



GENERAL OPERATIONS		1215.00		
		COMMUNICATING WITH SPECIAL NEEDS PERSONS		
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PURPOSE

It is the policy of the Punta Gorda Police Department to ensure that a consistently high level of service is provided to all community members, including those who are deaf, hard of hearing or speak a language other than English. Language and hearing barriers can sometimes inhibit or even prohibit individuals with limited English proficiency (LEP) and hearing impairments from gaining meaningful access to, or an understanding of important rights, obligations and services. It is therefore the policy of this department to take all reasonable steps to ensure timely and equal access to all individuals, regardless of national origin or primary language (Title VI of the Civil Rights Act of 1964, § 601, 42 United States Code 2000d, Executive Order 131166. This policy outlines the procedures members should follow to ensure that citizens who are deaf, hard of hearing or have limited English proficiency to enjoy equal access to departmental services.

SCOPE

This procedure shall apply to all sworn Punta Gorda Police Department personnel.

DISCUSSION

People who are deaf, hard of hearing or have limited English proficiency are entitled to a level of service equivalent to that provided to other persons. Accordingly, the Punta Gorda Police Department will make every effort to ensure that its members communicate effectively with all people that may have these communication barriers.

Effective communication with a person who is deaf, hard of hearing, or that speaks another language -- 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.

DEFINITIONS

1. **Limited English Proficient (LEP):** Designates individuals whose primary language is not English and who have a limited ability to read, write, speak, or understand English. LEP individuals may be competent in certain types of communication (e.g. speaking or understanding), but still be LEP for other purposes (e.g. reading or writing).
2. **Interpretation:** The act of listening to a communication in one language (source language) and orally converting it to another language (target language) while retaining the same meaning.
3. **Translation:** The replacement of written text from one language (source language) into an equivalent written text (target language).
4. **Bilingual:** The ability to communicate in two languages fluently, including the ability to communicate technical and law enforcement terminology. Bilingual includes a variety of skill levels.
5. **Hearing-Impaired Person:** A person who, because of a hearing impairment, cannot readily understand or communicate in an oral or written language.
6. **Speech-Impaired Person:** A person with a physical disability or a hearing impairment and/or a lack of ability to distinguish sounds or words; who regardless of cause or manifestation, is unable to produce words and cannot readily communicate in an oral or written language.
7. **Qualified Interpreter:** A person who is capable of interpreting and translating criminal, civil and administrative proceedings for hearing/speech-impaired persons. The interpreter must also be able to accurately communicate the responses of the hearing/speech-impaired person.
8. **Exigent Circumstances:** Any situation in which articulable facts exist which indicate that safety of officers or other persons will be jeopardized, or that escape or flight will be likely if an arrest is not made without delay.

PROCEDURE

I. IDENTIFICATION OF LEP INDIVIDUAL'S LANGUAGE

The Department will utilize all reasonably available tools, such as language identification Care rp 411, located in the form folder on the P drive, when attempting to determine an LEP individual's primary language in an effort to avoid misidentifying that language.

II. TYPES OF LEP ASSISTANCE AVAILABLE

LEP individuals may elect to accept interpreter services offered by the Department at no cost or choose to provide their own interpreter services at their own expense. Department personnel shall document whether the LEP individual elected to use interpreter services provided by the Department or some other source. Police Department interpreters can be found located at P:\Roster. Department-provided interpreter services may include, but are not limited to the assistance methods described below.

A. Bilingual Staff

Agency employees utilized for LEP services need not be certified as interpreters, but must have a level of competence to ascertain whether the employee's language skills are best suited to bilingual communications, interpretation, and/or translation. When bilingual employees of this department are not available, employees from the city or other county departments may be requested.

Except for exigent or very informal and non-confrontational circumstances, the use of an LEP individual's bilingual friends or family members, particularly children, is not recommended and departmental personnel shall make case-by-case determinations on the appropriateness of using such individuals.

B. Telephone Interpreter Services

Telephone interpretation service is available twenty-four hours a day, three hundred and sixty-five days a year, at per minute cost. Once it has been determined that a Department/city/county employee is not available to interpret, the officer shall seek the approval of the on-duty supervisor to contact Language Line Solutions ([See Policy Appendix Section XI\(E\)\(1\)](#)). All calls will be recorded by Language Line Solutions. The following instructions shall be used to access an interpreter:

1. Provide the client ID# ([See Policy Appendix Section XI\(E\)\(1\)](#)).
2. Press 1 for Spanish, 2 for all other languages, and state the name of the language you need. Press 0 for agent assistance if you do not know the language.

3. Once connected to the interpreter, document their ID number in the incident report.
4. Brief the interpreter – summarize what you wish to accomplish and provide any special instructions.
5. Place the limited English speaking person on the call.
6. Say “end of call” to the interpreter when your call is completed

III. FIELD ENFORCEMENT AND INVESTIGATIONS FOR LEP

- A. Any person selected as an interpreter and/or translator must have competence in both English and the non-English language, and be proficient with investigative/interview techniques.
- B. Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts which may involve LEP individuals.
- C. Department personnel must assess each situation to determine the need for translation to provide appropriate language assistance.
- D. Department personnel shall be able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action taken with an LEP individual.
- E. The interpreter should not be a person with an interest in the case.
- F. The person providing interpretation or translation services may be required to establish the accuracy and trustworthiness of the interpretation or translation to the court.

IV. EFFECTIVE COMMUNICATION WITH DEAF AND HARD OF HEARING

- A. Various types of communication aids, known as “auxiliary aides and services,” are used to communicate with people who are deaf or hard of hearing. Punta Gorda Police Department members may utilize the following auxiliary aids as appropriate and when available to communicate effectively.
 1. Use of gestures to supplement oral communication;
 2. Use of visual aids to supplement oral communication;

3. Use of notepad and pen or pencil;
 4. Use of a computer to exchange written notes;
 5. Use of qualified oral or sign language interpreters.
- B. When using an interpreter, look and speak directly to the person with the hearing disability -- not the interpreter.
- C. Be mindful that when communicating with a deaf or hard of hearing person, 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.
- D. 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)
- E. 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.

V. DEAF OR HARD OF HEARING PERSONS UNDER ARREST

- A. While at the scene, the officer shall make a preliminary determination of the person's comprehension and make efforts to determine what appropriate accommodation is required. These efforts may include the use of gestures or visual aids to supplement oral

communication including: the use of notepad and pen or pencil to exchange written notes; use of an assistive listening system or device to amplify sound or the use of a qualified oral or sign language interpreter.

- B. If the officer believes that a person he or she has arrested is deaf, the officer shall notify Communications that a qualified and licensed interpreter is needed. The type of aid or service requested by the person with the hearing disability must be given primary consideration.
- C. Qualified and licensed interpreters must be used to interview deaf or hard of hearing suspects or arrestees and in any other actions where criminal proceedings are likely to follow. Family and friends of the suspect or arrestee shall not interpret for the arrestee.
- D. If an officer does not intend to question a deaf or hard of hearing arrestee, the officer should nonetheless inform the magistrate that the arrestee is deaf or hard of hearing or has other communication needs at the time they are presented before the magistrate.

VI. DEAF OR HARD OF HEARING PERSONS NOT UNDER ARREST

- A. Officers and Department employees shall not interpret for a deaf person who is a party to or a witness in any civil or criminal proceeding.
- B. Officers and Department employees shall not interpret for a deaf person who is a party to or a witness in any administrative proceeding before any department, board, commission, agency or licensing authority of the state or of any county or city of the State.
- C. Effective communication with a person who is deaf or hard of hearing involved in an incident, whether as a victim, suspect or arrestee, is essential to ascertaining what actually occurred, the urgency of the matter, and the type of situation. Efforts should be made to accommodate the deaf or hard of hearing person's request for an interpreter.
- D. Qualified and licensed interpreters should be used in communicating with complainants or witnesses when court proceedings are likely to occur.
- E. In general interaction, the appropriate accommodation for a deaf or hard of hearing person will vary with the length and complexity of the communication involved. In certain circumstances, oral communication supplemented by gestures and visual aids or an exchange of written notes will be an effective means of communication with people who are deaf or hard of hearing.

VII. ON-CALL INTERPRETER SERVICES

- A. 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 Section and Watch Commander, who will authorize and then arrange for the provision of the needed services.
1. The Punta Gorda Police Department maintains an agreement with AI DEAF, for services, available on-call 24-hours per day, to provide qualified interpreters as needed. The following procedures will be followed to obtain their services:
 - a. If an officer determines it necessary to contact an interpreter, they will contact their supervisor to receive authorization.
 - b. Once authorization is granted, AI DEAF is contacted. Each session with the interpreter is limited to no more than two hours per session. If additional time is necessary, notification shall be made to a member of the Command Staff.
 - c. For non-emergency services (i.e. scheduled interview), go to www.aideaf.com and complete an online Request Form and call ([See Policy Appendix Section XI\(E\)\(3\)](#)) to confirm receipt. Under “Assignment Type” the selection will be “Legal”. If a scheduled request needs to be cancelled the member must call 239-810-9554 or fill out a request to cancel form on the website 24 hours prior to the appointed time of service.
 - d. For emergency services, and/or unscheduled requests, call ([See Policy Appendix Section XI\(E\)\(4\)](#)) to request an interpreter. If the call goes to voice mail, leave a message.
- B. 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.

VIII. COMPLAINTS

The Department shall ensure access to translation and interpreter services to LEP, deaf, and hard of hearing persons who wish to file a complaint. The Department shall do so by providing interpretation assistance through Language Line Solutions and AI Deaf to such individuals.

IX. HANDLE WITH CARE PROGRAM

- A. The Handle with Care Program is a free initiative designed to support community members with Autism Spectrum Disorder, Asperger's Syndrome, Alzheimer's disease, or similar conditions.
- B. The program helps alert officers to the potential presence of individuals with communication disabilities, whether inside a home or vehicle. This information enables officers to approach and engage with those individuals more thoughtfully, taking into account their unique needs and behaviors.
- C. Community members can obtain a Handle with Care Program decal from the Punta Gorda Police Department Community Services Section. Participants are encouraged to place the decal on the rear of their vehicle or on the front of their home to help officers identify the presence of someone who may benefit from additional care and understanding.

APPROVED



PAMELA R. SMITH, CHIEF OF POLICE

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