
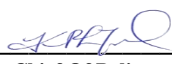
	Huntsville Police Department		
	Directive 7.6 Hearing Impaired Persons		
	Effective Date: October 1, 2012	Replaces:	
	Last Review Date: May 25, 2016		
	Reference: Texas Best Practices (TBP) Policies	Page 1 of 9	
Approved: _____  Chief Of Police			

PURPOSE

The purpose of this directive is to establish rules and guidelines for communication with individuals who are deaf or hard of hearing.

POLICY

It is the policy of the Huntsville Police Department to ensure that a consistently high level of service is provided to all community members, including those who are deaf or hard of hearing. This Agency has specific legal obligations under the Americans with Disabilities Act and the Rehabilitation Act. To carry out these policies and legal obligations, and to continue to provide the highest level of services to all members of the community, officers will use every means at their immediate disposal to ensure appropriate understanding by those who are deaf or hard of hearing

7.6.1

DEFINITIONS

- A. Deaf Person: an individual who uses sign language as the person's primary mode of communication and who may use interpreters to facilitate communication.
- B. Hard of Hearing Person: an individual who is unable to hear and distinguish sounds within normal conversational range and who needs to use speech reading (lip reading), assistive listening devices or oral interpreters to facilitate communication.

7.6.2

PROCEDURES

- A. People who identify themselves as deaf or hard of hearing are entitled to a level of service equivalent to that provided hearing persons.
- B. The Agency will make every effort to ensure that its officers and employees communicate effectively with people who have identified themselves as deaf or hard of hearing.
- C. Effective communication with a person who is deaf or hard of hearing who is involved in an incident -- whether as a victim, witness, suspect, or arrestee -- is essential in ascertaining what actually occurred, the urgency of the matter, and type of situation.

- D. 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. Use of signs, hand signals, or gestures in an attempt to communicate
 - c. Display of cards by the person noting his or her hearing disability
 - d. Inability or difficulty of a person to follow verbal instruction or requests for information
 - e. A need to see the officer's face directly, suggesting that the person is attempting to lip-read,
 - f. Evidence of assistive devices such as hearing aids, cochlear implants, or picture symbols
 - g. 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, deaf or who have hearing impairment, officers shall never assume that the person understands until it can be confirmed by appropriate responses to questions or directives.
 3. Once someone is identified as a deaf or hearing-impaired person, officers shall determine by written or other forms of communication the person's preferred means of communication—sign language, 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.
 - a. Upon encountering a person that is deaf or hard of hearing and determining that the level of contact has developed into more than a casual contact, the employee, sworn or non-sworn, will show the individual the issued American Sign Language Pictogram flash card. (See Appendix II) The card asks the individual if they prefer to utilize a qualified sign language interpreter during their interaction with this agency, and
 1. If the contact is of a casual nature (asking for directions, traffic stop involving a traffic violation, etc.) communication may be made

through written notes, lip reading or other less formal communication.

- b. The employee, sworn or non-sworn, will contact an on duty supervisor to assist in communicating with the deaf or hard of hearing individual, and
 - c. The employee, sworn or non-sworn, will document the encounter in an incident report, notes on the generated call slip, or via email. The documentation will detail the date, time, nature of the encounter and disposition of the encounter and be forwarded to the Support Services Lieutenant. If possible, the encounter should be recorded utilizing an ICVS, Body Worn Camera, or other video recording device. The recording will also be forwarded to the Support Services Lieutenant.
5. Officers shall test comprehension by seeking appropriate responses to simple questions or directives. Deaf or hard-of-hearing persons may require additional time to understand and respond to commands, instructions, and questions.
- E. Various types of communication aids - known as “auxiliary aids and services” - are used to communicate with people who are deaf or hard of hearing. These include use of gestures or visual aids to supplement oral communication; an exchange of written notes; use of a computer or typewriter; use of assistive listening devices (to amplify sound for persons who are hard of hearing); or use of qualified oral or sign language interpreter.
- F. The type of aid that will be required for effective communication will depend on the individual's usual method of communication, and the nature, importance, and duration of the communication at issue.
- G. In many circumstances, oral communication supplemented by gestures and visual aids, an exchange of written notes, use of a computer or typewriter, or use of an assistive listening device may be effective. In other circumstances, qualified sign language or oral interpreters are needed to communicate effectively with persons who are deaf or hard of hearing. The more lengthy, complex, and important the communication, the more likely it is that a qualified interpreter will be required for effective communication with a person whose primary means of communication is sign language or speech reading. For example:
1. If there has been an incident and the officer is conducting witness interviews, a qualified sign language interpreter may be required to communicate effectively with someone whose primary means of communication is sign language.
 2. If a person is asking an officer for directions to a location, gestures and an exchange of written notes will likely be sufficient to communicate effectively and a sign language interpreter is often not required.

- H. To serve each individual effectively, primary consideration should be given to the communication aid or service that works best for that person. Officers must ask persons who are deaf or hard of hearing what type of auxiliary aid or service they need. Officers must defer to those expressed choices, unless there is another equally effective way of communicating, given the circumstances, length, complexity, and importance of the communication, as well as the communication skills of the person who is deaf or hard of hearing.
- I. The Agency is not required to provide a particular auxiliary aid or service if doing so would fundamentally alter the nature of the law enforcement activity in question, or if it would cause an undue administrative or financial burden. Only the Agency head or his or her designee may make this determination.
- J. The input of people who are deaf or hard of hearing who are involved in incidents is just as important to the law enforcement process as the input of others. Officers must not draw conclusions about incidents unless they fully understand -- and are understood by -- all those involved, including persons who are deaf or hard of hearing.
- K. People who are deaf or hard of hearing must never be charged for the cost of an auxiliary aid or service needed for effective communication.

7.6.3 ON-CALL INTERPRETIVE SERVICES

- A. The Agency will maintain a list of sign language and oral interpreting services that are available (on-call 24 hours per day) and willing to provide qualified interpreters as needed. Each of these services will be chosen after having been screened for the quality and skill of its interpreters, its reliability, and other factors such as cost. The Agency will update this list annually. The Walker County Communications Center currently maintains a list of on-call interpreters.
 - 1. For complex interaction, or if requested to do so by the deaf or hard of hearing individual, the on-duty supervisor will utilize the virtual interpreting service contracted with the Agency.
- B. A qualified sign language or oral interpreter is one who is able to interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary. Accordingly, an interpreter must be able to sign to the deaf individual (or interpret orally to the person who does not use sign language) what is being said by the hearing person and to voice to the hearing person what is being signed or said by the deaf individual. The interpreter must be able to interpret in the language the deaf person uses (e.g., American Sign Language or Signed English) and must be familiar with law enforcement terms and phrases. Because a qualified interpreter must be able to interpret impartially, a family member, child, or friend of the individual who is deaf may not be qualified to render the necessary interpretation because of factors

such as professional, emotional, or personal involvement, or considerations of confidentiality. Additionally, although a “qualified” interpreter may be certified, a certified interpreter is not necessarily “qualified,” if he or she is not a good communications match for the deaf person (e.g., where the deaf person uses Signed English and the interpreter uses American Sign Language) or the situation (e.g., where the interpreter is unfamiliar with law enforcement vocabulary). Certification is not required in order for an interpreter to be “qualified.”

- C. In cases where a deaf or hard of hearing individual may be charged with a serious crime, the District Attorney should be consulted for appropriate determination of the interpretive services required prior to any interview or interrogation.

7.6.4 ARREST SITUATIONS

- A. Recognizing that some 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.
- B. Deaf persons and persons who have severe hearing impairments 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. As such, officers shall avoid administering standard field sobriety tests to such persons. Breathalyzer, blood alcohol, or horizontal gaze nystagmus should be employed as alternative tests.
- C. Some deaf and hearing-impaired 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.
- D. Officers shall ensure that deaf and hearing-impaired persons who are arrested and transported to a booking site have their communication devices with them.

7.6.5 TTY AND RELAY SERVICES

The Walker County Communications Center currently maintains a TTY device and subscribes to the Telecommunications Relay Service. The Walker County Communications Center is an entity separate from the Huntsville Police Department but is contracted to take calls for service, emergency and non-emergency calls, dispatch Huntsville Police Department Officers to those calls, and to handle other communications needs for the Huntsville Police Department.

7.6.6 TECHNIQUES FOR OFFICERS TO COMMUNICATE EFFECTIVELY

Officers must review and have a working knowledge of *Communicating with People Who Are Deaf or Hard of Hearing ADA Guide for Law Enforcement Officers* (see appendix). This document reviews how officers should communicate effectively in the types of situations officers will encounter. These situations include:

2. Issuing a non-criminal or motor vehicle citation. –
3. Communicating with a person who initiates contact with an officer.
4. Interviewing a victim or critical witness to an incident.
5. Questioning a person who is a suspect in a crime.
6. Making an arrest or taking a person into custody.
7. Issuing Miranda Warnings to a person under arrest or in custody.
8. Interrogating a person under arrest or in custody.

Appendix I

U.S. Department of Justice
Civil Rights Division
Disability Rights Section

Communicating with People Who Are Deaf or Hard of Hearing ADA Guide for Law Enforcement Officers

A driver who is deaf writes on a pad of paper to communicate with an officer.

As a law enforcement officer, you can expect to come into contact with people who are deaf or hard of hearing. It is estimated that up to nine percent of the population has some degree of hearing loss, and this percentage will increase as the population ages.

Under the Americans with Disabilities Act (ADA), people who are deaf or hard of hearing are entitled to the same services law enforcement provides to anyone else. They may not be excluded or segregated from services, be denied services, or otherwise be treated differently than other people. Law enforcement agencies must make efforts to ensure that their personnel communicate effectively with people whose disability affects hearing. This applies to both sworn and civilian personnel.

Your agency has adopted a specific policy regarding communicating with people who are deaf or hard of hearing. It is important to become familiar with this policy.

Requirements for Effective Communication

The ADA requires that . . .

- Law enforcement agencies must provide the communication aids and services needed to communicate effectively with people who are deaf or hard of hearing, except when a particular aid or service would result in an undue burden or a fundamental change in the nature of the law enforcement services being provided.
- Agencies must give primary consideration to providing the aid or service requested by the person with the hearing disability.
- Agencies cannot charge the person for the communication aids or services provided.

- Agencies do not have to provide personally prescribed devices such as hearing aids.
- When interpreters are needed, agencies must provide interpreters who can interpret effectively, accurately, and impartially.
- Only the head of the agency or his or her designee can make the determination that a particular aid or service would cause an undue burden or a fundamental change in the nature of the law enforcement services being provided.

Your agency's policy explains how to obtain interpreters or other communication aids and services when needed.

Communicating with People Who are Deaf or Hard of Hearing

Officers may find a variety of communication aids and services useful in different situations.

- Speech supplemented by gestures and visual aids can be used in some cases.
- A pad and pencil, a word processor, or a typewriter can be used to exchange written notes.
- A teletypewriter (TTY, also known as a TDD) can be used to exchange written messages over the telephone.
- An assistive listening system or device to amplify sound can be used when speaking with a person who is hard of hearing.
- A sign language interpreter can be used when speaking with a person who knows sign language.
- An oral interpreter can be used when speaking with a person who has been trained to speech read (read lips). Note: Do not assume that speech reading will be effective in most situations. On average, only about one third of spoken words can be understood by speech reading.

The type of situation, as well as the individual's abilities, will determine which aid or service is needed to communicate effectively.

Practical Suggestions for Communicating Effectively

- Before speaking, get the person's attention with a wave of the hand or a gentle tap on the shoulder.
- Face the person and do not turn away while speaking.
- Try to converse in a well-lit area.
- Do not cover your mouth or chew gum.
- If a person is wearing a hearing aid, do not assume the individual can hear you.

- Minimize background noise and other distractions whenever possible.
- When you are communicating orally, speak slowly and distinctly. Use gestures and facial expressions to reinforce what you are saying.
- Use visual aids when possible, such as pointing to printed information on a citation or other document.
- Remember that only about one third of spoken words can be understood by speech reading.
- When communicating by writing notes, keep in mind that some individuals who use sign language may lack good English reading and writing skills.
- If someone with a hearing disability cannot understand you, write a note to ask him or her what communication aid or service is needed.
- If a sign language interpreter is requested, be sure to ask which language the person uses. American Sign Language (ASL) and Signed English are the most common.
- When you are interviewing a witness or a suspect or engaging in any complex conversation with a person whose primary language is sign language, a qualified interpreter is usually needed to ensure effective communication.
- When using an interpreter, look at and speak directly to the deaf person, not to the interpreter.
- Talk at your normal rate, or slightly slower if you normally speak very fast.
- Only one person should speak at a time.
- Use short sentences and simple words.
- Do not use family members or children as interpreters. They may lack the vocabulary or the impartiality needed to interpret effectively.

What Situations Require an Interpreter?

Generally, interpreter services are not required for simple transactions – such as checking a license or giving directions to a location – or for urgent situations – such as responding to a violent crime in progress.

Example: An officer clocks a car on the highway going 15 miles per hour above the speed limit. The driver, who is deaf, is pulled over and is issued a noncriminal citation. The individual is able to understand the reason for the citation because the officer points out relevant information printed on the citation or written by the officer.

Example: An officer responds to an aggravated battery call and upon arriving at the scene observes a bleeding victim and an individual holding a weapon. Eyewitnesses observed the individual strike the victim. The individual with the weapon is deaf. Because the officer has probable

cause to make a felony arrest without an interrogation, an interpreter is not necessary to carry out the arrest.

However, an interpreter may be needed in lengthy or complex transactions – such as interviewing a victim, witness, suspect, or arrestee – if the person being interviewed normally relies on sign language or speech reading to understand what others are saying.

Example: An officer responds to the scene of a domestic disturbance. The husband says the wife has been beating their children and he has been trying to restrain her. The wife is deaf. The officer begins questioning her by writing notes, but her response indicates a lack of comprehension. She requests a sign language interpreter. In this situation an interpreter should be called. If the woman's behavior is threatening, the officer can make an arrest and call for an interpreter to be available later at the booking station.

It is inappropriate to ask a family member or companion to interpret in a situation like this because emotional ties may interfere with the ability to interpret impartially.

Example: An officer responds to the scene of a car accident where a man has been seriously injured. The man is conscious, but is unable to comprehend the officer's questions because he is deaf. A family member who is present begins interpreting what the officer is saying.

A family member or companion may be used to interpret in a case like this, where the parties are willing, the need for information is urgent, and the questions are basic and uncomplicated. However, in general, do not expect or demand that a deaf person provide his or her own interpreter. As a rule, when interpreter service is needed, it must be provided by the agency.

You may contact the Walker County Communications Center to obtain an interpreter, or other communication aid or service.

For further information on the Americans with Disabilities Act contact:

<http://www.ada.gov/lawenfcomm.htm>

ADA Website

Appendix II



Sign Language Interpreter?

yes

no

