

NEW HAVEN DEPARTMENT OF POLICE SERVICE

GENERAL ORDERS



GENERAL ORDER 8.22

EFFECTIVE DATE:

COMMUNICATION WITH INDIVIDUALS WHO ARE DEAF, DEAF-BLIND OR HARD OF HEARING

8.22.1 PURPOSE

The purpose of this general order is to establish guidelines regarding communicating with people who are deaf or hard of hearing. Officers are expected to carry out these guidelines with the utmost professionalism.

8.22.2 POLICY

It is the policy of the New Haven Police Department to ensure that a consistently high level of service is provided to all community members, including those who are deaf, deaf-blind or hard of hearing. The NHPD has specific legal obligations under the Americans with Disabilities Act and the Rehabilitation Act to communicate effectively with people who are deaf, deaf-blind or hard of hearing.

8.22.3 PROCEDURES

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

- People who are deaf, deaf-blind or hard of hearing are entitled to a level of service equivalent to that provided to other persons.

- The NHPD will make every effort to ensure that its officers and employees communicate effectively with people who are deaf, deaf-blind or hard of hearing.
- The NHPD, when needed, will consult with staff in the City of New Haven's Department of Services for Persons with Disabilities to determine the best accommodations for an individual with a disability and how to effectuate that accommodation.
- Effective communication with a person who is deaf, deaf-blind or hard of hearing involved in an incident – whether as a victim, witness, suspect, or arrestee – is essential in ascertaining what actually occurred, the urgency of the matter, and the type of situation.
- Various types of communication aids – known as “auxiliary aids and services” – are used to communicate with people who are deaf, deaf-blind or hard of hearing. These include, but are not limited to, 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 a qualified, oral, visual or sign language interpreter.

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. Officers should work with the person who is deaf, deaf-blind or hard of hearing to ascertain which methods of communication are effective for them.

- In many instances, 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, tactile, or oral interpreter may be needed to communicate effectively with persons who are deaf, deaf-blind or hard of hearing. The more lengthy and complex the communication, the more likely it is that qualified interpreter will be required for effective communication. For example:
 - 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). Tactile interpretation may be required to communicate with an individual who is deaf-blind.
 - 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.

- To effectively serve individuals who are deaf, deaf-blind or hard of hearing, primary consideration should be given to providing the type of communication aid or service requested by the individual. Officers should learn from the person who is deaf, deaf-blind or hard of hearing what type of auxiliary aid or service they need. Officers should defer to those express choices, unless:
 - 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
 - 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 NHPD head or his or her designee may make this determination.
- The input of people who are deaf, deaf-blind 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, and unless they fully understand – and are fully understood by – all those involved, including people who are deaf, deaf-blind or hard of hearing.
- People who are deaf, deaf-blind or hard of hearing must not be charged for the cost of an auxiliary aid or service needed for effective communication.

8.22.4 ON-CALL INTERPRETER SERVICES

- The NHPD will maintain a list of sign language (including tactile 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 NHPD will update this list annually.
- 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 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. The interpreter must be able to interpret in the language the deaf or deaf-blind person uses (e.g., American Sign Language, tactile sign, or Signed English) and must be familiar with law enforcement terms and phrases. 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 or deaf-blind 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).

- The NHPD will not rely on an adult friend or family member of the individual with a disability to interpret except in an emergency involving an imminent threat to the safety of an individual or the public where there is no interpreter available; or where the individual with a disability specifically requests that the adult friend or family member interpret, the accompanying adult agrees to provide such assistance, and reliance on that adult for such assistance is appropriate under the circumstances.
- The NHPD will not rely on a minor child to interpret except in an emergency involving an imminent threat to the safety of an individual or the public or where there is no interpreter available.

8.22.5 TTY AND RELAY SERVICES

- In situations when a non-disabled 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 telecommunication device for deaf people, or TDD), or other appropriate communication device.. Officers must also accept phone calls placed by persons who are deaf or hard of hearing through the Telecommunications Relay Service. Communications has a TTY/TDD available for individuals to use while at the NHPD.

8.22.6 INTERPRETER SERVICES

- All NHPD officers should immediately become familiar with the Special Operations Procedure (SOP) regarding interpreter services. *Appendix 1 of this GO.*

8.22.7 TECHNIQUES FOR OFFICERS TO COMMUNICATE EFFECTIVELY

- Officers may utilize the following auxiliary aids, when available, to communicate effectively:
 - Use of gestures;
 - Use of visual aids;
 - Use of a notepad and pen or pencil;
 - Use of a computer or typewriter;
 - Use of an assistive listening system or device (obtained from the city of New Haven Department of Services for Persons with Disabilities);
 - Use of a teletypewriter (TTY) (available from Communications);
 - Use of a qualified oral, tactile or sign language interpreter.
 - Use of other assistive devices designed for communication by people who are deaf, deaf-blind or heard of hearing.
- 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. This document reviews how officers should communicate effectively in the types of situations officers will encounter.

8.22.8 PROCEDURES FOR OBTAINING AUXILIARY AIDS AND SERVICES

The necessary auxiliary aids and services can be obtained through the City of New Haven's Department of Services for Persons with Disabilities. **In order for an officer/supervisor to deny a request for auxiliary aids and services, they must obtain prior consent of the Director of Services for Persons with Disabilities.** To contact this department, please call: (203) 946-7651 or (475) 254.5654.

This supersedes General Order 315 *Communication with the Deaf or Hard of Hearing* – issued on March 22, 2013

Karl Jacobson
Chief of Police
(Signature and Date)

Evelise Ribeiro
Chair, Board of Police Commissioners
(Signature and Date)