



MAINE STATE POLICE GENERAL ORDER

E-116

SUBJECT: MAINE STATE POLICE POLICY REGARDING SERVING AND RESPONDING TO INCIDENTS INVOLVING INDIVIDUALS WHO ARE DEAF, HARD OF HEARING OR NON-ENGLISH SPEAKING

EFFECTIVE DATE: 10.30.2024

EXPIRATION DATE: 10.30.2031

RECENT HISTORY: AMEMNDED (10.30.2024); AMENDED (08.01.2020); NEW (10.25.2012)

DISTRIBUTION CODE: 2 (MAY BE PUBLICLY DISCLOSED)

APPLICABILITY CODE: C, S, Z

SIGNATURE OF COLONEL:

A handwritten signature in black ink, appearing to read "W. G. R.", is placed over a light blue rectangular background.

I. PURPOSE

1. The purpose of this General Order is to state the policy of the Maine State Police regarding serving and responding to incidents involving individuals who are deaf, hard of hearing or non-English speaking.

II. POLICY

1. In accordance with our legal obligations under the Americans with Disabilities Act and the Federal Rehabilitation Act, the policy of the Maine State Police is to ensure that a consistently high level of service is provided

to all community members, including those who are deaf, hard of hearing or non-English speaking. To that end, this policy is established.

III. DEFINITIONS

1. For the purpose of this order, the following words and terms have the meanings given:
 - A. None.

IV. PROCEDURE

1. GENERAL DISCUSSION
 - A. Individuals who are deaf, hard of hearing, or non-English speaking are entitled to a level of service equivalent to that provided to other persons. Accordingly, the Maine State Police will make every effort to ensure that its officers and employees communicate effectively with individuals who are deaf, hard of hearing or non-English speaking.
 - B. The input of individuals who are deaf, hard of hearing or non-English speaking who are involved in incidents is just as important to the law enforcement process as the input of others. Officers must not draw conclusions about incidents unless they fully understand -- and are understood by -- all those involved, including people who are deaf, hard of hearing or non-English speaking.
 - C. Effective communication with a person who is deaf, hard of hearing, or non-English speaking 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 type of situation.
 - D. The appropriate type of interpreter should be used as clear communication is critical to the successful outcome of any incident.
2. USE OF AUXILIARY AIDS AND SERVICES
 - A. Various types of communication aids -- known as "auxiliary aids and services" -- are used to communicate with people who are deaf, hard of hearing or non-English speaking. These include:
 1. Use of gestures or visual aids to supplement oral communication;
 2. Use of a notepad and pen or pencil to exchange written notes (this may not be an option in some cases, as many deaf or hard of hearing persons do not read or write);
 3. Use of an assistive listening system or device to amplify sound for persons who are hard of hearing;

4. Use of a qualified oral or sign language interpreter;
 5. Use of qualified deaf interpreters when clear communication is critical; or
 6. Use of a language interpreter for those who are non-English speaking.
- B. 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.
1. In many 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, hard of hearing or by gestures and visual aids for non-English speaking persons.
 2. In other circumstances, a qualified sign language or oral interpreter may be needed to communicate effectively with people who are deaf, hard of hearing or are non-English speaking.
 3. A deaf interpreter should be used when clear communication is critical with people who are deaf or hard of hearing, such as in legal settings, or when a hearing interpreter may not be able to meet the deaf person's communication needs
 4. The more lengthy, complex, and important the communication, the more likely it is that a qualified interpreter or interpreters will be required for effective communication. If a meeting or other type of ongoing communication is predicted to take longer than an hour, consider having two interpreters so they can take turns.
- C. To serve everyone effectively, primary consideration should be given to providing the type of communication aid or service requested by the individual. If an oral interpreter is required, the Officer should do their best to identify the required language and appropriate type of interpreter. Officers should find out from a person who is deaf or hard of hearing what type of auxiliary aid or service he or she needs. Officers should defer to those expressed choices, unless:
1. 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, hard of hearing or non-English speaking; or
 2. Doing so would fundamentally alter the nature of the law enforcement activity in question or would cause an undue administrative or financial burden.

- a. Only the Colonel of the Maine State Police, or the Colonel's designee or designees, may make this determination.
 - D. Individuals who are deaf, hard of hearing or non-English speaking cannot be charged for the cost of an auxiliary aid or service needed for effective communication.
3. ON-CALL INTERPRETATIVE SERVICES
- A. The Maine State Police shall utilize any of the on-call interpretative services providers on file at the Regional Communication Center of jurisdiction to locate an interpreter.
4. TTY AND RELAY SERVICES
- A. In situations in which a non-disabled person would have access to a telephone, officers must provide persons who are deaf or hard of hearing the opportunity to place calls using a teletypewriter (TTY, also known as a telecommunications device for deaf people, or TDD).
 - B. Officers must also accept telephone calls placed by people who are deaf or hard of hearing through the Telecommunications Relay Service. If specialized equipment is required, the call should be directed through the Regional Communication Center of jurisdiction.
5. VIDEO REMOTE INTERPRETING
- A. Video Remote Interpreting (VRI) can be a useful tool for connecting deaf people with interpreters when in-person interpreters are unavailable, but it should not replace in-person services in all situations. Some situations where VRI can be helpful include:
 - 1. VRI can be used when there are scheduling challenges, interpreter shortages, or when consistent access to interpreting services is needed; or
 - 2. VRI can be used when the deaf person uses sign language that is not ASL, or when the hearing interpreter doesn't have the skills to meet the deaf person's needs.
 - B. VRI may not be appropriate in all situations. To effectively communicate using VRI, the following standards should be met:
 - 1. real-time, full-motion video and audio over a dedicated high-speed, wide-bandwidth video connection or wireless connection that delivers high-quality video images that do not produce lags, choppy, blurry, or grainy images, or irregular pauses in communication;
 - 2. a sharply delineated image that is large enough to display the interpreter's face, arms, hands, and fingers, and the face,

- arms, hands, and fingers of the person using sign language, regardless of his or her body position;
 - 3. a clear, audible transmission of voices; and
 - 4. adequate staff training to ensure quick set-up and proper operation.
- C. If the VRI does not meet the standards outlined above in section 5(B), alternative means of communication should be considered.

6. TECHNIQUES FOR OFFICERS TO COMMUNICATE EFFECTIVELY

- A. Officers may utilize the following auxiliary aids, when available, to communicate effectively with a person who is deaf, hard of hearing or non-English speaking:
- 1. Use of gestures;
 - 2. Use of visual aids;
 - 3. Use of a notepad and pen or pencil;
 - 4. Use of a computer or typewriter;
 - 5. Use of an assistive listening system or device;
 - 6. Use of a teletypewriter (TTY);
 - 7. Use of a qualified oral or sign language interpreter;
 - 8. Use of a qualified deaf interpreter;
 - 9. Use of VIR; or
 - 10. Use of a language interpreter for those who are non-English speaking.

7. REFERENCE: *Communicating with People Who are Deaf or Hard of Hearing: ADA Guide for Law Enforcement Officers*

- A. Officers must review and have a general working knowledge of the publication *Communicating with People Who Are Deaf or Hard of Hearing: ADA Guide for Law Enforcement Officers*.
- 1. This document reviews how officers should communicate effectively in the types of situations officers will encounter with people who are deaf or hard of hearing.

NOTICE

THIS GENERAL ORDER IS FOR USE OF THE MAINE STATE POLICE AND NOT FOR ANY OTHER AGENCY. THE GENERAL ORDER IS NOT INTENDED TO BE RELIED UPON BY ANY OTHER INDIVIDUAL OR PRIVATE OR PUBLIC AGENCY. THE GENERAL ORDER EXPRESSLY DOES NOT CREATE, AND IS NOT INTENDED TO CREATE, A HIGHER LEGAL STANDARD OF SAFETY OR CARE IN AN EVIDENTIARY SENSE WITH RESPECT TO THIRD-

PARTY CLAIMS. VIOLATIONS OF THIS ORDER ONLY MAY FORM THE BASIS FOR ADMINISTRATIVE SANCTIONS BY THE MAINE STATE POLICE.