not available, DHS Officers must use (VRI) services to communicate with the client and will follow the procedure above on uncuffing clients.

■ ADDITIONAL NOTES

- For information about how to determine if a client is deaf or hard of hearing and how to communicate effectively with a client who is deaf or hard of hearing, please refer to the Desk Guide to Working with Clients Who Are Deaf or Hard of Hearing (DHS-PB-2017-006).
- For additional information on working with clients who are deaf or hard of hearing, please refer to ORIA's LEP Training. DHS Officers that have not yet taken this training should be encouraged to do so. For questions on this training, please reach out to a supervisor.
- If DHS Officers have questions about communicating effectively with clients who are deaf or hard of hearing, please contact the DSS Office of Disability Affairs at disabilityaffairs@dss.nyc.gov or (929) 221-6677 between the hours of 9AM-5PM, Monday – Friday.
- For more information about the use of force and handcuffing, please consult General Regulations: Use of Force, 105-6 and Making an Arrest: Duties and Responsibilities, 101-01.

REFERENCES

- A. The Americans with Disabilities Act
- B. Section 504 of the Rehabilitation Act
- C. New York State Human Rights Law
- D. New York City Human Rights Law