

# Effective Communication: The ADA and Law Enforcement

will begin at 12:30 PM ET



1

## About Your Hosts...

- **TransCen, Inc.**
  - Improving lives of people with disabilities through meaningful work and community inclusion
- **Mid-Atlantic ADA Center**, a project of **TransCen, Inc.**
  - Part of the ADA National Network which consists of ten regional centers located throughout the United States that provide personalized assistance to educate the public about the ADA.
  - Funded by National Institute on Disability, Independent Living, and Rehabilitation Research (NIDILRR), Administration for Community Living, U.S. Department of Health and Human Services



2



## Listening to the Webinar

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- Please make sure your computer speakers are turned on or your headphones are plugged in
- Control the audio broadcast via the AUDIO & VIDEO panel
- If you have sound quality problems, please go through the AUDIO WIZARD by selecting the microphone icon



3



## Listening to the Webinar (cont.)

- To connect by telephone:

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**Pass Code:**

**368564**

This is **not** a toll-free number

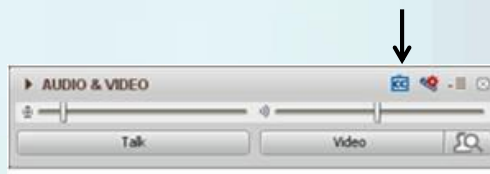
4



## Captioning

Real-time captioning is provided; open the window by selecting the “CC” icon in the AUDIO & VIDEO panel

- You can re-size the captioning window, change the font size, and save the transcript

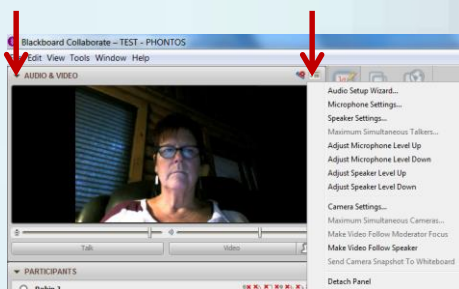


5



## Sign Language Interpreter

- To view the Sign Language interpreter expand the panel by selecting the right arrow next “Audio and Video”.
- To ensure that your system retains focus on the Sign Language Interpreter make sure that **everything** is **unchecked** in the dropdown options menu

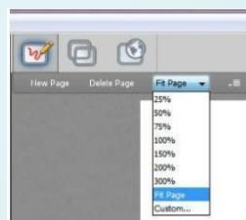


6



## Customizing Your View

- Resize the whiteboard where the presentation slides are shown to make it smaller or larger by choosing from the drop down menu located above and to the left of the whiteboard; the default is “fit page”



7

## Customize Your View continued

- Resize/Reposition the CHAT, PARTICIPANT, and AUDIO & VIDEO panels by “detaching” and using your mouse to reposition or “stretch/shrink”
  - Each panel may be detached using the ≡ icon in the upper right corner of each panel

8

## Technical Assistance

If you experience technical difficulties

- Use the CHAT feature to let us
- E-mail [ADATraining@transcen.org](mailto:ADATraining@transcen.org)
- Call 301-217-0124

9



## Archive

- This webinar is being recorded and can be accessed within a few weeks
- You will receive an email with information on accessing the archive

10



# Effective Communication: The ADA and Law Enforcement



*Michael Richardson, MPA*

Northwest  Center



## Learning Objectives

- Understand the importance of effective communication for people with disabilities, specifically those with hearing loss, in law enforcement activities, and consequences of inadequate access and oversight.
- Review common auxiliary aids and services to ensure effective communication.
- Review communication strategies and other types of accommodations, and share resources.

## Common Scenario



<sup>13</sup>  
Photo Source: DEAF, Inc.



## Common Scenario

“Cuevas v. City of Hialeah, Florida – A deaf couple alleged that the police failed to provide qualified interpreters and involuntarily committed the wife to a hospital on two separate occasions because she was deaf”

Source: National Association of the Deaf

<sup>14</sup>



## Who and what does the ADA cover?

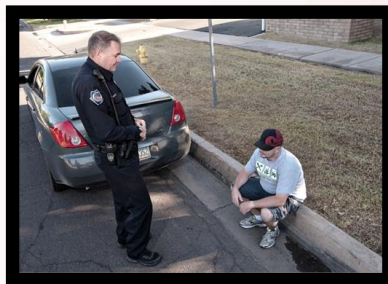
- Title I - Employment
- **Title II - State and Local Governments and Transportation**
- Title III - Public Accommodations (“Businesses”)
- Title IV - Telecommunications
- Title V - Miscellaneous

15



## Effective Communication

- Disabilities that affect hearing, seeing, speaking, reading, writing, or understanding may use different ways to communicate.
- Information must be as clear and understandable to people with disabilities as it is for people who do not have disabilities.



16



# Deafness

- Moderate-profound hearing loss
- Associates with the Deaf community & norms
  - Use of Tactile Methods/Pointing
  - Facial Expressions/Body Language/Gestures
- Generally communicates using American Sign Language

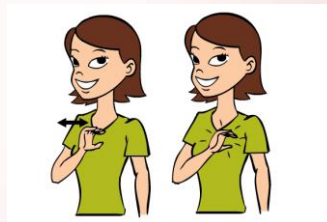
Source: Denver Office of Sign Language Services

17



## American Sign Language (ASL):

- Native language for majority of Deaf people in the United States
- Visual/spatial language with structural & grammatical rules that differ from the English language
  - Concepts relayed
  - Has dialects
  - Not universal
- Many states recognize foreign language



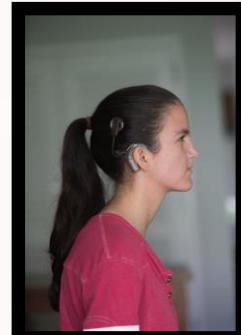
Source: Denver Office of Sign Language Services

18



# Recognizing Deafness

- Person shakes head & points to ears
- Person gestures indicating paper and pen for written communication
- Moves hands in a repeated pattern, trying to communicate in sign language
- Appears very alert, watches faces intently but may not respond to sounds or language
- Reacts to environmental noises (siren, alarm, loud noise) but may not understand speech



Source: Denver Office of Sign Language Services

19

# Wallet Cards



Source: Oregon Association of the Deaf

20



# Hard of Hearing:

- Mild to moderate hearing loss
- May not associate with the Deaf community, nor know/use ASL
- With use of a hearing aid or cochlear implant, may be able to function fairly comfortably in a hearing world, depending on the situations and environment
- “Baby Boomers” impacted as well

21



# Lip-Reading

Don't assume a Deaf person can lip-read, or speak

- 90% do not lip-read proficiently
- Only 25-35% of speech is visible on the lip
- Not all deaf people can speak

## Communication Tips

- Well lit area
- Face to face
- Don't obstruct mouth
- Normal speaking pace

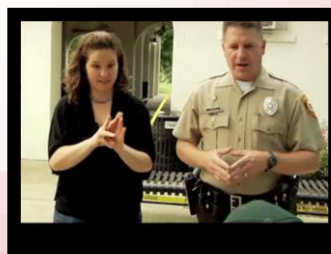
Source: Denver Office of Sign Language Services

22



## Effective Communication

- The means used to provide effective communication is determined on a case-by-case basis – person's needs and situation.
- "Auxiliary aids and services" are devices or services that enable effective communication for people with disabilities.



23

## Examples of Auxiliary Aids and Services

- qualified interpreters
- communication access real-time translation
- written materials
- assistive listening systems
- open and closed captioning
- TTYs/TDDs, videophones, telephone relay service, or video relay service
- exchange of written notes.

24

## Which Communication Option?

- The Department must give a deaf or hard of hearing individual the opportunity to request the auxiliary aid or service
- Primary consideration will be given to the expressed choice of the individual, unless:
  - it can be demonstrated that another effective means of communication exists
  - or that use of the means chosen would result in undue financial and administrative burdens
- Police officers/departments are responsible for providing the communication option

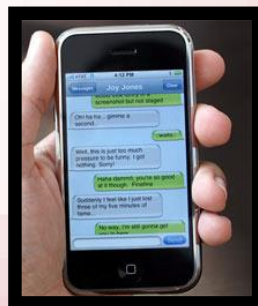
*Communication with People who are Deaf or Hard of Hearing, ADA Guide for Law Enforcement Officers*

25



## Communication - Simple situations

- Brief or simple face-to-face exchanges - very basic aids are usually appropriate and effective.
- For example, exchanging written notes may be effective when a deaf person is receiving a speeding ticket.
- Using a “smart phone” to write and exchange messages.



26

# Written Communication

- English is a second language for most Deaf people
- The average Deaf person reads & writes English at a 4<sup>th</sup> grade level
- Don't assume that writing back & forth is "good enough"



Source: Denver Office of Sign Language Services

27



## Communication - Complex situations

Complex or lengthy exchanges

- an interpreter (sign language, oral, cued speech) or
- CART (Communication Access Real-time Translation)
- Examples – interrogations, booking, explaining Miranda Rights, gathering evidence, etc.
- Written transcripts or captions on video for pre-scripted situations such as speeches, presentations, etc.

28



## Qualified Sign Language Interpreter

An interpreter who, via a video remote interpreting (VRI) service or an on-site appearance, is able to interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary... include sign language interpreters, oral transliterators and cued-language transliterators". 28 C.F.R. § 35.104

29



## Signer vs Qualified Interpreter

A signer:

- May know a few signs or have a small vocabulary.
- May not be fluent enough to communicate intricate and important medical details.
- Can be used for simple questions like directions and or information.
- May be a family member or a friend and may not be impartial.

An interpreter is a:

- Qualified and trained individual to interpret a situation faithfully.
- Holds a license and can interpret with a high degree of accuracy and impartially.
- Bound by Code of Ethics.

Source: DEAF, Inc.

30



## Use of Children/Family Members as Interpreters

**NO!!!!**

Only permissible in emergency involving imminent threat to safety or welfare of an individual or the public where there is no interpreter available.

31



## Communication Access Real-time Translation

For deaf individuals who do not rely on sign language for communication and who have good levels of reading comprehension, the appropriate auxiliary aid or service is usually the use of transcription services, such as Communication Access Real-time Translation (CART). 28 C.F.R. § 35.104.

32





## Communication Access Real-time Translation



## Visual Impairments

Common auxiliary aids and services:

- Braille
- large print text
- Documents in accessible electronic format
- audio recordings
- qualified readers

# Qualified Reader

“Qualified reader” is defined as “a person who is able to read effectively, accurately, and impartially, using any necessary specialized vocabulary.”

35



# Resources

## **Registry of Interpreters for the Deaf, Inc.**

State-by-State Regulations for Interpreters and Translitterators

<http://www.rid.org/advocacy-overview/state-information-and-advocacy/>

## **National Association of the Deaf (NAD)**

<https://www.nad.org/>

## **ADA National Network**

Contact Your Regional ADA Center

800-949-4232

<http://adata.org/find-your-region>

## **Deaf Sensitivity Training Video for Police Officers (DEAF, Inc.)**

<https://youtu.be/l9aNpMRHH2c>

36



# Contact Us

## ADA questions

- **ADA National Network**
  - 1-800-949-4232 V/TTY
  - [www.adata.org](http://www.adata.org)
- **Mid-Atlantic ADA Center**
  - 1-800-949-4232 V/TTY (DC, DE, MD, PA, VA, WV)
  - 301-217-0124 local
  - [www.adainfo.org](http://www.adainfo.org)
  - [ADAtraining@transcen.org](mailto:ADAtraining@transcen.org)

37



# Webinars and Training

For upcoming webinars and trainings check out:

- Training section at [ADAinfo.org](http://ADAinfo.org)
- Events section at [ADATA.org](http://ADATA.org)

38



# Thank You!