




ARLINGTON COUNTY POLICE DEPARTMENT DIRECTIVE MANUAL

Chapter: 5 Procedures	Effective Date: June 14, 2018	Amends/Supersedes: November 2, 2015 September 9, 2005	By Authority of the Chief of Police  Charles A. Penn
Accreditation Standard(s): ADM.02.02			

523.07 Communicating with Deaf, Hearing, and Visually Impaired Persons

I. Policy

In order to communicate effectively and provide both accessible and timely access to public safety services both sworn and civilian personnel will take all reasonable steps to accommodate victims, witnesses, and suspects that are deaf, hearing and/or visually impaired.

II. Definitions

- A. **Qualified Interpreter** - One who is able to interpret effectively, accurately, and impartially both receptively and expressively, using any necessary specialized vocabulary. Depending on the complexity of an investigation an interpreter may need to be certified as having met certain levels of competency.
- B. **Telecommunications Relay Service** - A telephone service that allows persons with hearing or speech disabilities to place and receive telephone calls. There are several forms of TRS, depending on the particular needs of the user and the equipment available.

III. Code Requirements

- A. **28 CFR 35 – Non-Discrimination on the Basis of Disability in State and Local Government Services**

IV. Procedure

- A. **Communicative Needs** – Upon encountering a hearing impaired person needing police services, an employee should attempt to identify the type of hearing assistance necessary to establish effective and convenient communication.
 - 1. In most cases this can be accomplished by a direct inquiry with the hearing-impaired person by any means immediately available to an employee such as hand gestures, texting, and written messages. Department employees who possess sign language skills may also be used.
 - a. In an emergency involving an imminent threat to the safety or welfare of an individual or the public, an adult or minor child accompanying a person who uses sign language may be relied upon to interpret or facilitate communication.
 - b. In situations not involving an imminent threat, sign language interpretation by an adult companion of the hearing-impaired person is permissible, but only when appropriate under the circumstances and the need for privacy or confidentiality will not be compromised. (see IV. B.)

- c. In circumstances where additional interpretation resources are required for effective communication the officer should contact the ECC for assistance.
2. A sign language interpreter is not required for an officer to make an arrest of a hearing impaired or deaf subject where probable cause is established independent of interrogating the subject.
3. When probable cause to make an arrest must be established through questioning or interrogation of a deaf or severely hearing-impaired person, the employee shall request a sign language interpreter through ECC and subsequently notify their supervisor of the request.
 - a. The Advice on Constitutional Rights should be communicated to the arrestee using the department's printed form and be signed by the defendant even when there is no qualified interpreter immediately available. However, some deaf persons have very limited English language skills, and will require an interpreter to ensure comprehension of their rights. Under Federal law a deaf defendant must be informed that the department will provide a qualified interpreter who will be present during all questioning at no cost to them.
 - b. The County maintains a list of vendors, on [AC Commons](#), that provide sign language interpretation services that are generally reserved for use in serious and complex criminal cases that require certified interpreters and/or interpreters who specialize in foreign signed languages or have a technical knowledge of law enforcement.
 - c. All interpreters shall be listed as witnesses in the case report or case supplement; their business address and phone number may be used rather than a home address and phone.
 - d. A digital video recording all communications with deaf defendants is appropriate in order to be able to substantiate the effectiveness of the communication and the quality of the interpretation.
 - e. Victims and complainants should also be provided with interpretation services.
4. Telecommunication Device for the Deaf (TDD), Text Telephone (TTY), and Relay Services - The acronyms TDD and TTY are inter-changeable, and refer to a single, common device that enables users to communicate through standard telephone lines using typed messages rather than voice. The ECC has the capability of receiving or sending TDD/TTY calls. Additionally, the County's ADA Coordinator maintains an assistive listening device for individuals who have severe hearing impairment which is available for loan. (see FCC Consumer Guide – Telecommunications Relay Service.) Employees must provide telephone access to a hearing-impaired person in any situation where such access would be provided to a person with normal hearing. This includes, but is not limited to, criminal suspects.

- B. Confidentiality - Employees who assist or arrest hearing-impaired persons shall consider privacy and confidentiality needs when assessing whether auxiliary hearing assistance is needed.
1. Depending upon the desires of the hearing-impaired person, it may be necessary to request a contract interpreter rather than utilizing a relative or friend. For example, a rape victim who is accompanied by a relative or friend with sign language skills may not be comfortable answering certain questions in the presence of that relative or friend.
 2. It is inappropriate in most circumstances for police to serve as a relay between a hearing-impaired criminal suspect and that suspect's lawyer or parent, etc. Accordingly, officers should not make such calls on a hearing-impaired suspect's behalf, but instead shall provide the suspect with access to a TTY/TDD telephone.
 3. Employees should not observe written messages that are typed or received by a hearing-impaired person using TTY/TDD telephones unless the employee is a legitimate party to the call. As a general rule, employees shall accord hearing-impaired persons the same level of privacy and confidentiality that would be accorded to a person with normal hearing who was making a similar call.
 4. Employees shall ensure that written messages they exchange with hearing-impaired persons are protected from viewing by unauthorized persons. Potentially sensitive messages should be handled in the same manner as any other confidential documents.
- C. Communicating with Blind or Visually-Impaired Persons – Upon encountering a blind or visually-impaired person needing or requesting for police services, an employee should identify themselves to the person. Any directions or instruction, including any information that is posted visually, should be stated clearly and completely to the person. Officers shall read out loud and in full any documents that the person needs to sign. The County Manager's Office of Human Rights, EEO and ADA has the capability to produce alternative communications formats such as documents in large print or in Braille (see AC Commons ADA – Accommodations.)
- D. Training - The Training & Career Development Unit shall ensure that all recruit officers receive training on communication with deaf and hearing-impaired persons. Where possible, this training should be provided by the County's ADA Coordinator or an advocacy or service agency from the hearing-impaired community. The unit shall also ensure that refresher roll-call training regarding this topic is administered to officers periodically.