

BEMIDJI POLICE DEPARTMENT

COMMUNICATING WITH PEOPLE WHO ARE DEAF, HEARING
IMPAIRED OR SPEAK A LANGUAGE OTHER THAN ENGLISH.

POLICY #122

Purpose

This policy sets forth guidelines governing the specific legal obligations under the Americans with Disabilities Act to communicate effectively with people who are deaf or hearing impaired.

Policy

It is the policy of the Bemidji Police Department to ensure that a consistently high level of service is provided to all community members, including those who are deaf, hearing impaired or in need of language translation.

Definitions:

- A. Communication aids;** are used to communicate with people who are deaf or hard of hearing. These include use of gestures or visual aids to supplement oral communication; use of a notepad and pen or pencil to exchange written notes; use of an assistive listening system or device to amplify sound for persons who are hard of hearing; or use of a qualified oral or sign language interpreter.
- B. Interpretive or translation services;** 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

I. General Procedures

People who are deaf or hard of hearing are entitled to a level of service equivalent to that provided to other persons. The Bemidji Police Department will make every effort to ensure that its officers and employees communicate effectively with people who are deaf, hearing impaired or in need of translation services. Effective communication with a person who is deaf or hard of hearing involved in an incident -- whether as a victim, witness, suspect, or arrestee -- is essential in ascertaining what actually occurred, the urgency of the matter, and type of situation.

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. To serve each individual effectively, primary consideration should be given to providing the type of communication aid or service requested by the individual. Officers should find out from the person who is deaf or hard of hearing what type of auxiliary aid or service he or she needs. Officers should defer to those expressed choices, unless:

- A. 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 deaf or hard of hearing; or
- B. doing so would fundamentally alter the nature of the law enforcement activity in question or would cause an undue administrative or financial burden; only the Agency head or his or her designee may make this determination.

In many circumstances, oral communication supplemented by gestures and visual aids or an exchange of written notes will be an effective means of communicating with people who are deaf or hearing impaired. In other circumstances, a qualified sign language or oral interpreter may be needed to communicate effectively. The more lengthy, complex, and important the communication, the more likely it is that a qualified interpreter will be required for effective communication.

In all procedures involving communication via written communication between the impaired party and the department member, the notes shall be kept and placed or scanned into the case file in all criminal matters.

II. Interviews

a. Scheduled Interviews

- i. For custodial and non-custodial scheduled interviews with victims, suspects or witnesses Bemidji Police Department members should contact Minnesota translations or ASL Interpreting Services at Dynamic Communication in advance to schedule an appointment with a certified ASL interpreter (ASLIS) or appropriate language translator. This shall be paid for by the department and provided at no cost to the individual. (Minnesota translations 651-689-3446, ASLIS- 320-309-1122)

b. After hours Interviews

- i. For custodial and non-custodial interviews after hours, department members should provide access to a certified sign language interpreter or translator if available. If one is not immediately available, the officer will make arrangements to return with one at the earliest possible time to explain the situation, charges, read the Miranda advisory and/ or take any statements. The department member may use Minnesota translations or ASL Interpreting Services at Dynamic Communication (ALSIS). This service will be provided at no cost to the subject.

III. Training

- a. In an effort to ensure that all employees in public contact positions are properly trained, the Bemidji Police Department will provide initial training to all employees on this policy as well as any new procedures or technology available for dealing more effectively in person, via telephone interpreters or other related equipment with the public who are hearing impaired or otherwise disabled communicators.

- b. Officers must review and have a working knowledge of the publication *Communicating with People Who Are Deaf or Hard of Hearing: ADA Guide for Law Enforcement Officers*.

Reference or Revision Date(s):

- A. League of Minnesota Cities Informational Memo – Model Policy
- B. Minnesota Statute § 611.33
- C. The Americans with Disabilities Act, – 42 U.S.C. * 12101, et seq. (ADA)
- D. The Rehabilitation Act 29 U.S.C. *794 et seq. Section 504
- E. Minnesota Translation services – (651)-689-3446
<https://www.minnesotatranslations.com/>
- F. ASL Interpreting Services at Dynamic Communication 320-309-1122
- G. REVISION DATE(S):