

Bowie Police Department - General Orders



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I. POLICY

It is the policy of the Bowie Police Department to take all reasonable steps to insure timely and equal access to all individuals, regardless of disability, in accordance with the American with Disabilities Act (ADA). Communication barriers can sometimes inhibit hearing impaired persons from gaining meaningful access to, or an understanding of, important rights, obligations, and services. Hampered communication with hearing impaired victims, witnesses, suspects, and community members can present the Department with safety, evidentiary, and ethical challenges.

The Bowie Police Department seeks to provide hearing impaired persons with the same level of police service that is afforded to all citizens. It is essential to the success of the Department's mission that personnel are able to communicate effectively with hearing impaired victims, witnesses, and suspects.

II. PURPOSE

The purpose of this order is to ensure that the Bowie Police Department consistently provides a high level of service to all persons who are hearing impaired. It establishes guidelines for Department personnel when providing services to, or interacting with, individuals who are hearing impaired. It provides a balance that reasonably ensures meaningful access for hearing impaired persons to critical services, while not imposing undue burdens on or jeopardizing the safety of the Bowie Police Department or its personnel. These guidelines are not meant to be all-inclusive, since each incident must be dealt with on an individual basis, but are intended as broad guidelines to assist the employees and supervisors involved.

This Order is comprised of the following numbered sections:

III. DEFINITIONS

A. Auxiliary Aids and Services: As defined in the Americans with Disabilities Act(ADA), these are communication aids that assist people who are hearing impaired including, for example, hearing aids, cochlear implants, the exchange of written notes, telecommunications devices for the hearing impaired (TDDs) also called text telephones (TTs) or teletypewriters (TTYs), telephone handset amplifiers, assistive listening systems, videotext displays, and hearing assistance dogs.

B. Deaf Person: A person whose hearing is totally impaired or whose hearing, with or without amplification, is so seriously impaired that the primary means of receiving or providing verbal communication is through visual input such as lip reading, sign language, reading, or writing.

C. Hard of Hearing Person: A person whose hearing is impaired to the extent that, with or without amplification, hearing is difficult, but the understanding of verbal communications is not automatically eliminated.

D. Lip reading: Also referred to as speech reading; the ability to use information gained from movements of the lips, face, and body to increase understanding.

E. Qualified Interpreter: A qualified sign language or oral interpreter is a person who is able to interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary. The qualified interpreter must be able to interpret in the language the hearing impaired person uses (e.g., American Sign Language or Signed English) and must be familiar with law enforcement terms and phrases. A qualified interpreter must be able both to sign to the individual who is hearing impaired what is being said by the hearing person, and to voice to the hearing person what is being signed by the individual who is hearing impaired. Because a qualified interpreter must be able to interpret impartially, a family member or friend may not be qualified to render the necessary interpretation because of factors such as professional, emotional or personal involvement, or considerations of confidentiality. 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 hearing impaired person (e.g., where the hearing impaired person uses Signed English and the interpreter uses American Sign Language) or where the interpreter is unfamiliar with law enforcement vocabulary.

F. Sign Language: American Sign Language (ASL) is the form of sign language most often used in the United States. Signs convey concepts or ideas even though a sign may stand for a separate English word. Signing individual letters by finger spelling can supplement sign language. Just as there are regional variations (dialects) in spoken English, there are regional differences in sign language.

IV. PROCEDURES

A. Hearing Impaired Persons- Initial Concerns

a. Recognizing that various law enforcement encounters may be potentially volatile and/ or emotionally charged, Department personnel shall remain alert to the possibility of communication challenges, and exercise special care in the use of all gestures, verbal and written communication, in an effort to minimize initial confusion and misunderstanding when dealing with any individual with known or suspected communication impairments.

b. Because the nature of any law enforcement contact may vary substantially from one situation to the next, Department personnel should consider all information reasonably available to them when determining how to communicate with a hearing impaired person. These factors may include, but are not limited to:

- i.** The extent to which the disability is obvious or otherwise made known to the involved Department personnel.
- ii.** Impaired or disabled individuals may be reluctant to acknowledge their condition and may even feign a complete understanding of a communication despite actual confusion.
- iii.** The nature of the disability (e.g. total deafness vs. hard of hearing).

- iv. The nature of the law enforcement contact (e.g. emergency versus nonemergency, custodial versus consensual contact, etc.).

B. Services for Hearing Impaired Persons-Availability

- a. Depending on the balance of the above three factors, the Bowie Police Department will make every reasonable effort to provide meaningful and timely assistance to a hearing impaired person through a variety of services, where available.
- b. Hearing Impaired persons 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. To maintain the integrity of the information being communicated, there may be circumstances where the Department will choose to have its own interpreter instead of, or in addition to an interpreter chosen by the hearing impaired person. These situations may include, but are not limited to: criminal investigations, witness/ suspect interviews, interrogations, etc.
- c. Department-provided interpretive services may include, but are not limited to:
 - i. **Department Personnel-** Individual officers and employees need not be certified as qualified interpreters, but need only have a competent understanding of sign language. When signing personnel of this Department are not available, a supervisor depending on the circumstances may request personnel from other departments within the area.
 - ii. **Telephone Communication Equipment-** The Communications Center will utilize TTY; this Department shall accept TDD, Telecommunications Relay Service and/ or other auxiliary aid technology.
 - iii. **Contracted In-Person Sign Language Interpreters-** An outside person or company which provides professional, qualified sign language services for a fee.
 - iv. **Community Volunteers-** Depending on the circumstances, location and availability, responsible members of the community may be available to provide informal sign language interpreter services. Sources for these individuals may include local businesses, banks, churches, neighborhood leaders, hospitals and school officials.
 - v. **Family and Friends of Hearing Impaired Person-** While family and friends of a hearing impaired person may frequently offer to assist with interpretation; personnel 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 hearing impaired person and the individual offering services must be carefully considered (e.g. victim/suspect).
 - vi. People who are hearing impaired should not be charged for the cost of an auxiliary aid or service provided by the Department

C. Hearing Impaired Assistance- Field Personnel

- a. 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 hearing impaired persons. Because the scope and nature of these activities and contacts will inevitably vary, the Department recognizes that it would be virtually impossible to provide immediate access to complete interpretation services to all personnel in the field. However, each member and/or Shift Commander must assess each such situation to determine the need and availability for interpretation services to any and all involved hearing impaired persons.

b. 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 hearing impaired what type of auxiliary aid or service he or she needs. Officers should defer to those expressed choices, unless:

i. 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 hearing impaired; or

ii. Doing so would fundamentally alter the nature of the law enforcement activity in question or would cause an undue administrative or financial burden.

c. It is important that an officer effectively communicate to a hearing impaired person the reason for a contact, the need for information, and the meaning or consequences of any enforcement action taken. It would also, for example, be meaningless to request consent to search if the officer is unable to effectively communicate with a hearing impaired person.

d. Department personnel are encouraged to utilize resources immediately available to them in any field contact with a known or suspected hearing impaired person. Examples of this would include such simple methods as:

i. Communication such as hand gestures or written exchange between personnel and a hearing impaired person. Personnel using written communications should be aware that many hearing impaired persons may not possess sufficient literacy skills to be able to read or write effectively.

ii. Utilizing lip reading, by standing facing the individual and speaking slowly and clearly.

e. Department field personnel may call upon outside assistance to interpret during encounters with victims, witnesses, or suspects. Personnel shall attempt to identify the hearing impaired person's level of disability, and then attempt to acquire the most efficient and effective interpretation for the situation.

i. Under exigent circumstances, members shall use the most reliable, temporary interpreter available, such as signing Department personnel, signing personnel from surrounding police, or family, friends or bystanders. Examples may include the need to obtain descriptive information on a fleeing suspect, or identifying information of an injured person. However, once an exigency has passed, all personnel are expected to revert to the general procedure in this directive.

ii. In non-exigent circumstances, members should only use family, friends, or bystanders to interpret in very informal, non-confrontational contexts, and only to obtain basic information. Using family, friends, or bystanders to interpret beyond this could result in a breach of confidentiality, a conflict of interest, or an inadequate interpretation. Barring exigent circumstances, members should not use minor children to provide interpreter services.

iii. In an arrest situation, the Department requires an interpreter unless the person arrested refuses one in writing. In non-arrest situations the Department requires the officer to ask the person if he/she would like an interpreter and the officer should document the person's response. Officer(s) should also keep and tag all written communication on arrests.

f. Contracted In-Person Interpreters

i. Contracted in-person interpretation services shall be available to all department personnel when interacting with hearing impaired persons in emergency and non-emergency situations. While this service is available to all Department personnel, it is best suited for investigations operating under non-emergency situations, such as witness interviews and criminal interrogations.

ii. Department personnel who believe they need this service shall consult with their immediate supervisor.

iii. Upon the arrival of the interpreter, the officer or investigator shall record the interpreter's name and company affiliation in the investigative report along with the interpreter's arrival and departure times. Once the interpreter is prepared to begin, Department personnel shall ask all questions through the interpreter.

iv. It is the Department personnel responsibility to develop and ask any questions. Under no circumstances will an interpreter independently question a hearing impaired person. The interpreter's role is to serve as a neutral third party, taking care not to insert his/her perspective into the communication between the parties.

v. The interpreter should vocally speak words as they are being signed.

vi. If the officer or investigator believes that there is any conflict of interest with the assigned interpreter, any bias being shown, or any other reason why the interpreter should be refused, the officer or investigator shall consult with his/her supervisor to decide if another interpreter is warranted.

g. Criminal Investigations and Crime Witness Interviews

i. These scenarios potentially involve statements with evidentiary value upon which the witness could be impeached in court. Therefore, accuracy is a top priority. Moreover, failure to protect the rights of hearing impaired persons during arrests and interrogations threatens the quality of the investigation. Department personnel must recognize the problem miscommunication can cause during interrogations or witness interviews. Miscommunication may have a substantial impact on the evidence presented in any related criminal prosecution. A qualified interpreter shall be used for any interrogation or taking of a formal statement where the suspect's or witness' legal rights could be adversely impacted. If necessary, contracted in-person interpretation service shall be utilized.

h. Reporting Procedures

i. In order to track and appropriately document services provided to hearing impaired persons, Department personnel shall include in their Incident or Supplemental Reports any use of TTY/TDD lines, any auxiliary aids and services, use of an in-house Department interpreter or an interpreter called in from another agency, or the use of a contracted in person interpreter, during the course of conducting an investigation. The documentation

shall include the type of service provided, and the name and affiliation of the person doing the interpretation.

i. Internal Affairs Complaint Procedures for Hearing Impaired Persons

i. Any hearing impaired person who wishes to file an internal complaint with the Department regarding language access or the discharge of the Department's duties, shall be referred to a sworn supervisor who will take the complaint and conduct a preliminary investigation and forward the findings up the chain of command. If necessary, the supervisor or assigned investigator shall utilize a contracted in-person interpretation service when conducting any interviews of hearing impaired complainants or witnesses. In the event formal disciplinary charges result from a hearing impaired complaint, the Department shall insure that a contracted in-person interpreter is available for any scheduled hearings.

j. Community Outreach

i. Community outreach programs and other such services offered by the Department have become increasingly recognized as important to the ultimate success of the law enforcement function and mission. The Bowie Police Department shall work with community and neighborhood groups, churches, and businesses to provide equal access to programs and services to hearing impaired individuals and groups.

k. Training

i. The Department shall provide periodic training to personnel about the Department's hearing impaired policies. Training shall include field training upon initial hire, in-service training, and roll call training. Training shall include a review of this procedure, available resources, current legal requirements, and a description of typical actions and behaviors of hearing impaired persons.

V. LANGUAGE ASSISTANCE PROGRAM

Individuals who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English can be limited English proficient or "LEP." These individuals may be entitled to language assistance with respect to a particular type or service, benefit, or encounter. The Department has established the Language Assistance Program as a means to provide that assistance.

A. Language Assistance Resources

- a. The Department has access to the following resources:
- Bowie Police Dept. Certified Interpreters
 - Language Line Services
 - Andrews Air Force Base Language Translation Service
- b. Realizing that not all barriers to communication are related to language the Department shall also provide interpreting services for the hearing impaired (TTY).

B. Bowie Police Department Certified Interpreters

- a. Employees who possess additional language skills and wish to use them to enhance the service provided by the Department are eligible to apply to be Certified Interpreters. Employees can be certified in any foreign language or sign

language. Employees who meet the established criteria shall receive language skills pay as provided for in the negotiated labor agreements.

- b. To be certified as an interpreter, an employee must demonstrate that he or she has a proficiency level of two or above in a second language. Skill levels shall be assigned to employees through authorized language examinations and are as follows:
 - S-0 No Proficiency
 - S-1 Elementary Proficiency
 - S-2 Limited Working Proficiency
 - S-3 General Professional Proficiency
 - S-4 Advanced Professional Proficiency
 - S-5 Functional Native Proficiency
- c. Employees tested for reading require a passing score of at least R-2. The scoring for reading test is the same only recorded as R-1 through R-5. Employees will only be tested for either speaking or reading and not both.
- d. The Department will assume all cost associated with testing employees through the Foreign Services Institute. Employees already certified by a recognized language service program may submit documentation of certification to the Captain. The Captain will review all documentation and make a recommendation to the Chief of Police, who will make the final determination.
- e. Employees wishing to be certified in a foreign language shall submit a request through their chain of command to the Captain and complete a Language Skills Form. The Captain shall submit all completed forms to the Foreign Services Institute for scheduling of test.
- f. Once certified the employee must submit a Language Skills form each July to receive payment. Employees must recertify every three years to continue to receive Interpreters pay. Any employee who does not maintain their certification or submit the required yearly documentation will not receive the Language Skill pay.
- g. The Department shall maintain a list of all certified Interpreters. Every effort will be made to employ an on duty interpreter. If an off duty interpreter is called back into work that employee shall be entitled to call back pay in accordance with the negotiated labor agreement.

C. Andrews AFB Language Translation Service

Andrews AFB provides emergency, non-certified Spanish translation services to the Department. This is a voluntary community service offered by Andrews AFB and is available Monday – Friday from 0730 to 1630 hours. The contact number is 301-420-5170.

D. The Language Line

1-877-737-4999

The Bowie Police Department has access to a 24 hour line to obtain translation services. This service requires the officer to provide an identification number to obtain services (13153) and the officers ID number. Prior to using this number the employee must first seek and obtain approval from a Departmental Supervisor.