



Ithaca Police Department

120 East Clinton Street
Ithaca, New York 14850

General Order Number: 480

Title: Communication with the Hearing Impaired

Issuing Authority: Chief John Barber

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Rescinds/Supersedes: All previously issued directives

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Applicable NYSLEA Standards:

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I. Purpose

The purpose of this directive is to establish that the department has specific legal obligations under the Americans with Disabilities Act to communicate effectively with people who are deaf or hard of hearing and to communicate the procedures of the Ithaca Police Department necessary to accomplish those obligations.

II. Policy

A. To carry out these policies and legal obligations, the Agency instructs its officers and employees as follows:

1. Various types of communication aids – known as “auxiliary aids and services” – are used to communicate with people who are deaf or hard of hearing. These include use of gestures or visual aids to supplement oral communication; use of a notepad and pen or pencil to exchange written notes; use of an assistive listening system or device to amplify sound for persons who are hard of hearing; or use of a qualified oral or sign language interpreter.

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 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 sign language or oral interpreter may be needed to communicate effectively with persons who are deaf or hard of hearing. The more lengthy, complex, and important the communication, the more likely it is that a qualified interpreter will be required for effective communication. For example:

- a) If there has been an incident and the officer 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. A qualified oral interpreter may be required to communicate effectively with someone who has been trained to speech read (read lips).
 - b) If a person is asking an officer for directions to a location, gestures or an exchange of written notes will likely be sufficient to communicate effectively.
4. To serve each individual effectively, primary consideration should be given to providing the type of communication aid or service requested by the individual. Officers should find out from the 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:
- a) 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 hard of hearing; or
 - b) Doing so would fundamentally alter the nature of the law enforcement activity in question or would cause an undue administrative or financial burden; only the Agency head or his or her designee may make this determination.
5. The input of people who are deaf or hard of hearing 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 or hard of hearing.
6. People who are deaf or hard of hearing must not be charged for the cost of an auxiliary aid or service needed for effective communication.
7. People who are deaf or hard of hearing must not be charged for the cost of an auxiliary aid or service needed for effective communication.

III. Procedures

A. ON-CALL INTERPRETIVE SERVICES

1. The Ithaca Police Department will maintain a list of sign language and oral interpreting services that are available (on-call 24 hours per 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. The Ithaca Police Department will update this list 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 speech reads) what is being said by the officer and be able to voice to the officer 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. 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.
4. Additionally, although a "qualified" interpreter may be certified, a certified interpreter is not necessarily "qualified," if he or she is not a good communications match for the deaf person (e.g., where the deaf person uses Signed English and the interpreter uses American Sign Language) or for the situation (e.g., where the interpreter is unfamiliar with law enforcement vocabulary).

B. TTY AND Relay Services

1. In situations when a nondisabled 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). Officers must also accept telephone calls placed by persons who are deaf or hard of hearing through the Telecommunications Relay Service.

C. Techniques for Officers to Communicate Effectively

1. Officers may utilize the following auxiliary aids, when available, to communicate effectively:
 - a) Use of gestures;
 - b) Use of visual aids;
 - c) Use of a notepad and pen or pencil;
 - d) Use of a computer or typewriter;
 - e) Use of an assistive listening system or device;
 - f) Use of a teletypewriter (TTY);
 - g) Use of a qualified oral or sign language interpreter.
2. Officers must review and have a working knowledge of the publication "Communicating with People Who Are Deaf or Hard of Hearing: ADA Guide for Law Enforcement Officers". (Addendum A) This document reviews how officers should communicate effectively in the types of situations officers will encounter.

D. Obtaining Auxiliary Aids and Services

1. A list of on call services for oral language interpreters is available by contacting the Cornell Police Department at 607-255-1111.
2. A list of sign language interpreters recommended by the Finger Lakes Independence Center, Ithaca, NY are as follows;
 - a) Sign Language Solutions PO Box 200 Odessa, NY PH 607-594-7000
 - b) EIS 24 Copeland Ave Homer, NY 607-753-8338

- E. Ithaca Police Personnel are not limited in using the aforementioned Sign Language Interpreters. An updated list will be kept in the Red Book located at the Ithaca PD Desk. Persons who are hearing impaired may have their own Sign Language Interpreter which should be considered as a useful tool depending on the nature of the complaint.

ADDENDUM A



Communicating with People Who Are Deaf or Hard of Hearing

ADA Guide for Law Enforcement Officers

As a law enforcement officer, you can expect to come into contact with 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.



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

- Only the head of the agency or his or her designee can make the determination that a particular 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: An 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 is able to understand the reason for the citation because the officer points out relevant information printed on the citation or written by the officer.

Example: An 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: An 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 if 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: An 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 provide 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)