



GENERAL ORDER

Loudoun County Sheriff's Office

Chapter: Operations

Section: 401.5

Subject: Operational Functions **Topic:** Effective Communication with the Deaf or Hearing Impaired

Enacted: 07/30/2015

Last Review: 07/24/2015

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I. PURPOSE

The purpose of this General Order is to provide a policy that will carry out the agency's legal obligations under the Americans with Disabilities Act and the Rehabilitation Act for effective communication with people who are deaf or hearing impaired.

II. POLICY

It is the policy of the Loudoun County Sheriff's Office to ensure that a consistently high level of service is provided to all community members, including those who are deaf or hearing impaired.

III. PROCEDURE

- A. Effective communication with a person who is deaf or hearing impaired 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 the type of situation involved. People who identify themselves as deaf or hearing impaired are entitled to a level of service equivalent to that provided hearing persons.

Based on this essential level of communication, the agency will make every effort to ensure that its deputies and employees communicate effectively with people who have identified themselves as deaf or hearing impaired.

1. Various types of communication aids, known as auxiliary aids and services, are used to communicate with people who are deaf or hearing impaired. 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 hearing impaired, or use of qualified oral or sign language interpreters.
2. 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.
3. 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 assisted 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 hearing impaired. 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.

- a. If there has been an incident and the deputy 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.
 - b. If a person is asking a deputy 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.
4. To serve each individual effectively, primary consideration should be given to the communication aid or service that works best for that person. Deputies must ask persons who are deaf or hearing impaired what type of auxiliary aid or service they need. Deputies 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 hearing impaired.
5. 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 questions or if it would cause an undue administrative or financial burden. Only the Sheriff or his/her designee may make that determination. For example:
- a. If the agency has limited financial resources and providing a particular auxiliary aid would cost a large sum of money, the Sheriff may determine that it would be an undue financial burden.
 - b. If the Sheriff determines that a particular aid does present an undue financial burden on the agency, the most effective means of communication that does not involve an undue burden must be used. The costs for an auxiliary aid or service needed for effective communication shall not be charged to the deaf or hearing impaired individual.
6. The input of people who are deaf or hearing impaired and who are involved in incidents is just as important to the law enforcement process as the input of others. Deputies must not draw conclusions about incidents unless they fully understand, and are understood by, all those involved, including persons who are deaf or hearing impaired.

B. On-Call Interpretive Services

1. The Loudoun County Sheriff's Office and/or Emergency Communications Center will maintain a list of sign language and oral interpreting services that are available on-call 24 hours a 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. This list will be updated periodically, but at least annually.
2. 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.
3. 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.
4. 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.
5. Although a "qualified" interpreter may be certified, a certified interpreter may not necessarily be "qualified" if he/she is not a good communications match for the deaf person (e.g. the deaf person uses Signed English and the interpreter uses American Sign Language) or the situation where the interpreter is unfamiliar with law enforcement vocabulary. Certification is not required in order for an interpreter to be "qualified".

C. TTY and Relay Services

1. In situations when a non-disabled person would have access to a telephone, deputies must provide persons who are deaf or hearing impaired the opportunity to place calls using a text telephone ("TTY," also known as a telecommunications device for deaf people, or TDD).
2. Deputies must also accept telephone calls placed by persons who are deaf or hearing impaired through the Telecommunications Relay Service.

- D. Techniques for Deputies to Communicate Effectively
1. Deputies must review and have a working knowledge of “Guide for Law Enforcement Officers When In Contact With People Who Are Deaf or Hearing Impaired” (Attachment A). This document provides information on how to effectively communicate with deaf and/or hearing impaired individuals in the various types of situations that deputies may encounter. These situations include:
 - a. Issuing a non-criminal or motor vehicle citation
 - b. Communicating with a person who initiates contact with a deputy
 - c. Interviewing a victim or critical witness to an incident
 - d. Questioning a person who is a suspect in a crime
 - e. Making an arrest or talking a person into custody
 - f. Issuing Miranda Warnings to a person under arrest or in custody
 - g. Interrogating a person under arrest or in custody
 2. Deputies must use the following auxiliary aids, when available, to communicate effectively;
 - a. Gestures
 - b. Visual aids
 - c. Exchange of written notes
 - d. Computers or typewriters
 - e. Assistive listening devices
 - f. Teletypewriters (TTY's)
 - g. Qualified oral or sign language interpreters