



# ROCKFORD POLICE DEPARTMENT GENERAL ORDER

**NUMBER:** 1.17

**TITLE:** Americans with Disabilities Act

**SERIES NUMBER:** 1

**SERIES TITLE / SUBJECT:** Law Enforcement Role, Responsibilities and Relationship

**TOPICS/ REFERENCE:** Deaf, Hearing Impaired

**APPENDICIES:** A

**ORIGINAL EFFECTIVE / ISSUE DATE:** May 15, 2009

**DATE OF LAST REVISION:** May 01, 2013

**THIS ORDER REMAINS IN EFFECT UNTIL REVISED OR RESCINDED**

**CALEA STANDARDS:** 1.06 - 1.1.3 - 41.2.7

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## Policy:

It is the policy of the Rockford 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 deaf or hard of hearing persons from gaining meaningful access to, or an understanding of, important rights, obligations, and services. Hampered communication with deaf or hard of hearing victims, witnesses, suspects, and community members can present the Department with safety, evidentiary, and ethical challenges.

The Rockford Police Department seeks to provide deaf or hard of hearing persons with the same level of police service that is provided to persons with normal hearing. It is essential to the success of the Department's mission that personnel are able to communicate effectively with deaf or hard of hearing victims, witnesses, and suspects.

## Purpose:

The purpose of this order is to ensure that the Rockford Police Department provides a consistently high level of service to all persons who are deaf or hard of hearing. It establishes guidelines for Department personnel when providing services to, or interacting with, individuals who are deaf or hard of hearing. It provides a balance that reasonably ensures meaningful access for deaf or hard of hearing persons to critical services, while not imposing undue burdens on or jeopardizing the safety of the Rockford 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:

- I. DEFINITIONS
- II. PROCEDURES
- III. EFFECTIVE DATE
- IV. REVIEWS, REVISIONS, AND CANCELLATIONSAPPENDICES

This Department has an agreement with an interpreting service for assistance with communicating with people who are hearing and sight impaired.

I. Definitions:

- A. Auxiliary Aids and Services: As defined in the Americans with Disabilities Act (ADA), these are communication aids that assist people who are deaf or hard of hearing including, for example, hearing aids, cochlear implants, the exchange of written notes, telecommunications devices for the deaf (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 deaf 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 deaf, what is being said by the hearing person and to voice to the hearing person, what is being signed by the individual who is deaf. 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 deaf person (e.g., where the deaf 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.

## II. Procedures:

### A. Deaf or Hard of Hearing Persons- Initial Concerns

1. Recognizing that various law enforcement encounters may be potentially volatile and/ or emotionally charged, Department personnel shall remain alert to the possibility of communication problems, 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.
2. 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 deaf or hard of hearing person. These factors may include, but are not limited to:
  - a. The extent to which the disability is obvious or otherwise made known to the involved Department personnel.
    1. Impaired or disabled individuals may be reluctant to acknowledge their condition and may even feign a complete understanding of a communication despite actual confusion.
  - b. The nature of the disability (e.g. total deafness vs. hard of hearing).
  - c. The nature of the law enforcement contact (e.g. emergency versus non-emergency, custodial versus consensual contact, etc.).

### B. Services for Deaf or Hard of Hearing Persons-Availability

1. Depending on the balance of the above three factors, the Rockford Police Department will make every reasonable effort to provide meaningful and timely assistance to deaf or hard of hearing persons through a variety of services, where available.
2. Deaf or hard of hearing 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 deaf/ hard of hearing person. These situations may include, but are not limited to: criminal investigations, witness/ suspect interviews, interrogations, etc.
3. Department provided interpretive services may include, but are not limited to:
  - a. 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. Telephone Communication Equipment- The Communications Center will utilize TTY; this Department shall accept TDD, Telecommunications Relay Service and/ or other auxiliary aid technology.

- b. Contracted In-Person Sign Language Interpreters- An outside person or company which provides professional, qualified sign language services for a fee.
- c. 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.
- d. Family and Friends of Deaf or Hard of Hearing Person- While family and friends of a deaf or hard of hearing 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 deaf or hard of hearing person and the individual offering services must be carefully considered (e.g. victim/suspect).
- e. People who are deaf or hard of hearing should not be charged for the cost of an auxiliary aid or service provided by the Department

C. Deaf or Hard of Hearing Assistance- Field Personnel

- 1. 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 deaf or hard hearing 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 deaf or hard of hearing persons.
- 2. 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.

3. It is important that an officer effectively communicate to a deaf or hard of hearing 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 deaf or hard of hearing person. Officers shall review and have a working knowledge of the Roll Call Training Videos ADA-American with Disabilities Act Training for Police.
4. Department personnel are encouraged to utilize resources immediately available to them in any field contact with a known or suspected deaf or hard of hearing person. Examples of this would include such simple methods as:
  - a. Communication such as hand gestures or written exchange between personnel and a deaf or hard of hearing person. Personnel using written communications should be aware that many deaf or hard of hearing persons may not possess sufficient literacy skills to be able to read or write effectively.
  - b. Utilizing lip reading, by standing facing the individual and speaking slowly and clearly.
5. Department field personnel may call upon outside assistance to interpret during encounters with victims, witnesses, or suspects. Personnel shall attempt to identify the deaf or hard of hearing person's level of disability, and then attempt to acquire the most efficient and effective interpretation for the situation.
  - a. 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.
  - b. 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.
- c. 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.
6. Contracted In-Person Interpreters
  - d. Contracted in-person interpretation services shall be available to all department personnel when interacting with deaf or hard of hearing 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.

- e. Department personnel who believe they need this service shall consult with their immediate supervisor.
  - f. 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.
    - 1. It is the Department personnel responsibility to develop and ask any questions. Under no circumstances will an interpreter independently question a deaf or hard of hearing 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.
    - 2. The interpreter should vocally speak words as they are being signed.
  - g. 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.
7. Criminal Investigations and Crime Witness Interviews
- a. 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 deaf or hard of hearing 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.
8. Reporting Procedures
- a. In order to track and appropriately document services provided to deaf or hard of hearing 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.
9. Internal Affairs Complaint Procedures for Deaf or Hard of Hearing Persons

- a. Any deaf or hard of hearing 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 in accordance with General Order Number 10.03 Internal Investigations. The assigned investigator shall utilize a contracted in-person interpretation service (Rockford Center for the Sight and Hearing) when conducting any interviews of deaf or hard of hearing complainants or witnesses. In the event formal disciplinary charges result from a deaf or hard of hearing complaint, the Department shall insure that a contracted in-person interpreter is available for any scheduled hearings.

10. Community Outreach

- a. 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 Rockford Police Department shall work with community and neighborhood groups, churches, and businesses to provide equal access to programs and services to deaf or hard of hearing individuals and groups.

11. Training

- a. The Department shall provide periodic training to personnel about the Department's deaf or hard of hearing 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 deaf or hard of hearing persons.

III. Effective Date:

- A. The Department policy on the Americans with Disabilities Act (ADA) became effective on May 15, 2009

IV. Reviews, Revisions and Cancellations:

- A. This General Order will be reviewed annually by the Commander of the Administrative Services Bureau and, when necessary, revised or cancelled in accordance with the procedures for reviewing written directives established in General Order 10.01 – *Written Directives*.
- B. Any employee with suggestions for revisions and/or improvements to this order are encouraged to submit their ideas to the Commander of the Administrative Services Bureau.

BY ORDER OF

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Chet Epperson  
Chief of Police

## **Appendix A**

Rockford Center for the Hearing and Sight Impaired (815-966-2058) 24-Hour interpreting services.