



POLICY & PROCEDURE

STURGEON BAY POLICE DEPARTMENT

SUBJECT: HEARING IMPAIRED/ DISABLED COMMUNICATIONS

NUMBER: 15.07

ISSUED: 12/04/2020

EFFECTIVE: 12/04/2020

SCOPE: All Department Personnel

DISTRIBUTION: Policy & Procedure Manual

RESCINDS

AMENDS

REFERENCE: Federal: Title 42 USC, Chapter 126
(Americans with Disability Act)

WILEAG 5TH EDITION
STANDARDS: N/A

INDEX AS: Disability Communications
Hearing Impaired

PURPOSE: The purpose of this Policy & Procedure is to provide guidance to Sturgeon Bay Police Department members while taking all reasonable steps to accommodate individuals who suffer from deafness, hearing impairment, blindness, impaired vision, mental, medical or other disabilities and may encounter difficulties in gathering meaningful access to or an understanding of important rights, obligations and services in any law enforcement contact.

This Policy & Procedure consists of the following numbered sections:

- I. POLICY
- II. DEFINITIONS
- III. PROCEDURES

12/04/2020

I. POLICY

- A. In accordance with the Americans with Disabilities Act (ADA) it is the policy of the Sturgeon Bay Police Department to take all reasonable steps to ensure timely and equal access to all individuals including those with hearing, visional, medical and mental barriers, which can sometimes inhibit or even prohibit them from gaining meaningful access to, or an understanding of important rights, obligations and services.

II. DEFINITIONS

- A. **AUTHORIZED INTERPRETER:** An authorized interpreter is someone who has successfully completed interpreter training and is authorized to act as an interpreter or translator. Southern Wisconsin Interpreting & Translation Services (SWITS) or Language Line Solutions (LLS) is the Department's primary interpreter service for criminal investigations. Additionally, the Wisconsin Circuit Court System website has certified interpreters listed qualified for interpretation.

III. PROCEDURES

- A. **Factors to consider:** Because the nature of any law enforcement contact may vary substantially from one situation to the next, members of the Department should consider all information reasonably available to them when determining how to communicate with an individual suffering from any disability. These factors may include, but are not limited to:
 - 1. The extent to which a disability is obvious or otherwise made known to the involved employee. Impaired or disabled individuals may be reluctant to acknowledge their condition or may even deny a complete understanding of a communication despite actual confusion.
 - 2. The nature of the disability (e.g., total deafness or blindness vs. impairment or psychologically or medically challenged).
 - 3. The nature of the law enforcement contact (e.g., emergency vs. non-emergency, custodial vs. consensual contact, etc.)
 - 4. Availability of resources to aid in communication.

When considering these and other available information, the involved employee(s) should carefully balance all factors in an effort to reasonably ensure meaningful access by individuals suffering from apparent disabilities to critical services while not imposing undue burdens on the Department or its staff.

B. Initial and Immediate Considerations

1. Recognizing that various law enforcement encounters may be potentially volatile and/or emotionally charged, officers should remain alert to the possibility of communication problems. Officers should exercise special care in the use of all gesture, verbal and written communication in an effort to minimize initial confusion, and misunderstanding when dealing with any individual(s) with known or suspected disabilities or communication impairments.

Officers should document the type of communication utilized in any related report, and whether a disabled or impairment individual elected to use or refused services provided by the Department or some other identified source.

Department provided services may include, but are not limited to the following:

- a) Audio recording and enlarged print: From time to time, the department may develop audio recordings or important information needed by blind or visually impaired individuals. In the absence of such audio recordings, employees may elect to read a Department form of document(s) such as a citizen complaint or utilize a photocopier to enlarge printed forms for a visually impaired individual.
- b) Telephone Interpreter Services: The Department maintains a list of qualified interpreter services, at the department expense, to assist a deaf or hearing-impaired individual. The Sturgeon Bay Police Department will make every reasonable effort to provide meaningful, and timely assistance to the disabled individual through SWITS or LLS interpreting service. An interpreter list is maintained in the police folder, and in the dispatch center.

- c) TDD Relay Services: Individuals who are deaf or hearing impaired, and have access to a TTY or TDD system will have 24-hour access to the Door County Communication Center.
- d) Family and Friends of Disabled or Impaired Individuals: While family and friends of a disabled or impair individual may frequently offer to assist with interpretation, employees should carefully consider the circumstanced before relying on such individuals. The nature of the contact and relationship between the disabled individual, and the individual offering services must be carefully considered (e.g., victim/suspect).
- e) Custodial Interrogations and Bookings: In an effort to ensure that the rights of all disabled and impaired individuals are protected during arrest and custodial interrogation, this department places a high priority on providing reasonable communication assistance during such situations. It is further recognized that miscommunication during custodial interrogations may have substantial impact on the evidence presented in any related criminal prosecution. Employees providing assistance shall be aware of inherent communication impediments when gathering information from disabled or impaired individuals throughout the booking process or any other situation in which a disabled or impaired individual is within the control of departmental personnel. Medical screening questions are commonly used to elicit information on individual's medical needs, suicidal inclinations, presence of contagious diseases, potential illness, resulting symptoms upon withdrawal from certain medications, or the need to segregate the arrestee from other prisoners, therefore it is important for this department to make every reasonable effort to provide effective communication assistance in these situations.
 - 1) Individuals who require communication aids (e.g., hearing aids) should, baring officer safety concerns, be permitted to retain such devices while in custody.
 - 2) While it may present officer safety or other logistical problems to allow a physically disabled

individual to retain devices such as a wheel chair or crutches during a custodial situation, the removal of such items will require that other reasonable accommodations be made to assist such individuals with access to all necessary services.

- f) Field Enforcement and Investigations: Field enforcement includes such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control, and other routine field contacts that may involve disabled individuals. The scope and nature of these activities and contacts will vary. Department personnel must assess each situation to determine the need, and availability for services to involved disabled individuals.
- g) Investigate Interviews: In any situation where the translation of an interview may contain information that might be used in a criminal trial, it is important to take steps to improve the chances of admissibility. This includes interviews conducted during an investigation with victims, witnesses and suspects. In such situations, audio recordings of the interviews should be made when reasonably possible. Audio and video recorded interviews shall be obtained for any felony investigation. Every reasonable effort shall be made to utilize an interpreter from SWITS or LLS, or a court interpreter or department bilingual officer for any felony investigation.
- h) Reporting: Whenever any member of the department is required to complete an incident report, or other documentation and interpretation or translation services were provided, sought or requested, such services shall be noted in the incident report, a briefing log or dispatch specific information may be placed into the CAD system. Any interpreter utilized in a law enforcement contact shall be indexed in the incident report.
 - 1) If a fee is associated with an interpreter, the officer shall index the interpreter and complete a requisition order. The requisition form will include the interpreters name, date of service, file number and the number of hours worked.

- i) Community Outreach: The Sturgeon Bay Police Department will work with community groups, local businesses, neighborhoods, and the City of Sturgeon Bay population to provide equal access to programs and services for disabled individuals and groups.
- j) Training: In an effort to ensure that all employees in public contact positions are properly trained, the Department will provide initial training during the FTO training process. Periodic training to personnel regarding departmental policies and procedures may be facilitated through the daily trainer program or in-house training.

Clinton Henry
Chief of Police

This Policy & Procedure cancels and supersedes any and all previous written directives relative to the subject matter contained herein.

Initial 12/04/2020

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