



POLICE DEPARTMENT

**COMMUNICATING
WITH PERSONS WHO
ARE HEARING
IMPAIRED**

**OPERATIONAL
PROCEDURE #435**

Responsible Executive:
Chief of Police
Responsible Office:
Vice President for Public Safety
Approved by:
Dr. Branville G. Bard Jr.
Issued: 07/25/2024
Revised: N/A

Table of Contents

POLICY STATEMENT1

WHO IS GOVERNED BY THIS POLICY.....1

PURPOSE2

DEFINITIONS2

POLICY3

CORE PRINCIPLES3

PROCEDURES3

POLICY ENFORCEMENT11

RELATED RESOURCES11

CONTACTS12

APPENDIX A.....13

APPENDIX B15

Policy Statement

It is the policy of the Johns Hopkins Police Department (JHPD) to take all reasonable steps necessary to ensure that persons who are deaf or hard of hearing receive equal access to law enforcement programs, services, and activities. The JHPD does not discriminate against or deny any person services or rights based on their disability status. See JHPD Directive #106, Fair & Impartial Policing.

Who Is Governed by This Policy

All personnel, including sworn, nonsworn, and contractual or voluntary persons in service with the JHPD, are governed by this Directive.

Purpose

The purpose of this Directive is to provide guidelines that JHPD members must follow to ensure that persons who are deaf or hard of hearing enjoy equal access to the JHPD's services, as required by the *Americans with Disabilities Act*.

Definitions

Auxiliary Aids:	Tools to help JHPD members communicate with persons who are deaf or hard of hearing. These aids include, but are not limited to, qualified interpreter services, written communications and materials, pads, pens, telecommunication devices for the deaf (including Teletype (TTY)/Telecommunications Devices for the Deaf (TDDs)), videophones, and video remote interpreting (VRI) devices (i.e., computers or tablets).
Member:	All members of the JHPD, including employees, officers, and volunteers, unless the term is otherwise qualified (e.g., member of the public, member of the Baltimore Police Department, etc.).
Officer:	All sworn police officers, at any rank, as defined by MD Code, Public Safety, § 3-201, in service with the JHPD.
Person Who Is Deaf:	A person who is unable to hear or process linguistic information through hearing, with or without amplification.
Person Who Is Hard of Hearing:	A person who cannot readily understand oral communications and may require amplification to be able to hear and communicate effectively.
Qualified Interpreter:	A person who has been certified by the National Registry of Interpreters for the Deaf, maintains appropriate licensure in the state of Maryland, and is able to interpret effectively, accurately, and impartially both receptively and expressively, using any necessary specialized vocabulary. For a person who is deaf or hard of hearing and uses American Sign Language (ASL) for communication, the term "qualified interpreter" means a certified interpreter skilled in communicating in ASL.
Teletype (TTY):	An electronic device for text communication via a telephone that is used to communicate with persons who are deaf or hard of hearing. Other names include Telecommunications Device for the Deaf (TDD) and textphone.
Video Relay Service (VRS):	VRS is a telecommunications relay service that enables persons with hearing disabilities who use ASL to communicate with hearing people over videophones in real time, via an ASL interpreter. VRS is not an interpreting service for members to communicate with persons who are deaf or hard of hearing (see the definition for VRI). VRS allows persons who are deaf or hard of hearing to have access to the telephone system. The Federal Communications Commission states that VRS cannot be used as a substitute for "in-person" interpreting services or for VRI.

Video Remote Interpreting (VRI): An interpreting service that uses video conference technology over dedicated lines or wireless technology offering high-speed, wide-bandwidth video connection that delivers high-quality video images. VRI is an interpreting service used by JHPD members to communicate with persons who are deaf or hard of hearing who use ASL.

VRS and VRI are two different services. VRS gives persons who are deaf or hard of hearing access to the telephone system and shall not be used by members as an interpreting service. Members shall use VRI as an interpreting service.

Policy

The JHPD shall respect and treat all persons equally regardless of their ability to hear. Persons who are deaf or hard of hearing are entitled to a level of service reasonably equivalent to that provided to other persons. The JHPD will ensure that appropriate auxiliary aids, including qualified interpreters, are made available to all members of the public who are deaf or hard of hearing so that they may participate in or benefit from the JHPD's law enforcement and related services, programs, or activities on an equal basis with others.

Core Principles

- I. **Compliance With the Law:** The JHPD has specific legal obligations under Section 504 of the Rehabilitation Act and Title II of the Americans with Disabilities Act to communicate effectively with people who are deaf or hard of hearing. To carry out these obligations, JHPD members shall adhere to the guidelines of this Directive.
- II. **Effective Service Provision:** Effective communication with persons who are deaf or hard of hearing and involved in an incident requiring a police response—whether as a victim, witness, suspect, or person being arrested—is essential to ascertain the type of incident, the level of urgency, and relevant facts.

Procedures

- I. **General**
 - A. People who are deaf or hard of hearing are entitled to a level of service reasonably equivalent to that provided to other persons. Accordingly, the JHPD will make every effort to ensure that its members communicate effectively with people who are deaf or hard of hearing, including designating a liaison to consult directly with Office of Institutional Equity experts.
 - B. To communicate with all persons effectively, as soon as practicable in the interaction, JHPD members will give primary consideration to the type of auxiliary aid or service requested by the person who is deaf or hard of

hearing. JHPD members may use the communication cards in Appendix A to ascertain a person's preferred method of communication.

- C. People who are deaf or hard of hearing shall not be charged for the cost of an auxiliary aid needed for effective communication.
- D. JHPD members shall not require a person who is deaf or hard of hearing to supply their own auxiliary aid. Nevertheless, if the person has an auxiliary aid that they would like to use, they shall be permitted to use it as long as it complies with the other requirements of this Directive.
- E. The JHPD is connected to the Baltimore City 911 Emergency Communications Center for receiving calls for service within its jurisdiction. Baltimore City's 911 Emergency Communications Center is a service that provides 24-hour, toll-free voice and TTY telephone access to Baltimore City's emergency services. (Commission on Accreditation for Law Enforcement Agencies (CALEA) 81.2.1)
- F. Each JHPD division, unit, or office with direct public access shall display signs stating that auxiliary aids are available and free of charge.
- G. JHPD members must be mindful that miscommunication is possible when interacting with a person who is deaf or hard of hearing. JHPD members should exhibit patience and understand that there will be barriers to overcome to achieve effective communication.

II. Providing Assistance Using Auxiliary Aids

- A. Various types of auxiliary aids are used to communicate with people who are deaf or hard of hearing, depending on their specific needs and preferences. These include, for example, the following:
 - Hand gestures or visual aids (such as communication cards) to supplement oral communication.
 - For oral communications with a person who is hard of hearing or uses lip reading, JHPD members shall speak slowly and clearly and face the person with whom they are speaking.
 - A notepad and pen or pencil to exchange written notes.
 - Devices with typing or text messaging capabilities or applications that provide live transcription.
 - Maryland Relay and VRS to communicate by telephone.
 - Assistive listening devices, including TTY, among others.
 - VRI in ASL.

- An in-person interpreter in ASL, signed English, oral interpretation, or tactile signing or a certified deaf interpreter (see Appendix B for descriptions of each).
- B.** The type of auxiliary aid needed for effective communication will depend on the length, complexity, and context of the situation. JHPD members shall consider all information available to them when determining how to communicate with a person who is deaf or hard of hearing. Factors may include but are not limited to:
- The extent to which a hearing impairment is known or made known to the member,
 - The nature of the impairment (e.g., total deafness or hard of hearing),
 - The person’s usual method of communication,
 - The nature of the contact (emergency vs. nonemergency, custodial vs. consensual),
 - The nature, importance, and duration of the communication required,
 - The number of people involved, and
 - The availability of auxiliary aids.
- C.** While in some circumstances oral communication supplemented by gestures and visual aids or an exchange of written notes will be effective for shorter, less complex, and less important communications, a qualified interpreter will generally be required for effective communication in complex or more important matters. Situations in which the presence of a qualified interpreter may be necessary include, for example:
- Miranda warnings,
 - Booking procedures,
 - Interviews/interrogations,
 - Reports of crime,
 - Witness statements, and
 - Scheduled JHPD meetings and events (when requested by a member of the public).
- D.** For emergency situations where the safety or welfare of a person is at imminent risk, JHPD members may use whatever auxiliary aids and services that are available and effective given the situation. This could include, as examples, written notes, typed texts or messaging, or the use of a person who can communicate in sign language but is not an interpreter.

Once the emergency has passed, the member shall ask the person their communication preference and give that preference primary consideration.

- NOTE: Since JHPD members have access to the Language Line’s ASL interpreters 24/7, it should be extremely rare that JHPD members cannot quickly access an ASL interpreter if that is the preferred or needed method for prompt communication with a person who is deaf or hard of hearing.

III. Interpreter Services

A. For situations requiring interpreter services, JHPD members shall utilize either VRI or on-site interpreter services in conformance with JHPD Directive #434, Language Access Services.

- For all instances where a JHPD member is communicating with a person via an interpreter, the JHPD member should look at and speak directly to the person who is deaf or hard of hearing, not the interpreter.
- When effective communication does not result from the use of an interpreter, as judged by the person who is deaf or hard of hearing, the interpreter, or the JHPD member, another interpreter shall be secured who is qualified to interpret in that situation.

B. VRI Interpreters (Language Line)

- VRI services for ASL are available to JHPD members 24/7 on their JHPD cell phones. To access these services, JHPD members shall navigate to the Language Line app (called Insight, and the icon says “Interpreters”) and click on “American Sign Language” to be connected to an interpreter.
- VRI should be used in a location where the conversation can be held privately and with minimal distractions or visual impediments, given the open and visual nature of ASL.
- Members are permitted to use VRI services in the following situations:
 - Filing incident reports,
 - Filing misdemeanor offense reports,
 - Filing nonviolent felony offense reports,
 - Conducting short, less complex witness interviews,
 - Conducting traffic stops,
 - Conducting field interviews, and/or

- Engaging in general communication (e.g., providing directions or responding to general requests).
 - During interactions using VRI services, JHPD members shall ensure the person who is deaf or hard of hearing and the VRI interpreter have constant eye contact and are able to see each other's signs at all times. A breach of eye contact may indicate that communication has been severed.
- C. NOTE: For use of VRI services, it is best to hold or position the screen horizontally, ensuring that the person who is deaf or hard of hearing can see the screen clearly.

D. In-Person (On-Site) Qualified Interpreters

- Members shall only use in-person interpreters, and shall not use VRI services, for communicating with a person who is deaf or hard of hearing when the person:
 - Is a child under the age of 18 who is a victim of a crime or a respondent or suspect,
 - Appears heavily medicated or intoxicated,
 - Has a secondary disability or injury (e.g., low vision, injuries to arm or hand, mental disability) that impedes the use of the VRI technology,
 - Is the subject of a criminal interrogation,
 - Is a victim of a violent felony offense (including sexual assault), or
 - Appears unable or unwilling to use VRI as an effective means of communication or the use of such services might pose a risk to safety.
- Miscommunication during custodial interrogations or formal victim or witness statements may have a substantial impact on the evidence presented in any related criminal prosecution. Therefore, JHPD members shall use an in-person qualified interpreter, **not VRI**, at the request of the person who is deaf or hard of hearing or for lengthy, complicated, or critical matters. Examples include:
 - Formal victim and witness statements for violent felony offenses (including all sexual assaults), and
 - Criminal interrogations, including Miranda warnings and other admonitions. See JHPD Directive #461, Custodial Interrogations.
- NOTE: In-person interpreters are better equipped to take in more contextual information—such as the person's body language,

posture, and nonverbal demeanor—that may help them better interpret the meaning of the person’s words and more accurately convey the person’s message.

- To request an in-person qualified interpreter, the JHPD member shall consult their supervisor for approval to request an interpreter from the JHPD’s approved vendor.
- To make this request, the JHPD member shall submit a written request, through their chain of command, to the Communications Center, providing the specific parameters needed, to include type of interpreter needed (e.g., ASL vs. oral), type of interaction (victim interview, suspect interrogation, etc.), proposed date and time of the meeting with the person who is deaf or hard of hearing, and estimated length of time the interpreter will be needed.

E. For situations involving persons who are deaf or hard of hearing and who are also members of another marginalized population, the member shall make efforts to assess proficiency and clarity around communications facilitated by a qualified interpreter.

- If the person appears to not be communicating effectively through a VRI interpreter, the member may call the Language Line again to connect with a new interpreter.
- If there is time to secure an in-person interpreter, upon making the request for an interpreter, the member can ask the approved vendor whether they have any available interpreters who have special knowledge that applies to the person’s situation or demographic group.
- The member is also encouraged to consider contacting other applicable available services—for example, the Johns Hopkins University Behavioral Health Crisis Support Team, a victim advocate, a nonprofit, or an affinity group—to consult them or request their response (when feasible) for additional support.

IV. Telephone Communication

A. For persons who are deaf or hard of hearing, the standard telephone is often a barrier to communication. Maryland Relay enables people who are deaf, deaf-blind, hard of hearing, or speech impaired who are TTY users to communicate with standard telephone users.

B. To use Maryland Relay to reach a person who is deaf or hard of hearing by phone, JHPD members shall dial 711 from any phone and give the operator the number of the party they wish to reach. Once connected, the operator types what the JHPD member says, and the person can read the JHPD member’s words on their TTY display. The operator will read

aloud the person's typed response. Strict confidentiality is maintained by Maryland Relay. There is no limit to the length or number of calls, and local calls are free.

- C. The federal Telecommunications Relay Service enables the same population who use computers and video devices to communicate with standard telephone users over phone lines. There are two types of services: Internet Protocol Relay and VRS. The Communications Center can assist JHPD members with the use of these services.
- D. Persons using TTYs may also use the Maryland Relay Service to communicate with JHPD members by phone. More information is available at <https://doit.maryland.gov/mdrelay/Pages/Services.aspx>. Relay services are verbatim; therefore, the JHPD member should ensure they are speaking directly to the caller.
- E. Persons who are deaf or hard of hearing shall be given the same access to a phone in situations where all others would have access (e.g., booking or attorney contacts). In such situations, persons can make a phone call using an available TTY. JHPD members shall provide additional time, if needed, due to the slower nature of TTY communications.

V. Custodial Interrogations, Arrests & Booking

- A. To ensure that the rights of all persons who are deaf or hard of hearing are protected during arrest and custodial interrogation, the JHPD shall provide necessary communication assistance for these situations.
- B. Whenever a person who is deaf or hard of hearing is arrested, the arresting member shall procure a qualified interpreter for any interrogation, warning, notification of rights, or taking of a statement. The use of an interpreter shall be documented in all written reports that document the interrogation. JHPD members shall not serve as interpreters for interrogations, nor shall they provide any translations related to the questioning or interrogation of a suspect.
- C. All custodial interrogations shall be recorded per the requirements in JHPD Directive #461, Custodial Interrogations. In conformance with the guidance provided by the National Association of the Deaf and JHPD Directive #433, Body-Worn Cameras, the JHPD will videotape all communications with arrested persons who are deaf or hard of hearing to substantiate the effectiveness of the communication and the quality of the interpretation.
- D. Persons who require communication aids (e.g., hearing aids) shall be permitted to retain such devices while in custody.

- E. Whenever a person who is deaf or hard of hearing is detained or arrested and placed in handcuffs, JHPD members should consider, safety permitting, placing the handcuffs in front of the body to allow the person to use sign language or write notes (see JHPD Directive #412, Custody, Transport & Processing).

VI. Use of Family, Friends, or Bystanders

- A. Using a person's family, friends, or a bystander to interpret can cause a breach of confidentiality, a conflict of interest, or inadequate interpreting.
- B. Therefore, absent exigent circumstances, JHPD members shall only allow family, friends, or bystanders to interpret for very informal, nonconfrontational exchanges and only to obtain basic information.
- C. During domestic violence encounters, JHPD members **shall not** rely on a friend, family member, or bystander to interpret, unless exigency exists, because of potential partiality. If a person's safety is at imminent risk, a friend, family member, or bystander may temporarily be asked to interpret, but as soon as the situation is stabilized, the JHPD member must use VRI (Insight app) or request an in-person interpreter, depending on the circumstances.
- D. The suspect or alleged offender in any type of incident, including in domestic violence situations, shall not be used as an interpreter.
- E. JHPD members shall not use children as interpreters for any kind of police incident unless there exists an exigency and no other options are available. Since JHPD members have access to Language Line interpreters 24/7, it should be extremely rare that this circumstance ever occurs. Children may lack the cognitive ability, vocabulary, or impartiality needed to convey meaning effectively.

VII. Reporting

- A. Whenever JHPD members write any report for an incident in which auxiliary aids or interpreters were used, the JHPD member shall document the type of communication assistance utilized, as well as the name and ID number of any interpreter who provided services.
- B. In instances where the JHPD member used written exchanges with the person who is deaf or hard of hearing in a criminal case, the JHPD member shall attach the communication to the report or place it into evidence.

VIII. Community Outreach

- A. Community outreach programs and other such JHPD services are important to enhancing the success of law enforcement. As such, the JHPD will work with community groups and other stakeholders to ensure it provides equal access to such programs and services, through applicable auxiliary aids and interpreters, to persons who are deaf or hard of hearing.

IX. Training

- A. To ensure that all JHPD members who have contact with the public or with those in custody are properly trained, the JHPD will provide periodic training on:
 - The JHPD’s obligation to provide services under the Americans with Disabilities Act and any recent or relevant case law,
 - JHPD member awareness of related policies, procedures, forms, and available resources,
 - Working effectively with in-person and telephone interpreters and related equipment, and
 - Awareness and understanding of the importance of this Directive to ensure its implementation.

Policy Enforcement

Enforcement	Police Department managers and supervisors are responsible for enforcing this Directive.
Reporting Violations	Suspected violations of this Directive should be reported to the Public Safety Accountability Unit.

Related Resources

University Policies and Documents	
Conduct & Responsibility #106, Fair & Impartial Policing Operational Procedure #412, Custody, Transport & Processing Operational Procedure #433, Body-Worn Cameras Operational Procedure #434, Language Access Services Operational Procedure #461, Custodial Interrogations Johns Hopkins Medicine Policy PASP001, Interpretation and Translation Services: Patient Language and Communication Needs Johns Hopkins Medicine Language Services Resource Webpage: https://intranet.insidehopkinsmedicine.org/jhm-language-services/index.html	
External Documentation	
National Association of the Deaf, “Communication Access with Police and Law Enforcement,” https://www.nad.org/resources/justice/police-and-law-enforcement/communication-access-with-police-and-law-enforcement/	

Police Department Forms and Systems

Contacts

Subject Matter	Office Name	Telephone Number	Email/Web Address
Policy Clarification and Interpretation	Policy Management	(667)306-8618	jhpdpolicyinquiry@jh.edu

Appendix A

Communication Cards

I AM DEAF OR HARD OF HEARING

This card is to help drivers with hearing loss communicate with police officers

QUICK COMMUNICATION TIPS

- Please face me as eye contact is necessary.
- Speak slowly and clearly in a normal tone, do not cover your mouth.
- Repeat, rephrase or write your request.
- Be patient, give me a chance to understand.

KEEP THIS CARD IN YOUR VEHICLE

In the event you are pulled over, have your visor card readily available to present to the law enforcement officer

THE BEST WAY TO COMMUNICATE WITH ME



VERBALLY



WRITING



TEXTING*



LIP-READING



ASSISTIVE LISTENING
DEVICE



INTERPRETER

*My cell phone number is _____



VG-100 06/2020 MTC

I NEED TO SEE YOUR



LICENSE



REGISTRATION



INSURANCE



OTHER

VIOLATIONS



SPEEDING



STOP



SEATBELT



CARELESS



RED LIGHT



DISTRACTED



ALCOHOL/DRUGS



PLAYGROUND



EQUIPMENT



WARRANTS



LICENSE PLATE



OTHER

YOU ARE BEING



WARNED

No Further Action



TICKETED

Follow instructions on the ticket



ARRESTED

Please follow my directions

HELP



POLICE



MEDICAL



LOST



GAS



MECHANICAL



TOW



OTHER

Appendix B

Tips for Working With the Deaf & Hard of Hearing



JHM Language Services
410-614-4685

Tips for Working with the Deaf and Hard of Hearing

Term	Definition
ASL	American Sign Language: A complex visual language with its own grammatical structure which expresses meaning through handshapes, gestures, and facial expressions. ASL is used predominantly by the Deaf and Hard of Hearing within the USA and much of Canada. Other countries have their own form of sign language which differs from ASL. ASL interpreters are available upon request.
ASL Transliteration	A prominent mode of visual communication that follows the English grammatical structure, but also incorporates elements of ASL.
CDI	Certified Deaf Interpreter (or Relay Interpreter): A deaf individual certified to interpret for other deaf individuals and specially trained in the use of gesture, mime, props, drawings and other tools to enhance communication. A CDI always works alongside a hearing ASL interpreter. Some patients may require both a CDI and a hearing ASL interpreter.
Close Vision Interpreting	Signing at close range: for deaf patients who are also visually impaired. The interpreter should be positioned within 2 feet of the patient with sufficient lighting in the space.
CART Services	Communication Access Real-time Translation: A CART captioner types spoken English words so that a deaf individual can read them and follow the conversation in real-time. This service is typically used during live meetings, conferences, presentations, and training courses, etc.
CUED speech	A visual mode of communication (different from ASL) that helps a deaf individual to more accurately lip-read words. It uses handshapes and hand placements in combination with the mouth movements of speech to help the deaf distinguish between different sounds. Because CUED speech illustrates individual sounds, not words, this method is used in many different countries.
Deaf	An individual with very little or no functional hearing.
HOH	Hard of Hearing: An individual with any degree of hearing loss.
ORAL Interpretation	A form of communication used mainly by oralists (deaf individuals who rely on lip-reading and voicing to communicate). Oral interpreters use a clear articulation of the mouth to allow for maximum understanding.
ORAL Transliteration	A form of communication which relies primarily on lip-reading, but also incorporates some English signs. The emphasis is not solely on the mouth as in oral interpretation.
Signed English <small>(Contact Signing/Pidgin Sign/ English Sign Language/ Signed Exact English)</small>	A visual form a communication that primarily follows English word order (different from ASL word order). This is often ideal for individuals who develop deafness later in life and who are accustomed to using English grammar. Signed English can range from being more ASL-based to being more English-based depending on what the patient needs. There are specialized ASL Interpreters that can provide interpretation using both ASL and Signed English.
Tactile Interpreting/ Tactile Signing	A form of communication for individuals who are both deaf and blind and need to use their sense of touch to communicate. A tactile interpreter must be positioned near the individual to sign or fingerspell into the palm of the individual's hand.

* Patients may need one or more of the above services/accommodations.

06/17/2022