Hearing Impaired/Disabled Communications

371.1 PURPOSE AND SCOPE
Individuals who suffer from deafness, hearing impairment, blindness, impaired vision, mental or other disabilities may encounter difficulties in gaining meaningful access to, or an understanding of important rights, obligations and services. In accordance with the Americans with Disabilities Act (ADA), 42 USC § 12101 et seq., it is therefore the policy of this office to take all reasonable steps to accommodate such individuals in any law enforcement contact.

371.1.1 DEFINITIONS
Person Disabled in Communication - A person who cannot fully understand legal proceedings or charges involving him/her because of (Minn. Stat. § 611.31):
(a) A hearing, speech or other communication disorder.
(b) A difficulty in speaking or comprehending the English language.

Qualified Interpreter - An individual able to communicate, repeat and translate legal proceedings to another individual who qualifies as a person disabled in communication pursuant to Minn. Stat. § 611.31. The qualified interpreter shall meet the qualifications, take the required oath and respect communications as privileged under Minn. Stat. § 611.33.

371.2 FACTORS TO CONSIDER
Because the nature of any law enforcement contact may vary substantially from one situation to the next, employees of this office 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:
(a) 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 and may even feign a complete understanding of a communication despite actual confusion.
(b) The nature of the disability (e.g., total deafness or blindness versus impairment).
(c) The nature of the law enforcement contact (e.g., emergency versus non-emergency, custodial versus consensual contact).
(d) 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 Office or its deputies.

371.2.1 INITIAL AND IMMEDIATE CONSIDERATIONS
Recognizing that various law enforcement encounters may be potentially volatile and/or emotionally charged, Office employees should remain alert to the possibility of communication
problems. They should exercise special care in the use of all gestures, and with verbal and written communication to minimize initial confusion and misunderstanding when dealing with any individual(s) with known or suspected disabilities or communication impairments.

### 371.3 TYPES OF ASSISTANCE AVAILABLE

Depending on the balance of the factors available for consideration at the time, this Office will make every reasonable effort to provide meaningful and timely assistance to disabled individuals through a variety of services, where available. Disabled individuals may elect to accept such assistance at no cost or choose to provide their own communication services at their own expense or any combination thereof. In any situation the individual's expressed choice of communication method shall be given primary consideration and honored unless the employee can adequately demonstrate that another effective method of communication exists under the circumstances or provision of the expressed choice represents an undue financial or administrative burden.

Employees should document the type of communication utilized in any related report and whether a disabled or impaired individual elected to use services provided by the Sheriff's Office or some other identified source. Sheriff's Office provided services may include, but are not limited to the following:

#### 371.3.1 FIELD RESOURCES

Individual employees are encouraged to utilize resources immediately available to them in any contact with a known or suspected disabled or impaired person. Examples of this would include such simple methods as:

(a) Hand gestures or written communications exchanged between the employee and a deaf or hearing-impaired individual.

(b) Facing an individual who uses lip reading, and speaking slowly and clearly.

(c) Slowly and clearly speaking or reading simple terms to any visually or mentally impaired individual.

#### 371.3.2 AUDIO RECORDINGS AND ENLARGED PRINT

From time to time, the Office may develop audio recordings of important information needed by blind or visually impaired individuals. In the absence of such audio recordings, employees may elect to read aloud a Office form or document, i.e., reading a citizen complaint form to a visually impaired individual or utilizing a photocopier to enlarge printed forms for a visually impaired individual.

#### 371.3.3 TELEPHONE INTERPRETER SERVICES

The Detention Division shift supervisor will maintain a list of qualified interpreter services, to be contacted at Sheriff's Office expense and upon approval of a supervisor, to assist deaf or hard of hearing individuals. When utilized, notification to such interpreters shall be made at the earliest reasonable opportunity. The interpreter should be available to respond within a reasonable time.
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371.3.4 TTY AND RELAY SERVICES
Individuals who are deaf or hearing-impaired must be given the opportunity to use available text telephones (TTY or TDD). All calls placed by such individuals through such services shall be accepted by this office.

371.3.5 COMMUNITY VOLUNTEERS
Depending on the circumstances, location and availability, responsible members of the community may be available to provide qualified interpreter services, such as those who are proficient in American Sign Language (ASL). Sources for these individuals may include local businesses, banks, churches, neighborhood leaders and school officials. In addition to such sources developed by individual deputies, the Office will attempt to maintain and update a list of qualified community volunteers who may be available to respond within a reasonable time.

371.3.6 FAMILY AND FRIENDS OF DISABLED OR IMPAIRED INDIVIDUAL
While family and friends of a disabled or impaired individual may frequently offer to assist with interpretation, employees should carefully consider the circumstances before relying on such individuals. For example, children should not be relied upon except in emergency or critical situations. Further, the nature of the contact and relationship between the disabled individual and the individual offering services must be carefully considered (e.g., victim/suspect).

371.4 CONTACT SITUATIONS AND REPORTING
While all contacts, services and individual rights are important, this office will carefully consider reasonably available information in an effort to prioritize services to disabled and impaired individuals so that such services and resources may be targeted where they are most needed because of the nature and importance of the particular law enforcement activity involved.

Whenever any member of this office is otherwise required to complete a report or other documentation, and communication assistance is provided to any involved disabled or impaired individual(s), such services should be noted in the related report.

371.4.1 QUALIFIED INTERPRETER REQUIRED IN ARRESTS
A deputy who arrests a person who, due to deafness or a physical speaking impairment, cannot readily understand or communicate in the English language or cannot understand the proceedings, and before an interrogation or the taking of a statement, shall inform his/her supervisor of the arrest and ensure a qualified interpreter as specified by law is available at public expense to the arrestee (Minn. Stat. 611.32 subd. 2).

The arresting deputy shall immediately make arrangements to provide a qualified interpreter at the earliest possible time at the place of detention. The deputy shall, with the assistance of the interpreter, explain to the person disabled in communication, all charges filed and all procedures relating to the person’s detention and release (Minn. Stat. § 611.32 subd.2). If the individual is to be held in custody at Adult Detention Center the detention center staff shall be advised regarding any communication disabilities in a timely manner prior to arrival at the detention facility.
Prior to an interrogation or taking a statement, the arresting deputy shall make available a qualified interpreter to assist throughout the interrogation or taking of a statement. The interpreter shall assist with all other communications including those relating to needed medical attention.

371.4.2 CUSTODIAL INTERROGATIONS AND BOOKINGS
To ensure the rights of all disabled and impaired individuals are protected during arrest and custodial interrogation, this office places a high priority on providing reasonable communication assistance during such situations. It is further recognized that miscommunication during custodial interrogations may have a substantial impact on the evidence presented in any related criminal prosecution. As such, Office personnel providing communication assistance in these situations will make every reasonable effort to accurately and effectively communicate with disabled or impaired individuals.

Employees providing such assistance shall also be aware of the inherent communication impediments to gathering information from disabled or impaired individuals throughout the booking process or any other situation in which a disabled or impaired individual is under the control of Office personnel. Medical screening questions are commonly used to elicit information on individual's medical needs, suicidal inclinations, presence of contagious diseases, potential illness, symptoms of withdrawal from certain medications or the need to segregate the arrestee from other prisoners, Therefore it is important for this office to make every reasonable effort to provide effective communication assistance in these situations.

(a) Individuals who require communication aids (e.g., hearing aids) should be permitted to retain such devices while in custody.

(b) 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.

(c) Whenever a deaf or hearing-impaired individual is detained or arrested and placed in handcuffs, deputies should consider, safety permitting, placing the handcuffs in front of the body to allow the individual to sign or write notes.

371.4.3 QUALIFIED INTERPRETER REQUIRED FOR PROPERTY
If the property of a person is seized incident to a lawful arrest or search, the seizing deputy shall, upon request, make available to the person at the earliest possible time a qualified interpreter to assist the person in understanding the possible consequences of the seizure and the person's right to judicial review (Minn. Stat. § 611.32 Subd. 2).

371.4.4 FIELD ENFORCEMENT AND INVESTIGATIONS
Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts which may involve disabled or impaired individuals. The scope and nature of these activities and contacts will inevitably vary. Therefore the Office recognizes that it would be virtually impossible to
provide immediate access to complete communication services to every deputy in the field. Each
deputy and/or supervisor must assess each situation to determine the need and availability for
communication assistance to any and all involved disabled or impaired individuals.

Although not every situation can be addressed within this policy, it is important that employees are
able to effectively communicate the reason for a contact with a disabled or impaired individual, the
need for information and the meaning or consequences of any enforcement action. For example,
it would be meaningless to verbally request consent to search if the deputy is unable to effectively
communicate with a deaf individual.

371.5 TRAINING
In an effort to ensure that all employees in public contact positions or who have contact with those
in custody are properly trained, this office will provide periodic training in the following areas:

(a) Employee awareness of related policies, procedures, forms and available resources.

(b) Employees having contact with the public or those who are in our custody are trained to
work effectively with in-person and telephone interpreters and related equipment.

(c) Training for management staff, even if they may not interact regularly with disabled
individuals, so that they remain fully aware of and understand this policy, can reinforce its
importance, and ensure its implementation by staff.