

# OGDEN CITY POLICE

## Office of the Chief

### Policy No: 50

Subject Accommodations for the Hearing Impaired	Effective Date March 2018
Department Police	Replaces Policy Dated June 2007
Division All Police Personnel	Review Date March 2024
Authorized Signature 	

**NOTE: This rule or regulation is for internal use only and does not enlarge an officer's civil or criminal liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this directive, if proven, can only form the basis of a complaint by this agency, and then only in a non-judicial administrative setting.**

#### E. PURPOSE

The purpose of this policy is to provide consistent service to hearing impaired individuals as they are encountered by members of this department. All communities contain persons who are hard of hearing and communication with them is essential in providing for good service and public safety. The communications of persons who are hearing impaired and are involved in incidents requiring police services are just as important to professional police processes as the communications of non-hearing impaired persons. Officers will not draw conclusions about incidents until they fully understand, and are fully understood by, all those involved, including the hearing impaired.

#### II. POLICY

It is the policy of the Ogden Police Department to provide a consistent level of service to all community members, including the hearing impaired. Also, the department has specific legal obligations under the Americans with Disabilities Act and the Rehabilitation Act, and this policy is designed to ensure that these obligations have been met.

#### III. DEFINITION

- E. Hearing Impaired – A person who is identified as deaf or hard of hearing, or identifies themselves as such, resulting in extraordinary actions or activities to facilitate communication.
- B. Auxiliary Aids and Services – Various types of communication aids used to communicate with persons who are deaf or hard of hearing. These include gestures, visual aids, written notes, keyboards, assistive listening devices, or qualified oral and sign language interpreters.
- C. On-Call Interpretive Services – Qualified sign language or oral interpreters who are able to interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary.
- D. TTY and Relay Services – Telephone/keyboard devices that enable a hearing impaired person to communicate over a telephone and that may be relayed by an employee of a telephone service carrier.
- E. Officer of the Department – Any employee of the police department, regardless of sworn status, who comes in contact with a hearing impaired person in a situation causing the need for services of the department to be rendered.

#### IV. PROCEDURE

- A. When a victim or witness is identified as hearing impaired, the officer involved will attempt to determine the level of auxiliary aids and services necessary to professionally deal with the situation. Generally speaking, that aid or service would be the one that best suits the person, unless it creates an undue burden on the person, the officer, or the department. The department is not required to provide a particular auxiliary aid or service if doing so would fundamentally alter the nature of the law enforcement activity in question, or if it would cause an undue administrative or financial burden. When in doubt, the officer should contact a supervisor for guidance as to how to proceed.
- B. When a suspect is identified as hearing impaired, the officer will recognize first that the suspect is not limited by the impairment, other than in understanding communications, and is just as potentially dangerous as any other suspect. The officer will treat the suspect reasonably and in keeping with other related policies for dealing with suspects under like circumstances. Once that has occurred, and without compromising the safety of the officer(s), innocent third parties or the suspect, the officer responsible for the suspect will attempt to determine the level of auxiliary aids and services necessary to professionally deal with the situation.
- C. Officers of the department will become familiar with Attachment 1, *Guide for Law Enforcement Officers When in Contact with Persons Who Are Deaf*

*or Hard of Hearing.* Where possible and reasonable, the officer will attempt to utilize the guidelines contained within when dealing with a hearing impaired person.

- D. The Weber Area Consolidated Dispatch Center (Center) maintains a database of contact persons and numbers of qualified on-call interpretive service providers. The Center also provides connection and service with TTY and Relay Service providers. Where necessary, the officer may contact the Watch Commander and obtain permission to utilize these services. The Watch Commander will contact the On-Duty Center Supervisor for facilitation of the service.
- E. All officers of the department will make every reasonable effort to facilitate communication for hearing impaired persons. The goal of professional service includes all community members, including the hearing impaired.

Attachment #1

**U.S. Department of Justice**  
Civil Rights Division  
*Disability Rights Section*



## **GUIDE FOR LAW ENFORCEMENT OFFICERS**

### ***When In Contact With People Who Are Deaf or Hard of Hearing***

As a law enforcement officer, you can expect to come into contact with people who are deaf or hard of hearing.

Title II of the Americans with Disabilities Act (ADA) of 1990 prohibits State and local government from discriminating against an individual with a disability. Municipal and State police and county sheriff departments are bound by this Federal law. Your office has adopted a more detailed policy regarding law enforcement officers' communication with people who are deaf or hard of hearing. You should become familiar with this policy.

**What does title II require of you when interacting with persons who are deaf or hard of hearing?** Among other things, your communication with such an individual must be as effective as your communication with hearing people.

**How do you communicate?** Provide aids or services as necessary to ensure that the deaf or hard of hearing individual understands what you are saying and that you understand him or her. These can include:

- use of qualified sign language or oral interpreters
- for people who are hard of hearing, speaking loudly and clearly, and use of assistive listening devices (to amplify sound)
- use of gestures or visual aids to supplement oral communication
- an exchange of written notes
- or use of a computer or typewriter.

**What method of communication should you use?** The law requires you to give primary consideration to the individual's preference. Ask how the person wishes to communicate.

For example, some people who are deaf do not use sign language and may need to use a different aid or rely on lipreading. In one-on-one communication with an individual who lip reads, an officer should face the individual directly, and should ensure that the communication takes place in a well-lighted area.

Honor the individual's choice unless it would significantly interfere with your law enforcement responsibilities or you are confident that other means of communicating, that may be easier to

provide, are just as effective. Remember that deaf or hard of hearing persons must be able to understand you as well as those who do not have hearing impairments.

DO NOT ask a family member or friend to interpret for a deaf individual unless it is urgent to communicate immediately and that is the only option. In nonemergency situations, an adult family member or friend may interpret if the deaf person requests that arrangement, the other person agrees, and it is appropriate under the circumstances.

**How do you know when you are communicating clearly to an individual who is deaf or hard of hearing?** Ask the person to summarize what you are saying. Test his or her understanding.

**If the person uses sign language, what kinds of communication require an interpreter?** Consider the length, importance, and complexity of the communication, as well as the context.

- In a simple encounter, such as checking a driver's license or giving directions, a notepad and pencil or perhaps gestures will normally be sufficient.
- During interrogations and arrests, a sign language interpreter will often be necessary.
- If the legality of a conversation will be questioned in court, such as where Miranda warnings are issued, a sign language interpreter may be necessary. You should be careful about misunderstandings in the absence of a qualified interpreter. A nod of the head may be an attempt to appear cooperative in the midst of misunderstanding, rather than consent or a confession of wrongdoing.
- In general, if an individual who does not have a hearing disability would be subject to police action without interrogation, then an interpreter will not be required, unless one is necessary to explain the action being taken.

**Example:** An officer clocks a car on the highway driving 15 miles above the speed limit. The driver, who is deaf, is pulled over and issued a noncriminal citation. The individual is able to understand the reasons for the citation because the officer exchanges notes and points to information on the citation. A sign language interpreter is not needed.

**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, but the officer has probable cause to make a felony arrest without an interrogation. An interpreter is not necessary to carry out the arrest.

**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, who is deaf, requests an interpreter. The officer begins by exchanging notes, but the woman's responses indicate a lack of comprehension and poor grammar. An interpreter is necessary to carry out any arrest. In this situation, it would be inappropriate to use a family member to assist with communication, even if it is offered.

**Do you have to take a sign language interpreter to a call about a violent crime in progress or a similar urgent situation involving a person who is deaf?** No. An officer's immediate priority is to stabilize the situation. If the person being arrested is deaf, the officer can make an arrest and call for an interpreter to be available later at the booking station.

**Contact numbers for your local sign language interpreters:**

---

---

---

The Americans with Disabilities Act authorizes the Department of Justice (the Department) to provide technical assistance to individuals and entities that have rights or responsibilities under the Act. This document provides informal guidance to assist you in understanding the ADA and the Department's regulations.

This guidance document is not intended to be a final agency action, has no legally binding effect, and may be rescinded or modified in the Department's complete discretion, in accordance with applicable laws. The Department's guidance documents, including this guidance, do not establish legally enforceable responsibilities beyond what is required by the terms of the applicable statutes, regulations, or binding judicial precedent.

**Note: Reproduction of this document is encouraged.**

Issued March 31, 2006, Last updated February 25, 2020