



Approved:  
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Subject:

# 623. Communications With Persons With Disabilities

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## 623.1: PURPOSE AND SCOPE

This policy provides guidance to members when communicating with individuals with disabilities, including those who are deaf or hard of hearing, have impaired speech or vision, or are blind.

### 623.1.1: DEFINITIONS

**Auxiliary aids** - These are used to communicate with people who are deaf, hard of hearing or have impaired speech. They include, but are not limited to, the use of gestures or visual aids to supplement oral communication; use of a notepad and pen or pencil to exchange written notes; use of a computer or other device; use of an assistive listening system or device to amplify sound; use of a teletypewriter (TTY), videophones (video relay service or VRS); or use of a qualified interpreter.

**Deaf or hard of hearing** - An individual who has or is regarded as having substantially limited hearing with or without assistance.

**Qualified interpreter** - A person who is able to interpret effectively, accurately and impartially, both receptively and expressively, using any necessary specialized vocabulary. Qualified interpreters include oral interpreters, transliterators, sign language interpreters and intermediary interpreters.

## 623.2: POLICY

**It is the policy of the Albany Police Department to reasonably ensure that people with disabilities, including victims, witnesses, suspects and arrestees have equal access to law enforcement services, programs and activities. Members must make efforts to communicate effectively with individuals with disabilities. The Department will not discriminate against or deny any individual access to services, rights or programs based upon disabilities.**

## 623.3: AMERICANS WITH DISABILITIES ACT (ADA) COORDINATOR

- a. The Chief of Police shall delegate certain responsibilities to an ADA Coordinator ([28 CFR 35.107](#)). The ADA Coordinator shall be appointed by, and directly responsible, to the Operations Division Captain or the authorized designee.
- b. The responsibilities of the ADA Coordinator shall include, but not be limited to:

- 1) Working with the City ADA Coordinator regarding the Albany Police Department's efforts to ensure equal access to services, programs and activities;
- 2) Developing reports, new procedures, or recommending modifications to this policy;
- 3) Acting as a liaison with local disability advocacy groups or other disability groups regarding access to department services, programs and activities;
- 4) Ensuring that a list of qualified interpreter services, including contact information and availability, is maintained and available to each Shift Supervisor and Police Support Services Manager;
- 5) Developing procedures that will enable members to access auxiliary aids or services, including qualified interpreters, and ensure the procedures are available to all members;
- 6) Ensuring signage is posted in appropriate areas, indicating that auxiliary aids are available free of charge to people with disabilities;
- 7) Ensuring appropriate processes are in place to provide for the prompt and equitable resolution of complaints and inquiries regarding discrimination in access to department services, programs and activities.

#### **623.4: FACTORS TO CONSIDER**

- a. Because the nature of any law enforcement contact may vary substantially from one situation to the next, members of this department should consider all information reasonably available to them when determining how to communicate with an individual with a disability.
- b. Members should carefully balance all known factors in an effort to reasonably ensure people who are disabled have equal access to services, programs and activities. These factors may include, but are not limited to:
  - 1) The fact that an individual appears to be nodding in agreement does not always mean he/she completely understands the message. When there is any doubt as to the effectiveness of communication, members should ask the individual to communicate back or otherwise demonstrate their understanding;
  - 2) The nature of the disability (e.g., deafness or blindness vs. hard of hearing or low vision);
  - 3) The nature of the law enforcement contact (e.g., emergency vs. non-emergency, custodial vs. consensual contact).
  - 4) The availability of auxiliary aids. The fact that a particular aid is not available does not eliminate the obligation to reasonably ensure access. However, in an emergency, availability may factor into the type of aid used.

**623.5: INITIAL AND IMMEDIATE CONSIDERATIONS**

- a. Recognizing that various law enforcement encounters may be potentially volatile and/or emotionally charged, members should remain alert to the possibility of communication problems.
- b. Members should exercise special care in the use of all gestures, and verbal and written communication to minimize initial confusion and misunderstanding when dealing with any individual with known or suspected disabilities.
- c. In a non-emergency situation, when a member knows or suspects that an individual requires assistance to effectively communicate, the member shall identify the individual's choice of auxiliary aid or service.
- d. The individual's preferred communication method must be honored unless another effective method of communication exists under the circumstances ([28 CFR 35.160](#)).
- e. Factors to consider when determining whether an alternative method is effective include:
  - 1) The methods of communication usually used by the individual;
  - 2) The nature, length, and complexity of the communication involved;
  - 3) The context of the communication.
- f. In emergency situations involving an imminent threat to the safety or welfare of any person, members may use whatever auxiliary aids and services that reasonably appear effective under the circumstances, regardless of the person's preferred means of communication.
  - 1) Once the emergency has ended, the continued method of communication should be reconsidered, giving primary consideration to the person's preferred means of communication.
- g. If an individual who is deaf, hard of hearing or has impaired speech must be handcuffed while in the custody of the Albany Police Department, consideration should be given, safety permitting, to placing the handcuffs in the front of the body to facilitate communication using sign language or writing.

**623.6: TYPES OF ASSISTANCE AVAILABLE**

- a. Albany Police Department members shall never refuse to assist an individual with disabilities who is requesting assistance.
- b. The Department will not charge anyone to receive auxiliary aids, nor shall they require anyone to furnish their own auxiliary aid or service as a condition for receiving assistance.
- c. The Department will make every reasonable effort to provide equal access and timely assistance to individuals who are disabled through a variety of services.
- d. A person who is disabled may choose to accept department-provided auxiliary aids or services or they

may choose to provide their own.

- e. Department-provided auxiliary aids or services may include, but are not limited to, the assistance methods described in this policy.

### **623.6.1: AUDIO RECORDINGS AND ENLARGED PRINT**

The Department may develop audio recordings to assist people who are blind or have a visual impairment with accessing important information.

- a. If such a recording is not available, members may read aloud from the appropriate form, for example a personnel complaint form, or provide forms with enlarged print.

### **623.6.2: QUALIFIED INTERPRETERS**

- a. A qualified interpreter may be needed in lengthy or complex transactions (e.g., interviewing a victim, witness, suspect or arrestee), if the individual to be interviewed normally relies on sign language or speechreading (lip-reading) to understand what others are saying.
  - 1) The qualified interpreter should not be a person with an interest in the case or the investigation.
  - 2) A person providing interpretation services may be required to establish the accuracy and trustworthiness of the interpretation in a court proceeding.
- b. Qualified interpreters should be:
  - 1) Available within a reasonable amount of time but in no event longer than one hour if requested;
  - 2) Experienced in providing interpretation services related to law enforcement matters;
  - 3) Familiar with the use of VRS and/or video remote interpreting services;
  - 4) Certified in either American Sign Language (ASL) or Signed English (SE);
  - 5) Able to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser;
  - 6) Knowledgeable of the ethical issues involved when providing interpreter services.
- c. Members should use department-approved procedures to request a qualified interpreter at the earliest reasonable opportunity, and generally not more than 15 minutes after a request for an interpreter has been made or it is reasonably apparent that an interpreter is needed.
- d. No individual who is disabled shall be required to provide his/her own interpreter (28 CFR 35.160).

**623.6.3: TTY AND RELAY SERVICES**

- a. In situations where an individual without a disability would have access to a telephone (e.g., booking or attorney contacts), members must also provide those who are deaf, hard of hearing or have impaired speech the opportunity to place calls using an available TTY (also known as a telecommunications device for deaf people, or TDD).
- b. Members shall provide additional time, as needed, for effective communication due to the slower nature of TTY and TDD communications.
- c. The Department will accept all TTY or TDD calls placed by those who are deaf or hard of hearing and received via a telecommunications relay service ([28 CFR 35.162](#)).
- d. Note that relay services translate verbatim, so the conversation must be conducted as if speaking directly to the caller.

**623.6.4: COMMUNITY VOLUNTEERS**

- a. Interpreter services may be available from community volunteers who have demonstrated competence in communication services, such as ASL or SE, and have been approved by the Department to provide interpreter services.
- b. Where qualified interpreters are unavailable to assist, approved community volunteers who have demonstrated competence may be called upon when appropriate.
  - 1) Department members must carefully consider the nature of the contact and the relationship between the individual with the disability and the volunteer to ensure that the volunteer can provide neutral and unbiased assistance.

**623.6.5: FAMILY AND FRIENDS**

- a. While family or friends may offer to assist with interpretation, members should carefully consider the circumstances, including the nature of the contact and the relationship between the person with the disability and the person offering services, before relying on such individuals.
- b. Children shall not be relied upon except in emergency or critical situations when there is no qualified interpreter reasonably available.
- c. Adults may be relied upon when (28 CFR 35.160):
  - 1) There is an emergency or critical situation and there is no qualified interpreter reasonably available;
  - 2) The person with the disability requests that the adult interpret or facilitate communication and the adult agrees to provide such assistance, and reliance on that adult for such assistance is reasonable under the circumstances.

**623.7: REPORTING**

- a. Whenever any member of this department is required to complete a report or other documentation, and communication assistance has been provided, such services should be noted in the related report.
  - 1) Members should document the type of communication services utilized and whether the individual elected to use services provided by the Department or some other identified source.
  - 2) If the individual's express preference is not honored, the member must document why another method of communication was used.
- b. All written communications exchanged in a criminal case shall be attached to the report or placed into evidence.

**623.8: FIELD ENFORCEMENT**

- a. Because of the variety of potential field contacts, members and/or supervisors must assess each situation and consider the length, complexity and importance of the communication, as well as the individual's preferred method of communication, when determining the type of resources to use and whether a qualified interpreter is needed.
- b. Although not every situation can be addressed in this policy, it is important that members are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action. (For example, it would be meaningless to verbally request consent to search if the officer is unable to effectively communicate with an individual who is deaf or hard of hearing and requires communication assistance.)
- c. If available, officers should obtain the assistance of a qualified interpreter before placing an individual with a disability under arrest.
- d. Individuals who are arrested and are assisted by service animals should be permitted to make arrangements for the care of such animals prior to transport.

**623.8.1: FIELD RESOURCES**

- a. Examples of methods that may be sufficient for 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, may, depending on the circumstances, include such simple things as:
  - 1) Hand gestures or visual aids with an individual who is deaf, hard of hearing or has impaired speech;
  - 2) Exchange of written notes or communications;
  - 3) Verbal communication with an individual who can speech read by facing the individual and

speaking slowly and clearly;

- 4) Use of computer, word processing, personal communication device or similar device to exchange texts or notes;
  - 5) Slowly and clearly speaking or reading simple terms to individuals who have a visual or mental impairment.
- b. Members should be aware that these techniques may not provide effective communication as required by law and this policy depending on the circumstances.

### 623.9: CUSTODIAL INTERROGATIONS

- a. In an effort to ensure that the rights of individuals who are deaf, hard of hearing or have speech impairment are protected during a custodial interrogation, this department will provide interpreter services before beginning an interrogation, unless exigent circumstances exist or the individual has made a clear indication that he/she understands the process and desires to proceed without an interpreter.
- b. The use of a video remote interpreting service should be considered, where appropriate, if a live interpreter is not available.
- c. Miranda warnings shall be provided to suspects who are deaf or hard of hearing by a qualified interpreter or by providing a written Miranda warning card.
- d. In order to ensure that communications during custodial investigations are accurately documented and are admissible as evidence, interrogations should be recorded whenever reasonably possible.
- e. Additional guidance may be found the [Interview and Interrogations: Policy 502](#).

### 623.9.1: INTERPRETER REQUIRED IN ARRESTS

An officer who arrests a person who is deaf, has a physical hearing impairment or physical speaking impairment shall, prior to any interrogation or the taking of a statement, make available a qualified interpreter to assist throughout the interrogation or taking of the statement.

- a. Fees and expenses of the interpreter will be paid as specified by Oregon law ([ORS 133.515](#)).

### 623.10: ARRESTS

- a. If an individual with speech or hearing disabilities is arrested, the arresting officer shall use department-approved procedures to provide a qualified interpreter at the place of arrest or booking as soon as reasonably practical, unless the individual indicates that he/she prefers a different auxiliary aid or service or the officer reasonably determines another effective method of communication exists under the circumstances.

- b. When gathering information during the booking process, members should remain alert to the impediments that often exist when communicating with those who are deaf, hard of hearing, who have impaired speech or vision, are blind, or have other disabilities.
  - 1) Individuals who require and possess personally owned communication aids (e.g., hearing aids, cochlear processors) should be permitted to retain them while in custody.

#### **623.11: COMPLAINTS**

The Department shall ensure that individuals with disabilities who wish to file a complaint regarding members of this department are able to do so.

- a. The Department may provide a qualified interpreter or forms in enlarged print, as appropriate.
- b. Complaints will be referred to the department ADA Coordinator.
- c. Investigations into such complaints shall be handled in accordance with the Personnel Complaints Policy.
- d. Qualified interpreters used during the investigation of a complaint should not be members of this Department.

#### **623.12: COMMUNITY OUTREACH**

Community outreach programs and other such services offered by this department are important to the ultimate success of more traditional law enforcement duties. This department will continue to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services.

#### **623.12: COMMUNITY OUTREACH**

- a. To ensure that all members who may have contact with individuals who are disabled are properly trained, the Department will provide periodic training that should include:
  - 1) Awareness and understanding of this policy and related procedures, related forms and available resources;
  - 2) Procedures for accessing qualified interpreters and other available resources;
  - 3) Working with in-person and telephone interpreters and related equipment.
- b. The Administrative Lieutenant shall be responsible for ensuring new members receive training related to interacting with individuals who have disabilities, including individuals who are deaf, hard of hearing, who have impaired speech or vision, or are blind.
- c. Those who may have contact with such individuals should receive refresher training at least once



every two years thereafter.

- d. The Administrative Lieutenant shall maintain records of all training provided, and will retain a copy in each member's training file in accordance with established records retention schedules.

#### **623.12.1: CALL TAKER TRAINING**

- a. Emergency call-takers shall be trained in the use of TTY equipment protocols for communicating with individuals who are deaf, hard of hearing or who have speech impairments. Such training and information should include:
  - 1) The requirements of the ADA and Section 504 of the Rehabilitation Act for telephone emergency service providers;
  - 2) ASL syntax and accepted abbreviations;
  - 3) Practical instruction on identifying and processing TTY or TDD calls, including the importance of recognizing silent TTY or TDD calls, using proper syntax, abbreviations and protocol when responding to TTY or TDD calls;
  - 4) Hands-on experience in TTY and TDD communications, including identification of TTY or TDD tones.
- b. Training should be mandatory for all the Communications Center members who may have contact with individuals from the public who are deaf, hard of hearing or have impaired speech.
- c. Refresher training should occur every six months.