

DAYTON POLICE DEPARTMENT
GENERAL ORDER
HEARING IMPAIRED AND FOREIGN LANGUAGE
SPEAKING PERSONS



RICHARD S. BIEHL – DIRECTOR AND CHIEF OF POLICE

Rev. 2/19

POLICY STATEMENT

Police officers are occasionally confronted with the necessity of communicating with persons who are hearing impaired, many of who are also unable to communicate verbally. They must also sometimes communicate with persons who cannot speak English, or who do not have sufficient command of the language to be totally understood. The persons in either of these categories may be WITNESSES, VICTIMS, COMPLAINANTS or SUSPECTS. Regardless of their status, the officer must be able to adequately communicate with them in order to effectively resolve the situation.

I. COMMUNICATION WITH THE HEARING IMPAIRED

- A. Section 504 of the Rehabilitation Act of 1973, 29 United States Code 794 **requires** law enforcement agencies to provide **qualified** sign language interpreters for communication with hearing impaired persons who rely on sign language, and have a need to communicate with the law enforcement agency.
1. **SPECIAL SITUATIONS** such as, but not limited to Family Trouble, Domestic Violence, Child Abuse, etc. **will** require an interpreter as the non-hearing impaired spouse or other family member(s) may know sign language and could provide inaccurate or misleading information.
 2. **Anytime** a hearing impaired person is Mirandized, an interpreter must be on scene to verify that they understand their rights.
 3. If the officer is in doubt as to other situations that might require an interpreter (i.e., traffic citation, FIC, witness to a crime, etc.) they are to contact their supervisor prior to requesting an interpreter from outside of the department. If there is an officer on duty that is a qualified interpreter, the officer may request of dispatch to have them respond.
 4. All requests for a hearing impaired interpreter will be handled by an on-duty supervisor by either using Vocalink (See section II.B) or in the case of an emergency and Vocalink can't assist immediately, contacting Community Services for the Deaf at 937-640-8032 .
 5. The supervisor will need to send all of the information about the request in an e-mail to the Police Business Office at the completion of the request. The e-mail must contain the date/time of the request, the name of the interpreter, their arrival time and the time they clear the scene. The officer on scene is responsible for relaying the information to their supervisor. This request for interpreter information will also be included in the incident log.
- B. Sign language is often the most effective form of communication with hearing impaired persons. AMERICAN SIGN LANGUAGE or FINGER SPELLING is a series of hand positions, which represent letters making up words, or hand symbols representing words. The symbols may be used by officers to communicate with hearing impaired persons who use sign language.
- C. Successful communication with the hearing impaired requires patience. The most common mistake made by both hearing and hearing impaired persons is allowing a misunderstanding to slip by. Officers should check to make sure hearing impaired persons understand what is said to them by having the hearing impaired person repeat, in writing, or by sign. Use simple and concise language when communicating with a hearing impaired person.
- D. You can gain a hearing impaired person's attention by stomping on the floor. (Hearing impaired people are highly sensitive to vibrations.) If you need the attention of a hearing impaired person inside a house, pound on the door or outside walls. Often, they can sense the vibration.

- E. There are HEARING IMPAIRED PRETENDERS who will try to sway your emotions by leaning on their supposed handicap. The HEARING IMPAIRED PERSON constantly watches what is going on and tries to observe what is being said. The PRETENDER, on the other hand, acts in exactly the opposite manner. The pretender makes a great effort to ignore not only what can be heard, but also what can be seen. The hearing impaired person is curious; the pretender is not. The common sign to indicate hearing impairment is for the hearing impaired person to first point to his ear and then cross his hands in front of his chest.
- F. When a hearing impaired person is arrested, all written messages should be retained for evidence. When possible, explain your motives prior to handcuffing a hearing impaired person. Remember, when you handcuff a hearing impaired person you have removed their only means of communication. When a hearing impaired person is being advised of their rights from the Pre-Interview Form F-300, the arresting officer will request an interpreter for the arrested and note that the agency will defer interrogation pending the appearance of an interpreter.
- G. Hearing impaired persons who call the Dayton Police Department do so by means of a device known as a Telecommunication Device for the Deaf, or TDD. Software is also available for personal computers to perform this same function. When the Regional Dispatch Center receives a call from a TDD terminal, it appears on a screen at the RDC's terminal. The RDC can communicate with the hearing impaired caller through keyboard messages. The TDD/TTY number at RDC is 937-228-4357.

The Ohio Relay Service can also be used; the Ohio Relay Service (ORS) - (800) 750-0750 provides full telephone accessibility to people who are deaf, deaf-blind, hard-of-hearing or speech-disabled. Specially trained Communication Assistants (CA's) process relay calls and stay on the line to relay conversations electronically, over a Text Telephone (TTY) or, in some cases, verbally to hearing parties.

ORS is available 24 hours a day, 365 days a year, with no restrictions on the number of calls placed or on their length. This valuable communications tool gives all individuals who are deaf, deaf-blind, hard-of-hearing or speech-disabled the opportunity to make personal and business calls just like any other telephone user. Both TTY and voice users may initiate calls through ORS.

- H. In most situations, an interpreter from the Community Services for the Deaf or other interpreting agency will be utilized. Occasionally in non-arrest or other non-enforcement situations, officers who are qualified interpreters may be used. Officers who wish to be called on interpreting assignments must provide some documentation to the Training Academy via Special Report to the Chief of Police that they are fluent in American Sign Language.

II. FOREIGN LANGUAGE SPEAKING PERSONS

The Dayton Police Department recognizes the importance of effective and accurate communication between its employees and the community they serve. Language barriers can impede effective and accurate communication in a variety of ways. Language barriers can sometimes inhibit or even prohibit individuals with limited English proficiency (LEP) from accessing and/or understanding important rights, obligations and services, or from communicating accurately and effectively in difficult situations. Hampered communications with LEP victims, witnesses, alleged suspects, and community members can present the Police Department with safety, evidentiary, and ethical challenges. Ensuring maximum communication ability (consistent with *Title VI of the Civil Rights Act of 1964, § 601, 42 United States Code 2000d*) between law enforcement and all segments of the community serves the interest of both.

A. DEFINITIONS

1. **Limited English Proficient (LEP)** Designates individuals whose primary language is not English and who have a limited ability to read, write, speak, or understand English. LEP individuals may be competent in certain types of communication (e.g., speaking or understanding), but still be LEP for other purposes (e.g., reading or writing). Similarly, LEP designations are context specific. An individual may possess sufficient English language skills to function in one setting, but these skills may be insufficient in other situations.

2. **Interpretation** The act of listening to a communication in one language (source language) and orally converting it to another language (target language) while retaining the same meaning.
3. **Translation** The replacement of written text from one language (source language) into an equivalent written text (target language).
4. **Bilingual** The ability to communicate in two languages fluently, including the ability to communicate technical and law enforcement terminology. Bilingual includes a variety of skill levels. For example, some bilingual individuals may be fluent enough to engage in direct communications in a non-English language, but insufficiently fluent to interpret or translate from one language into another. For example, a bilingual individual, depending on his or her skill level, could be utilized to communicate fluently in a non-English language, but not to interpret between two languages if he or she does not possess the specialized skills necessary to interpret between two languages effectively. In order to be utilized to interpret or translate from one language into another an individual must possess the skill, training and demonstrated competence to do so. For purposes of this policy, departmental employees, in order to be identified as bilingual, must initially and periodically demonstrate, through a procedure to be established by the Department, their level of skill and competence such that the Department is able to determine the purposes for which an employee's language skills may be used.
5. **Authorized Interpreter** A member of this department who is bilingual and has successfully completed the Ohio Supreme Court prescribed interpreter training and is certified to act as an interpreter or translator in legal proceedings.

Effective January 1, 2010, the Ohio State Supreme Court began certification of court interpreters. The court provides for screening, testing and certification of interpreters by completing an application with the court, taking written and oral examinations, and complying with the professional standards provided by the courts.

- B. The Dayton Police Department has access to Language Services. This service is available twenty-four hours a day, seven days per week. The service can be used by our personnel as follows:

Instructions for accessing Vocalink

Telephonic Interpretation

1. Dial [REDACTED]
2. Give your access code and department code:
 - a. Access code is [REDACTED]
 - b. Department code for Police is [REDACTED]
3. Tell the operator the language needed.
4. You will be connected to the telephonic interpreter.

Face to Face Interpretation

Note: It is best to schedule an interpreter at least 24 hours in advance of the appointment.

1. Call 937-223-1415 or (877-492-7754) and press 1 for a spoken word interpreter. Press 1 again for the Dayton/Cincinnati area.
2. Request a face to face interpreter from the operator.
3. Important information to share when scheduling the interpreter:
 - a. Language needed
 - b. Point of contact name and phone number
 - c. Address, date, and time of appointment

- d. Type of interpretation (Simultaneous or consecutive)
 - e. Environment of appointment (Public speaking, group meeting, individual consultation, etc.)
 - f. Content of interpretation (construction, business, etc.)
 - g. Must provide the Department Code [REDACTED]
4. The request for interpreter information will also be included in the incident log.

Translation

The City of Dayton prioritizes vital document translation. For translation requests, call the Welcome Dayton Coordinator at 333-1422.

*In an emergency and Vocalink is unable to provide immediate translation assistance, supervisors may request assistance through Language Line. Any contact and usage must be documented as above with the justification for the emergency usage. HRC maintains contact with Language Line and will validate the usage.

C. Use of Qualified Departmental Personnel

The officer will also have the option of contacting a **qualified** officer listed in the Foreign Language Interpreter file and make arrangements to transport the interpreter to the scene, or the officer and foreign language speaking person to the interpreter.

1. SPECIAL SITUATIONS such as Family Trouble, Domestic Violence, Child Abuse, etc. **will** require an interpreter as the spouse or other family member(s) may know their foreign language and could provide inaccurate or misleading information.
2. **Anytime** a foreign language speaking person is Mirandized, an interpreter must be on scene to verify that they understand their rights.
3. If the officer is in doubt as to other situations that might require an interpreter (E.g., Traffic citation, FIC, witness to a crime, etc.) they are to contact their supervisor prior to requesting an interpreter from outside of the department. If there is an officer on duty that is fluent in that foreign language, the officer may request of dispatch to have them respond.
4. Officers who wish to be called on interpreting assignments must provide some documentation to the Training Academy via Special Report to the Chief of Police that they are fluent in a specific foreign language or be able to demonstrate through one of the agencies listed in dispatch, their fluency in that foreign language.