



COLUMBIA HEIGHTS POLICE DEPARTMENT POLICY MANUAL

TITLE: HEARING IMPAIRED/DISABLED COMMUNICATIONS	GENERAL ORDER NUMBER: 110
REFERENCES: M.S. § ATTACHMENTS:	EFFECTIVE DATE: 06/01/2016
REVIEW DATE: 01/01/2019	DISTRIBUTION: A

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) and Civil Code §54.1, it is therefore the policy of the Columbia Heights Police Department to take all reasonable steps to accommodate such individuals in any law enforcement contact.

110:01 Factors to Consider

Because of the nature of any law enforcement contact may vary substantially from one situation to the next, employees of this 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:

- A. The extent to which a disability is obvious or otherwise made known to the involved employee. (NOTE: Impaired or disabled individual 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 vs. impairment)
- C. The nature of the law enforcement contact (e.g. emergency vs. non-emergency, custodial vs. consensual contact, etc.)
- 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 Department or officers.

110:02 Initial and Immediate Considerations

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

110:03 Types of Assistance Available

Depending on the balance of the factors available for consideration at the time, this Department 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, 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.

Officers 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 Department or some other identified source. Department provided services may include, but are not limited to the following:

- A. Hand gestures or written communications exchanged between the employee and a deaf or hearing-impaired individual.
- B. Facing an individual, utilizing lip reading, and speaking slowly and clearly.
- C. Slowly and clearly speaking or reading simple terms to any visually or mentally impaired individual.

110:04 Audio Recordings and Enlarged Print

From time to time, the Department 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 Department form or document such as a citizen complaint form to a visually impaired individual, or utilize a photocopier to enlarge printed forms for a visually impaired individual.

110:05 Telephone Interpreter Services

Anoka County Dispatch will maintain a list of qualified interpreter services to be contacted at Department expense to assist deaf or hearing-impaired individuals upon approval of a supervisor. When utilized, notification to such interpreters shall be made at the earliest reasonable opportunity and the interpreter should be available to respond within a reasonable time (generally not to exceed three hours).

110:06 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 Department.

110:07 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 officers, the Department will attempt to maintain and update a list of qualified community volunteers who may be available to respond within a reasonable time.

110:08 Family and Friends of Disabled or Impaired Individuals

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).

110:09 Receiving and Responding to Requests For Assistance

In order to provide disabled and impaired individuals with meaningful access to police services when they are victims of, or witnesses to, alleged criminal activity or other emergencies, Anoka County Dispatch has designated its 9-1-1 lines as its top priority for assistance with such services. Department and Anoka County Dispatch personnel will make every reasonable effort to

promptly accommodate such disabled and impaired individuals, utilizing 9-1-1 lines through any or all of the above resources.

While 9-1-1 calls shall receive top priority, it is also important that reasonable efforts be made to accommodate disabled and impaired individuals seeking more routine access to services and information from this Department.

110:10 Custodial Interrogation and Bookings

In an effort to ensure 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 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, Department personnel providing communication assistance in these situations will make every reasonable effort to accurately and effectively communicate with disabled and 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 within the control of Department personnel. Because 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, it is important for this Department 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.

110:11 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. Because the scope and nature of these activities and contacts will inevitably vary, the Department recognizes that it would be virtually impossible to provide immediate access to complete communication services to every officer in the field. However, each officer and/or supervisor must assess each such situation to determine the need and availability for communication assistance to 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, the need for information, and the meaning of consequences of any enforcement action taken with a disabled or impaired individual. For example, it would be meaningless to verbally request consent to search if the officer is unable to effectively communicate with a deaf individual.

110:12 Community Outreach

Community outreach programs, and other such services offered by this Department, have become increasingly recognized as important to the ultimate success of more traditional law enforcement duties. As such, this Department will continue to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services to disabled individuals and groups.

110:13 Training

In an effort to ensure that all employees in public contact positions (or having contact with those in custody) are properly trained, this Department will provide periodic training in the following areas:

- A. Employee awareness of related policies, procedure, forms and available resources.
- B. Employees having contact with the public (or those 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, in order that they remain fully aware of, and understand this policy, so they can reinforce its importance and ensure its implementation by staff.

BY ORDER OF:

Scott Nadeau, Chief of Police

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