

Booking Policy

What steps must I take after the arrest of a person who is deaf or hard of hearing?

- 1) Secure a licensed interpreter and inform an individual of the charges against him or her and the choices he or she has available.
- 2) Provide a TDD/TTY/VP.
 - A telecommunications device for the deaf (TDD) or teletypewriter (TTY) is a device that people who are deaf or hard of hearing use to communicate via phone lines. These devices allow a user to type a message that is received by a similar device at the end of the line. A Video Phone (VP) allows a user to communicate visually via an Internet or cable connection. Contact NCDHH for more information regarding telecommunications for people who are deaf or hard of hearing.
- 3) Notify an individual of his or her rights and who is the recipient for grievances.
- 4) Make a record that a person is deaf or hard of hearing, and indicate whether or not an interpreter was requested, as well as the name of any interpreter used and the date and time of his or her service.
- 5) Courts with jurisdiction over a person's case should be notified in writing that the defendant requires an interpreter or another service or device.
- 6) Require jailers responsible for cell blocks hosting people who are deaf or hard of hearing to make full eye contact with individuals to determine whether they would like to access a TDD/TTY/VP or another service.

Important: Sometimes actions taken by people who are deaf or hard of hearing can be misconstrued as suspicious or uncooperative behavior. An inability to respond to verbal commands and slurred speech that resembles intoxication are two traits that people with a hearing loss may possess.

Communication Tips

Use these communication tips to converse with persons who are deaf or hard of hearing.

- 1) Use written communication if an individual cannot understand oral speech.
- 2) When utilizing written communication, select simple words and avoid complex English.
- 3) Speak face-to-face at a normal pace to people who are hard of hearing.
- 4) Never shout at an individual who is hard of hearing.
- 5) Do not expect a person who is deaf or hard of hearing to be able to lip-read.
- 6) Speak in a well-lit area with an overhead light source.
- 7) To get a deaf person's attention, tap lightly on his or her shoulder.
- 8) Incorporate visual cues in your speech if verbal communication fails.
- 9) When deaf or hard of hearing people nod their heads, it can mean "I see," as opposed to "yes."
- 10) Handcuffing a deaf person effectively takes away his or her mode of communication.
- 11) Those with hearing aids hear better in quiet environments.
- 12) Hearing aids do not always restore full hearing to people who are hard of hearing.
- 13) Some deaf people wear hearing aids to be alerted to sounds, and they may not be able to understand any speech.
- 14) Deaf and hard of hearing people have individual and unique needs.



Nebraska Commission for the Deaf and Hard of Hearing

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Law Enforcement Guidelines for Interacting with People Who are

DEAF OR HARD OF HEARING

Helpful suggestions and regulations for law enforcement personnel working with deaf and hard of hearing people.



Nebraska Commission for the Deaf and Hard of Hearing



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Guidelines to Follow when Encountering People Who are Deaf or Hard of Hearing

As mandated in the Americans with Disabilities Act (ADA), state and local law enforcement agencies are required to communicate effectively with people who are deaf or hard of hearing.

“Effective communication” can be described as communication that is equally as effective as that provided for others without a hearing loss. Failure to provide effective communication can lead to serious violations of constitutional and civil rights.

The purpose of this brochure is to provide guidance for communicating with people who are deaf or hard of hearing. From the proper way to issue the Miranda warnings to scenarios where sign language interpreters are necessary, the following information can be used as a protocol to ensure that no infractions are committed against individuals who are deaf or hard of hearing.



The Basics

What can I do to ensure my communication with a person who is deaf or hard of hearing is as effective as my communication with a hearing person?

- Provide Licensed Sign Language/Oral Interpreters
- Incorporate Gestures or Visual Aids
- Exchange Written Notes
- Use a Computer or Typewriter for Messaging
- Speak Loudly and Clearly
- Utilize an Assistive Listening Device

How do I determine which method I should use?

The law requires that an individual's preference be given primary consideration. He or she must be asked what mode of communication he or she prefers.

Do I always have to use the method selected by a person who is deaf or hard of hearing?

Unless an alternative means of communication is superior in both convenience and effectuality, you should honor an individual's request.

A deaf individual's father is present, can I ask him to interpreter for me?

Asking a family member, relative or friend to interpret for a deaf individual should be avoided. In the event of an emergency, it is permissible to allow an acquaintance to interpret while awaiting the arrival of a licensed interpreter.

I'm not sure if a person who is deaf or hard of hearing can understand me. How can I tell?

If you are questioning how well you are being understood, ask a person who is deaf or hard of hearing to summarize what you are saying. Determine whether or not you should pursue a different mode of communication from the response.

Interpreter Usage and Exemptions

When is an interpreter necessary?

During a simple citation, a police officer can use written notes and gestures.

- An officer clocks a car speeding. During the issuance of a ticket, an officer can exchange notes and point to information on the citation to communicate with a driver who is deaf or hard of hearing.

For interviews, interrogations and arrests, a law enforcement official needs an interpreter.

- At the scene of a domestic disturbance, a hearing man claims his deaf spouse abused their children. To properly interview the woman, the officer needs an interpreter.

Any legally-required warnings must be conducted by an interpreter.

- The Miranda warnings must be interpreted by a licensed interpreter, or else a case may be dismissed. However, the court will not throw out a case if the arresting officer saw a deaf individual commit a crime.

In general, police action that does not warrant interrogation does not have to be conducted using an interpreter.

- An officer arrives at the scene of a crime and sees a victim bleeding and a deaf individual holding a weapon. Witnesses say they observed the deaf person strike the victim. The officer has probable cause to make a felony arrest without interrogation or an interpreter.

When is my department not responsible for obtaining an interpreter?

A law enforcement agency does not have to take any steps that would impose undue financial and administrative burdens. However, this standard is

hard to meet. If a service, such as interpretation, is not financially plausible, the agency must use an alternative that is the next best mode of communication.

How can I obtain an interpreter?

For interpreter requests that do not have to be met within 24 hours, use the NCDHH online interpreter referral service located at www.ne.gov/go/interpreter. For emergency interpreter requests, call (402) 471-3593, or visit www.ne.gov/go/afterhours for instructions regarding the protocol for after-hours interpreter requests.

Court Responsibilities

What steps must courts take to ensure effective communication?

Courts are responsible for providing state-licensed interpreters for people who are deaf or hard of hearing. A licensed interpreter is a person who demonstrates proficiencies in interpretation or transliteration as required by the rules and regulations adopted and promulgated by NCDHH and who holds a license issued by the commission.

The fees and expenses of an interpreter shall be fixed and ordered paid by the judge in accordance with a fee schedule established by the Supreme Court. Fees must be paid out of the General Fund with funds appropriated to the Supreme Court for that purpose.

More information regarding the payment and fees of courtroom interpreters can be found at www.supremecourt.ne.gov.