

	Operational General Order	11.05 Communicating with People who are Hearing Impaired	PAGE 1 OF 5
	SUBJECT		EFFECTIVE DATE
	Virginia Beach Police Department General Order Chapter 11 – Patrol Operations		06/14/2010
			ORIGINATOR/REVIEW
DISTRIBUTION	CALEA:		Uniform Division
ALL			
BY THE AUTHORITY OF THE CHIEF OF POLICE:		<i>James A. Coorna</i>	

Purpose

It is the purpose of this policy to provide guidance to law enforcement officers when communicating with individuals who are hearing and/or speech impaired, in accordance with the Americans with Disabilities Act (ADA) and the Rehabilitation Act.

Policy

In accordance with the Mission and Values of the Virginia Beach Police Department, the Department is committed to ensure that a consistently high level of service is provided to all community members, including those who are hearing and/or speech impaired. The Virginia Beach Police Department has specific legal obligations under the Americans with Disabilities Act and the Rehabilitation Act. To carry out these policies and legal obligations, the Virginia Beach Police Department instructs its officers and employees as follows:

- People who identify themselves as hearing and/or speech impaired are entitled to a level of service equivalent to that provided others.
- The Virginia Beach Police Department will make every effort to ensure that its officers and employees communicate effectively with people who have identified themselves as hearing and/or speech impaired.
- Effective communication with a person who is hearing and/or speech impaired involved in an incident – whether as a victim, witness, suspect, arrestee, or other persons connected to the situation – is essential in ascertaining what actually occurred, the urgency of the matter, and the specifics of the situation.
- Various types of communication aids – known as “auxiliary aids and services” – are used to communicate with people who are hearing and/or speech impaired. These include use of gestures or visual aids to supplement oral communication; an exchange of written notes; use of a computer or typewriter; use of assistive listening devices (to amplify sound for persons who are hearing impaired); or use of qualified oral or sign language interpreters.
- 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.

- In many circumstances, oral communication supplemented by gestures and visual aids, an exchange of written notes, use of a computer or typewriter, or use of an assistive listening device may be effective. In other circumstances, qualified sign language or oral interpreters are needed to communicate effectively with persons who are hearing and/or speech impaired. The more lengthy, complex, and important the communication, the more likely it is that a qualified interpreter will be required for effective communication with a person whose primary means of communication is sign language or speech reading. 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.
 - If a person is asking an officer for directions to a location, gestures and an exchange of written notes will likely be sufficient to communicate effectively and a sign language interpreter is often not required.
- To serve each individual effectively, primary consideration should be given to the communication aid or service that works best for that person. Officers must ask persons who are hearing and/or speech impaired what type of auxiliary aid or service they need. Officers must defer to those expressed 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 hearing and/or speech impaired.
- The Virginia Beach Police 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. Only the Virginia Beach Police Chief or his or her designee may make this determination.
- The input of people who are hearing and/or speech impaired 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 unless they fully understand -- and are understood by -- all those involved, including persons who are hearing and/or speech impaired.
- Auxiliary aids or services are to be provided free of charge.

Interpreter Services

- The Virginia Department for the Deaf and Hard of Hearing ([VDDHH](#)) maintains a list of qualified sign language and oral interpreters that are available to provide services as needed. Each of these interpreters will be chosen based upon the certifications and qualifications screened by VDDHH for the quality and skill of the interpreters, their reliability, and other factors. The Virginia Beach Police Department will verify with VDDHH the accuracy of the 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 hearing impaired individual (or interpret orally to the person who does not use sign language) what is being said by the hearing person and to voice to the hearing person what is being signed or said by the hearing impaired individual. The 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. Because a qualified interpreter must be able to interpret impartially, a family member, child, or friend of the individual who is hearing impaired 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 (e.g., where the hearing impaired person uses Signed English and the interpreter uses American Sign Language) or the situation (e.g., where the interpreter is unfamiliar with law enforcement vocabulary). Certification is not required in order for an interpreter to be “qualified.”

TTY and Relay Services

- In situations when a nondisabled person would have access to a telephone, officers must provide persons who are hearing and/or speech impaired the opportunity to place calls using a text telephone (TTY, also known as a telecommunications device for hearing impaired people, or TDD). Officers must also accept telephone calls placed by persons who are hearing and/or speech impaired through the Telecommunications Relay Service. A portable TTY device is available for check out from building 11 (Police Headquarters) in the Services Division-NCIC Office (757-385-8175).

Techniques for Officers to Communicate Effectively

- Officers must review and have a working knowledge of Hearing and/or Speech Impaired a copy of which is attached hereto. This document reviews how officers should communicate effectively [*Guide for Law Enforcement Officers When In Contact With People Who Are Deaf or Hard of Hearing*](#) in the types of situations officers will encounter. These situations include:
 - Issuing a noncriminal or motor vehicle citation.
 - Communicating with a person who initiates contact with an officer.
 - Interviewing a victim or critical witness to an incident.
 - Questioning a person who is a suspect in a crime.
 - Making an arrest or taking a person into custody.
 - Issuing *Miranda Warnings* to a person under arrest or in custody.
 - Interrogating a person under arrest or in custody.

Types of Auxiliary Aids and Services

- Officers must utilize the following auxiliary aids as appropriate, when available, to communicate effectively:
 - Use of gestures
 - Use of visual aids
 - Exchange of written notes
 - Use of computers
 - Use of assistive listening devices
 - Use of teletypewriters (TTY's)
 - Use of qualified oral or sign language interpreters

Procedures for Obtaining Auxiliary Aids and Services

In situations when officers encounter individuals who are hearing and/or speech impaired and use of gestures, visual aids and/or the exchange of written notes is not effective for the officer to communicate with the individual, the officer shall:

1. Write a note to the individual asking what communication aid or service is needed for effective communication.
2. If sign language is requested the officer shall write a note asking which sign language the person uses (American Sign Language or Signed English).
3. Contact an on-duty supervisor to arrange for interpretive services or to obtain a requested assistive listening device, teletypewriter or other auxiliary aid.

Every effort shall be made to obtain auxiliary aids and requested services as quickly as possible based upon the circumstances to assist in providing effective communication.

QUALIFICATIONS CURRENTLY RECOGNIZED IN VIRGINIA

Qualified interpreters recognized in the Commonwealth of Virginia have demonstrated high ethical standards, fluency in English and at least one visual communication mode, and proficiency in interpreting processes. They have been awarded credentials from a recognized national evaluation or state screening assessment (Code of Virginia 63.1-85.4:1). Compensation to qualified interpreters is generally commensurate with the level of skill achieved. Please contact VDDHH for assistance in determining the qualifications of interpreters.

NATIONAL CERTIFICATES

Interpreters holding national certification should be able to provide services in most situations. However, the preferred communication modalities of the consumers and the background experiences of the interpreters should be given priority consideration.

Certificates offered by the Registry of Interpreters for the Deaf (RID) and the National Association of the Deaf (NAD)

Full Certificates

NIC Master	National Interpreter Certification (expert)
NIC Advanced	National Interpreter Certification (competent)
NIC	National Interpreter Certification (functional)

Certificates offered by the Registry of Interpreters for the Deaf (RID)

Full Certificates

CDI	Certificate of Deaf Interpretation
CI	Certificate of Interpreting
CSC	Comprehensive Skills Certificate
CT	Certificate of Transliterating
MCSC	Master Comprehensive Skills Certificate
OIC:C	Oral Interpreter Certificate: Comprehensive
RSC	Reverse Skills Certificate

Specialist Certificates

SC:L	Specialist Certificate: Legal
SC:PA	Specialist Certificate: Performing Arts

Partial Certificates

IC	Interpreting Certificate (Partial Certificate)
TC	Transliterating Certificate (Partial Certificate)
EIC	Expressive Interpreting Certificate (Partial Cert.)
ETC	Expressive Translating Certificate (Partial Cert.)
OIC:S/V	Oral Interpreter Certificate: Spoken to Visible
OIC:V/S	Oral Interpreter Certificate: Visible to Spoken