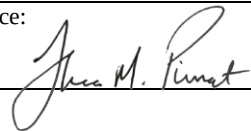


LEESBURG POLICE DEPARTMENT REGULATIONS AND GENERAL ORDERS MANUAL		
General Order Number: 137	Section: ADMINISTRATION	Effective Date: NOVEMBER 2021
Title: DEAF AND HARD OF HEARING		
Accreditation Standards: ADM.02.02, OPR.08.01, OPR.09.01		
Review Date: JANUARY 2024	Total Pages: 3	Chief of Police: 

I. PURPOSE

It is the purpose of this policy to provide officers with guidance on effective communication during police contacts with the deaf and persons who have hearing impairment. As an agency we should continually strive to exceed professional standards in the delivery of quality police services, and always remember our commitment to respecting the rights and human dignity of all.

II. GENERAL POLICY

Most officers will have encounters with persons who are deaf or affected by significant hearing loss—whether that be as victims, witnesses, or suspects. To ensure effective communication with persons who are deaf and hard of hearing, and to conform to provisions of federal and state law, officers shall follow the guidelines provided in this policy.

III. DEFINITIONS

Lip-reading: Also referred to as speech reading; the ability to use information gained from movements of the lips, face, and body to increase understanding.

Sign language: American Sign Language (ASL) is the form of sign language most often used in the United States. Signs convey concepts or ideas even though a sign may stand for a separate English word. Signing individual letters by finger spelling can supplement sign language. Just as there are regional variations (dialects) in spoken English, there are regional differences in sign language.

Auxiliary aids and services: As defined in the Americans with Disabilities Act (ADA), these are communication aids that assist people who are deaf or who have hearing loss. They include, for example, hearing aids, cochlear implants, the exchange of written notes, telecommunications devices for the deaf (TDDs) also called text telephones (TTs) or teletypewriters (TTYs), Virginia Relay (711), telephone handset amplifiers, assistive listening systems, videotext displays, and hearing assistance dogs.

Direct Access: In the context of ADA requirements, direct access means that all calls from persons who are deaf, have hearing loss or have speech impairments must be accepted through this department's emergency communication center by whatever means are provided to other members of the public. They may not be relayed through third-party emergency service providers unless the caller asks the department to do so.

IV. PROCEDURES

A. Emergency Call Takers and Dispatchers

1. The emergency call center of this agency shall be equipped to receive calls from TDD and computer modem users and all call takers will be trained to communicate with callers using Virginia relay, TTY and TDD equipment.

2. The deaf and hearing impaired shall be provided with direct, equal access to all emergency services provided by this department by communication through Virginia relay, TTYs, TDDs, or alternative devices that are equally effective.
3. Emergency call takers shall place a high emphasis on response to emergency calls for service from persons who are deaf or who have hearing impairment. If the call for service has to sit in the queue, please notify a supervisor.
4. All call takers and dispatchers shall receive initial and periodic refresher training on the use of Virginia relay, TDDs, TTYs, and related devices as well as training in procedures and techniques for communicating with callers who have communication difficulties.
5. All call takers and dispatchers shall receive initial and periodic refresher training on the use of telecommunication relay systems for the deaf and those who have hearing impairment.

B. Encounters with Persons who are the Deaf and Hearing Impaired

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. Failure of persons to respond to spoken commands or signals
 - c. Use of signs, hand signals, or gestures in an attempt to communicate
 - d. Display of cards by the person noting his or her hearing disability
 - e. Inability or difficulty of a person to follow verbal instruction or requests for information
 - f. A need to see the officer's face directly, suggesting that the person is attempting to lip-read,
 - g. Evidence of assistive devices such as hearing aids, cochlear implants, or picture symbols
 - h. 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, lip-reading, 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.
5. Officers shall address all questions and directives to persons who lip-read by facing them directly and speaking in a moderately paced conversational tone. Shouting or using exaggerated mouth movements interfere with the ability to lip-read. Understanding can be further degraded by the presence of facial hair, chewing gum, cigarettes, and so on.
6. Officers shall be aware that only about one-third of words can be accurately interpreted by lip-reading. Therefore, communication of a critical nature (e.g., Miranda warnings) shall be reinforced by other means of communication.
7. Officers shall not assume that persons who wear hearing aids can hear and fully understand what is being said. Some use hearing aids to provide sound awareness rather than to increase speech understanding.
8. Highly stressful situations, background noise, multiple speakers, and complex information and instructions can compromise the limited effectiveness of hearing aids. Officers shall test comprehension by seeking appropriate responses to simple questions or directives.
9. Deaf or hard-of-hearing persons may require additional time to understand and respond to commands, instructions, and questions.

C. Sign Language Interpretation Requirements

The need for use of a sign language interpreter is governed generally by the length, importance, and complexity of the communication.

1. In simple enforcement situations, such as traffic stops, driver's license checks, or consensual police-public encounters, a notepad and pencil may provide effective communication (see IV.B.4).
2. During interrogations and arrests, a sign language interpreter is generally necessary to effectively communicate with a person who uses sign language.
3. A sign language interpreter need not be available in order for an officer to make an arrest of a subject where probable cause is established independent of interrogating the deaf or hearing-impaired suspect. A sign language interpreter may be called for to be available later at booking.
4. If probable cause to make an arrest must be established through questioning or interrogation of a deaf or severely hearing-impaired person, a sign language interpreter shall be requested.
5. The Town of Leesburg has a contract with Sign Language USA (SLUSA), Inc. SLUSA offers translation services over the phone interpreting (OPI), video remote interpreting (VRI), and in-person interpreting upon request. Communication Access Real-time Translation (CART) Services are also available should you need real-time captioning during meetings. Please see your supervisor for telephone or application access to SLUSA services.

D. Arrest Situations

1. 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 handcuffs are required, all essential communication with the suspect should be completed prior to their application if possible.
2. 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 that examine speech or balance to such persons. Horizontal gaze nystagmus, breathalyzer, or blood alcohol should be employed as alternative tests.
3. 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.
4. Officers shall ensure that deaf and hearing-impaired persons who are arrested and transported to police headquarters or the Detention Center (Adult or Juvenile) have their communication devices with them. Such devices shall be kept by arrestees and maintained by booking authorities in good working order.