



## Policy 1103

Subject

### **COMMUNICATING WITH INDIVIDUALS WHO ARE DEAF AND HARD OF HEARING**

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*By Order of the Police Commissioner*

### **POLICY**

It is the policy of the Baltimore Police Department (BPD) 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 policy outlines the procedures members should follow to ensure that citizens who are deaf or hard of hearing enjoy equal access to departmental services, as required by the Americans with Disabilities Act (ADA).

### **GENERAL**

People who are deaf or hard of hearing are entitled to a level of service equivalent to that provided to other persons. Accordingly, the BPD will make every effort to ensure that its members communicate effectively with people who are deaf or hard of hearing.

Effective communication with a person who is deaf or hard of hearing – whether a victim, witness, suspect or arrestee – is essential in order to ascertain what actually occurred, the urgency of the matter and the type of situation.

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, for example, use of:

1. Gestures or visual aids to supplement oral communication.
2. A notepad and pen or pencil to exchange written notes.
3. Maryland Relay and video relay services to communicate by telephone.
4. A qualified oral or sign language interpreter.
5. Video remote interpreter services.

The type of aid or service 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.

In some circumstances, oral communication supplemented by gestures and visual aids or an exchange of written notes will be an effective means of communicating with people who are deaf or hard of hearing. In other circumstances, a qualified interpreter may be needed to communicate effectively. The more lengthy, complex and important the communication, the more likely it is that a qualified interpreter will be required for effective communication. Situations in which the presence of a qualified interpreter may be necessary include, for example:

1. Miranda warnings
2. Booking procedures
3. Interviews/interrogations
4. Reporting crime
5. Witness statements
6. Scheduled Departmental meetings and events (when requested by a member of the public)

Primary consideration should be given to the type of communication aid or service requested by the individual who is deaf or hard of hearing. People who are deaf or hard of hearing will not be charged for the cost of an auxiliary aid or service needed for effective communication.

### **ON-CALL INTERPRETER SERVICES**

The Department will provide qualified sign and oral interpreting services when needed through an approved vendor that is available on-call, 24 hours per day. In situations where an interpreter may be required, members should contact the Communications Unit, Shift Commander, who will authorize and then arrange for the provision of the needed services.

A qualified sign language or oral interpreter is one who is able to interpret effectively, accurately and impartially and who is able to interpret in the language or communication mode the deaf or hard of hearing person uses (for example, American Sign Language, Signed English, Oral Interpretation, Tactile Signing).

Ordinarily, members should not use a family member, child or friend of the individual who is deaf or hard of hearing as an interpreter. These individuals may not be qualified to render the necessary interpretation because of factors such as professional, emotional, or personal involvement or considerations of confidentiality.

Two types of interpreter services may be utilized – on-site interpreter services and video remote interpreting (VRI). For longer, more-complex communications, an interpreter may be dispatched to the scene for on-site interpreter services. For shorter and less-complex communications, members may use VRI services using a computer or a hand-held android telephone.

When a video remote interpreter (VRI) is used, the deaf or hard of hearing individual will watch the interpreter sign what is being said in real time on the computer monitor or telephone screen. The deaf or hard of hearing individual responds to the officer by signing to the camera on the conferencing unit and the interpreter speaks what the individual signs.

### **GUIDELINES FOR USE OF VIDEO REMOTE INTERPRETERS**

VRI services are available 24-hours a day, 7 days a week to enhance communication between law enforcement officers and deaf or hard-of-hearing individuals.

If at any time a deaf or hard of hearing individual specifically requests to have an interpreter on-site, however, the member shall promptly notify the Communications Unit of the request and arrangements for on-site interpreter services shall be made.

Members shall not use VRI services for communicating with a deaf or hard of hearing individual when the person:

1. Is a child under the age of 18 who is a victim of a crime or a respondent,
2. Appears heavily medicated or intoxicated,
3. Has a secondary disability or injury (e.g. low vision; injuries to arm/hand, mental disability) that impedes the use of the technology
4. Is the subject of a criminal interrogation/debriefing,
5. Is a victim of a violent felony offense (including sexual assault), and
6. Appears unable or unwilling to use VRI as an effective means of communication or the use of such services might pose a risk to safety.

Members are permitted to use VRI services in the following situations:

1. Filing incident reports
2. Filing misdemeanor offense reports
3. Filing non-violent felony offense reports
4. Conducting short, less-complex witness interviews
5. Conducting traffic stops
6. General communication (e.g. providing directions, responding to general requests)

### **TELEPHONE COMMUNICATION**

For persons with hearing-related disabilities, the standard telephone is often a barrier to communication. However, the Maryland Relay service enables deaf, deaf/blind, hard of hearing or speech impaired individuals who are TTY (Text Telephone) users to communicate with standard telephone users over phone lines.

To use Maryland Relay to reach a deaf or hard of hearing individual by phone, simply dial 7-1-1 from any telephone and give the operator the number of the party you wish to reach. Once the connection is made, the operator will type what you say using a TTY so the person you are calling can read your words on his or her TTY display. He or she will then type back a response, which the operator will read aloud to you over the phone. Strict confidentiality is maintained by Maryland Relay. There is no limit to the length or number of calls and local calls are free.

In addition, the federal Telecommunications Relay Service (TRS) enables the same population of people who use computers and video devices to communicate with standard-telephone users over phone lines. There are two types of services: Internet Protocol Relay and Video Relay Service. The Communications Unit can assist members with use of these services.

**Member**

Members should familiarize themselves with this policy, as well as have a working knowledge of the publication: *Communicating with People Who Are Deaf or Hard of Hearing: ADA Guide for Law Enforcement Officers*. (See Annex A.) This document reviews how members can communicate effectively with deaf and hard of hearing individuals in the types of situations members will encounter. Members should make use of the following auxiliary aids and services, when available, to communicate effectively with individuals who are deaf and hard of hearing:

1. Gestures,
2. Visual aids,
3. Notepads and pens or pencils,
4. Computer or typewriter,
5. Maryland Relay and Telecommunications Relay Service for communicating by phone, and
6. Qualified oral or sign language interpreter,
7. Video remote interpreter services

To request a qualified oral or sign language interpreter when one is required, contact the Communications Unit, Shift Commander.

Work cooperatively with the Communications Unit and the deaf or hard of hearing individual to determine the type of interpreter needed (for example, American Sign Language, Signed English, Oral, Deaf or Deaf-Blind Interpreter). In addition, work with the Communications Unit to determine the most effective approach to utilizing the interpreter (for example, on-site interpreter services vs. video remote interpreting).

When using an interpreter, look and speak directly to the person with the hearing disability – not the interpreter.

Do not use a family member, friend or child of the individual who is deaf or hard of hearing as an interpreter. They may lack the vocabulary or impartiality needed to interpret effectively.

Be mindful that when communicating with a deaf or hard of hearing person, the possibility of miscommunication is possible. Any information obtained should be verified with the person. Members should also exhibit patience and understand that there will be barriers to overcome to achieve effective communication.

**COMMUNICATIONS UNIT**

When a member requests the assistance of an interpreter, the Communications Unit Shift Commander shall evaluate the situation and the need for assistance, including the type of interpreter required (for example., American Sign Language, Signed English, Oral, Deaf or Deaf-Blind Interpreter).

In situations where the use of a qualified interpreter is deemed necessary, the Shift Commander shall promptly approve the request and arrange for the necessary services through the Department's approved vendor.

The Shift Commander shall work with the members who are requesting an interpreter to identify the most effective approach to utilizing the interpreter (for example on-site interpreter services vs. video remote interpreting).

**APPENDIX**

- A. U.S. Department of Justice, "Communicating with People Who Are Deaf or Hard of Hearing: ADA Guide for Law Enforcement Officers"

**ASSOCIATED POLICIES**

Policy 1735, *Language Access Services for Limited English Proficient (LEP) Persons*

**RESCISSION**

Remove and destroy/recycle Policy 720, *Communicating With Individuals Who Are Deaf And Hard Of Hearing*, dated 31 October 2014.

**COMMUNICATION OF POLICY**

This policy is effective on the date listed herein. Each employee is responsible for complying with the contents of this policy.

**APPENDIX A**

U.S. Department of Justice, "Communicating with People Who Are Deaf or Hard of Hearing, ADA Guide for Law Enforcement Officers"

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



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

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.



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

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.

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U.S. Department of Justice, "Communicating with People Who Are Deaf or Hard of Hearing, ADA Guide for Law Enforcement Officers"

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- 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.



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- 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.

List your agency's contact information for obtaining an interpreter, an assistive listening device, or other communication aid or service here.

**For further information on the Americans with Disabilities Act contact:**

ADA Website

[www.ada.gov](http://www.ada.gov)



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U.S. Department of Justice, "Communicating with People Who Are Deaf or Hard of Hearing, ADA Guide for Law Enforcement Officers"

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**ADA Information Line**

800-514-0301 (voice)

800-514-0383 (TTY)

This pamphlet was developed by the U.S. Department of Justice for law enforcement personnel.

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