

Law Enforcements Obligation To Provide Effective Communications For The Deaf and Hard of Hearing

As a police officer have you ever had an interaction with an individual who was deaf or hard of hearing? How did you communicate with this individual? Are you aware of law enforcement's obligation to provide an effective means of communication when interacting with an individual who is deaf or hard of hearing? Beginning with a civil rights law suit filed in 2016, police departments in Rhode Island were about to find out how unprepared we were to meet our legal obligations to provide effective means of communication with deaf and hard of hearing individuals.

In April of 2016 The American Civil Liberties Union of Rhode Island, (ACLU) and the Rhode Island Disability Law Center (RIDLC) filed a federal civil rights lawsuit on behalf of a profoundly deaf person who was arrested by a police department in Rhode Island. The individual was detained overnight on a minor offense and was never provided an interpreter to allow him to communicate with the police during his detention. The lawsuit argued that the agency's failure to provide an interpreter or provide other means to effectively communicate violated federal and state laws barring discrimination on the basis of disability. The case settled after the police department agency agreed to take steps to ensure compliance with their legal obligations in their interactions with individuals who are deaf or hard of hearing.

Following the settlement, the ACLU and RIDLC sent letters to all the other law enforcement agencies in Rhode Island requesting that they review their policies, practices and technologies to ensure compliance with the law. In August of 2018, the ACLU and RIDLC followed up that letter with a formal Access to Public Records Act, (APRA) request for each police department's policies, procedures or any other documents that address communication with individuals who are deaf or hard of hearing.

A review of the policies, practices, etc. provided revealed that most police departments in Rhode Island were falling short of their legal obligations and to meet the needs of the deaf and hard of hearing. Although many departments had a policy, it was outdated and did not reflect important updates to Department of Justice requirements that became effective in 2011. This review also noted that a majority of police departments relied on a communication technology called TTY which is outdated and not accessible to people who rely on sign language. As a result of these findings, the ACLU and RIDLC filed a request with the District of Rhode Island United States Attorney's Office to address this issue with the Rhode Island law enforcement community.

That phone call came in December of 2017 from *Amy Romero*, Assistant U.S. Attorney and Investigator Dave Neil. We discussed the law suit that was brought by the ACLU and the RIDLC and their findings that demonstrated police departments in Rhode Island were not meeting federal mandates. As a result of this phone call, a working group of stake holders was brought together by U. S. Attorney Romero.

Our group met frequently in early 2018 to **create a model policy** that met the legal obligations of law enforcement as well as the needs of our deaf and hard of hearing community. As a former police officer, I was taken back to learn just how far off the mark we were when it came to meeting the needs of our deaf and hard of hearing residents. I retired from one of those agencies who had a TTY and thought that was all we needed! The agency who became the example for our shortcomings, (which could have been any agency in Rhode Island) is to be commended for their candor and assistance with developing this policy.

In addition to the policy, the group developed a four-hour training that was presented by subject matter experts from Rhode Island and two police officers from the Metropolitan Police Department, Washington, D.C. Officer Myra Jordan Wheeler, is a 28-year veteran of the Metropolitan Police Department and in 2002 she started the department's deaf and hard of hearing unit. Officer Megan Martin who joined the department in 2016 is an affiliate of the Deaf and Hard of Hearing Unit and patrols the Fifth District which is a predominately deaf community. The training by these two officers provided practical tips for communicating with deaf and hard of hearing individuals which was reinforced through role playing. More than 140 law enforcement personnel attended the training and the majority of attendees appreciated the variety of information provided from the various perspectives such as the police, the deaf community and advocates.

I wanted to share what happened in Rhode Island so other law enforcement agencies who like us, were not aware of our obligations to provide an effective means of communication when interacting with a deaf or hard of hearing individual have an opportunity to review their own policy or develop one to ensure you are providing your personnel with the information necessary to guide their interactions with deaf or hard of hearing individuals. We owe it to our personnel to provide them with the training and guidelines to do their jobs professionally, effectively and as required by law. Here in Rhode Island, we were fortunate that the plaintiffs in this law suit were more interested in bringing law enforcement into compliance than punishing the involved agency with a significant monetary penalty. Will the next police agency be so lucky?

It was truly an honor and a privilege to work with this group of diverse and caring professionals. Their mission was not to attack law enforcement for failing to meet the communication needs of the deaf and hard of hearing but to educate us on the state and federal mandates and to provide us with information on the numerous and various resources available to help law enforcement communicate effectively with the deaf and hard of hearing.

Those professionals who made this all possible are listed below.

Amy Romero, Assistant U.S. Attorney, District of Rhode Island, *David Neil*, Investigator with the U.S. Attorney's Office District of Rhode Island, Retired Major, Rhode Island State Police, *Kate Bowden*, Staff Attorney for the Rhode Island Disability Law Center, *Steven Florio*, Executive Director for the Rhode Island Commission on the Deaf and Hard of

Hearing, *Michael Baer*, Emergency & Public Communications Access Program with the Rhode Island Commission on the Deaf and Hard of Hearing, *Paul Brouillette*, Loss Prevention Specialist with the Rhode Island Interlocal Risk Management Trust, *Paul Dutra*, Esq., Property/Liability Claims Manager with the Rhode Island Interlocal Risk Management Trust

A copy of the policy we developed is included in this news letter and the ADA Guide for Law Enforcement Officers. For additional information visit ADA.gov

A handwritten signature in black ink, appearing to read "Christine Crocker". The signature is fluid and cursive, with the first name "Christine" and last name "Crocker" clearly distinguishable.

Christine Crocker
Executive Director
Rhode Island Police Accreditation Commission, RIPAC