



Lincoln Police Department

Standard Operating Procedures

Integrity, Competency, Fairness



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	<i>Rescinds All Previous Policies Related To This Current Policy</i>		
Issuing Authority:	Chief of Police Lee Miller		

I. POLICY

Individuals who suffer from deafness, hearing impairment, blindness, impaired vision, mental or other disabilities may encounter difficulties in gaining meaningful access to, or an understanding of important rights, obligations and services. In accordance with the Americans with Disabilities Act (ADA) 42 USC § 12101, et seq., it is therefore the policy of the Lincoln Police Department to take all reasonable steps to accommodate such individuals in any law enforcement contact.

Because the nature of any law enforcement contact may vary substantially from one situation to the next, employees of the Lincoln Police Department should consider all information reasonably available to them when determining how to communicate with an individual suffering from any disability. These factors may include, but are not limited to:

- A. The extent to which a disability is obvious or otherwise made known to the involved employee. Impaired or disabled individuals may be reluctant to acknowledge their condition and may even feign a complete understanding of a communication despite actual confusion.
- B. The nature of the disability (e.g., total deafness or blindness vs. impairment).
- C. The nature of the law enforcement contact (e.g., emergency vs. non-emergency, custodial vs. consensual contact).
- D. Availability of resources to aid in communication.
- E. When considering these and other available information, the involved employee(s) should carefully balance all factors to reasonably ensure meaningful access to critical services while not imposing undue burdens on the agency or its officers.

II. PURPOSE

It is the purpose of this policy to identify factors and establish guidelines for communicating with those individuals who are hearing impaired or have other disabilities that make communication more difficult.

III. PROCEDURES

A. INITIAL AND IMMEDIATE CONSIDERATIONS

Recognizing that various law enforcement encounters may be potentially volatile and/or emotionally charged, agency employees should remain alert to the possibility of communication problems and 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(s) with known or suspected disabilities or communication impairments.

B. TYPES OF ASSISTANCE AVAILABLE

Depending on the balance of the factors available for consideration at the time, this agency will make every reasonable effort to provide meaningful and timely assistance to disabled individuals through a variety of services, where available.

Disabled individuals may elect to accept such assistance at no cost; choose to provide their own communication services at their own expense or any combination thereof.

In any situation, the individual's expressed choice of communication method shall be given primary consideration and honored unless Lincoln Police Department policy or the officer can adequately demonstrate that another effective method of communication exists under the circumstances.

Officers should document the type of communication utilized in any related report and whether a disabled or impaired individual elected to use services provided by the agency or some other identified source. Lincoln Police Department provided services may include, but are not limited to, the following.

1. **FIELD RESOURCES:** Individual officers and employees are encouraged to utilize resources immediately available to them in any contact with a known or suspected disabled or impaired person. Examples of this would include such simple methods as:
 - i. Hand gestures or written communications exchanged between the employee and a deaf or hearing-impaired individual.
 - ii. Facing an individual who is utilizing lip-reading skills and by speaking slowly and clearly.
 - iii. Slowly and clearly speaking or reading simple terms to any visually or mentally impaired individual.
2. **AUDIO RECORDINGS AND ENLARGED PRINT**

From time to time, the Lincoln Police Department may develop audio recordings of important information needed by blind or visually impaired individuals. In the absence of such audio recordings, employees may elect to read aloud a form or document such as a Citizen Complaint Form to a visually impaired individual or utilize a photocopier to enlarge printed forms for a visually impaired individual.

3. **TELEPHONE INTERPRETER SERVICES**

Communications Supervisor will maintain a list of qualified interpreter services to be contacted at Lincoln Police Department expense to assist deaf or hearing-impaired individuals upon approval of a supervisor. When utilized, notification to such interpreters shall be made at the earliest reasonable opportunity and the interpreter should be available to respond within a reasonable time (generally not to exceed three hours).

4. **TTY AND RELAY SERVICES**

Individuals who are deaf or hearing impaired must be given the opportunity to use available text telephones (TTY or TDD). All calls placed by such individuals through such services shall be accepted by this agency.

5. **COMMUNITY VOLUNTEERS**

Depending on the circumstances, location and availability, responsible members of the community may be available to provide qualified interpreter services, such as those who are proficient in American Sign Language (ASL). Sources for these individuals may include local businesses, banks, churches, neighborhood leaders and school officials. In addition to such sources developed by individual officers, the agency will attempt to maintain and update a list of qualified community volunteers who may be available to respond within a reasonable time.

6. FAMILY AND FRIENDS OF DISABLED OR IMPAIRED INDIVIDUAL

While family and friends of a disabled or impaired individual may frequently offer to assist with interpretation, officers should carefully consider the circumstances before relying on such individuals. For example, children should not be relied upon except in emergency or critical situations. Further, the nature of the contact and relationship between the disabled individual and the individual offering services must be carefully considered (e.g., victim/suspect).

C. CONTACT SITUATIONS AND REPORTING

While all contacts, services and individual rights are important, this agency will carefully consider reasonably available information to prioritize services to disabled and impaired individuals so that such services and resources may be targeted where most needed because of the nature and importance of the law enforcement activity involved.

Whenever any member of the Lincoln Police Department is otherwise required to complete a report or other documentation, and communication assistance is provided to any involved disabled or impaired individual(s), such services should be noted in the related report.

D. RECEIVING AND RESPONDING TO REQUESTS FOR ASSISTANCE

To provide disabled and impaired individuals with meaningful access to law enforcement services when they are victims of, or witnesses to, alleged criminal activity or other emergencies, this agency has designated its 911 lines as its top priority for assistance with such services. Lincoln Police Department personnel will make every reasonable effort to promptly accommodate such disabled and impaired individuals utilizing 911 lines through any or all the above resources.

While 911 calls shall receive top priority, it is also important that reasonable efforts be made to accommodate disabled and impaired individuals seeking more routine access to services and information from this agency.

E. CUSTODIAL INTERROGATIONS AND BOOKINGS

To ensure the rights of all disabled and impaired individuals are protected during arrest and custodial interrogation, this agency places a high priority on providing reasonable communication assistance during such situations.

It is further recognized that miscommunication during custodial interrogations may have a substantial impact on the evidence presented in any related criminal prosecution. As such, Lincoln Police Department personnel providing communication assistance in these situations will make every reasonable effort to communicate with disabled or impaired individuals accurately and effectively.

Employees providing such assistance shall also be aware of the inherent communication impediments to gathering information from disabled or impaired individuals throughout the booking process or any other situation in which a disabled or impaired individual is within the control of agency personnel.

Medical screening questions are commonly used to elicit information on individual's medical needs, suicidal inclinations, presence of contagious diseases, potential illness, resulting symptoms upon withdrawal from certain medications, or the need to segregate the arrestee from other prisoners. Therefore, it is important for this agency to make every reasonable effort to provide effective communication assistance in these situations.

1. Individuals who require communication aids (e.g., hearing aids) should be permitted to retain such devices while in custody.
2. While it may present officer safety or other logistical problems to allow a physically disabled individual to retain devices such as a wheelchair or crutches during a custodial situation, the removal of items will require that other reasonable accommodations be made to assist such individuals with access to all necessary services.
3. Whenever a deaf or hearing-impaired individual is detained or arrested and placed in handcuffs, officers should consider, safety permitting, placing the handcuffs in front of the body to allow the individual to sign or write notes.

F. FIELD ENFORCEMENT AND INVESTIGATIONS

Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and protection orders, crowd/traffic control, and other routine field contacts which may involve disabled or impaired individuals.

The scope and nature of these activities and contacts will inevitably vary, therefore the Lincoln Police Department recognizes that it would be virtually impossible to provide immediate access to complete communication services to every officer in the field. Each officer and/or supervisor must, however, assess each such situation to determine the need and availability for communication assistance to all involved disabled or impaired individuals.

Although not every situation can be addressed within this policy, it is important that employees are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action taken with a disabled or impaired individual. For example, it would be meaningless to verbally request consent to search if the officer is unable to effectively communicate with a deaf individual.

G. TRAINING

To ensure that all employees in public contact positions (or having contact with those in custody) are properly trained, this agency will provide periodic training in the following areas:

1. Employee awareness of related policies, procedures, forms and available resources.
2. Employees having contact with the public (or those in custody) are trained to work effectively with in-person and telephone interpreters and related equipment.
3. Training for supervisory staff, even if they may not interact regularly with disabled individuals, in order that they remain fully aware of, and understand this policy, so they can reinforce its importance and ensure its implementation by staff.

Appendix 1

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

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

As a law enforcement officer, you can expect to encounter 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.

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 an 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.
- 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.

- 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: A 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 can understand the reason for the citation because the officer points out relevant information printed on the citation or written by the officer.

Example: A 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: A 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: A 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 provides 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
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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