

**BAY CITY DEPARTMENT OF PUBLIC SAFETY
BAY CITY, MICHIGAN**

SECTION 1 - ADMINISTRATIVE
GENERAL ORDER

June 10, 2014
INDEX NO. 1.15

HEARING IMPAIRED / DISABLED COMMUNICATIONS

I. PURPOSE

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), 42 USC § 12101 et seq., it is therefore the policy of the Bay City Department of Public Safety to take all reasonable steps to accommodate such individuals in any public safety contact.

II. DEFINITIONS

- A. Person Disabled in Communication** - A person who cannot fully understand legal proceedings or charges involving him/her because of a hearing, speech or communication disorder (MCL 393.502).
- B. Qualified Interpreter** - An individual able to communicate, repeat and translate legal proceedings to another individual who qualifies as a person disabled in communication pursuant to MCL 393.502. The qualified interpreter shall take the required oath and respect communications as privileged under MCL 393.506.

III. PROCEDURES

A. FACTORS TO CONSIDER

Because the nature of any public safety 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:

1. The extent to which a disability is obvious or otherwise made known to the involved employee. Impaired or disabled individuals may be reluctant to acknowledge their condition and may even feign a complete understanding of a communication despite actual confusion.
2. The nature of the disability (e.g., total deafness or blindness versus impairment).

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3. The nature of the public safety contact (e.g., emergency versus non-emergency, custodial versus consensual contact).
4. 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 its employees.

B. INITIAL AND IMMEDIATE CONSIDERATIONS

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

C. TYPES OF ASSISTANCE AVAILABLE

Depending on the balance of the factors available for consideration at the time, the Bay City Department of Public Safety 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. The individual's expressed choice of communication method shall be given primary consideration and shall be honored unless expressed otherwise in this policy or the employee can adequately demonstrate that another effective method of communication exists under the circumstances. Employees 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:

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1. FIELD RESOURCES

Individual officers and employees are encouraged to utilize resources immediately available to them in any contact with a known or suspected disabled or impaired person. Examples of this would include such simple methods as:

- a. Hand gestures or written communications exchanged between the employee and a deaf or hearing-impaired individual.
- b. Facing an individual who uses lip reading and speaking slowly and clearly.
- c. Slowly and clearly speaking or reading simple terms to any visually or mentally impaired individual.

2. AUDIO RECORDINGS AND ENLARGED PRINT

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 department forms or documents, i.e., reading a citizen complaint form to a visually impaired individual or utilizing a photocopier to enlarge printed forms for a visually impaired individual.

3. INTREPRETER SERVICES

Interpreter request forms for V.O.I.C.E., Inc. will be kept at the Command Desk at the Law Enforcement Center, to be contacted at department expense and upon approval of a supervisor, to assist deaf or hearing-impaired individuals. When utilized, notification to such interpreters shall be made at the earliest reasonable opportunity. When immediate assistance is required, the 24 hour hotline for V.O.I.C.E., Inc. is 989-284-5182. The interpreter should be available to respond within a reasonable time, generally not to exceed three hours.

4. TTY AND RELAY SERVICES

Individuals who are deaf or hearing-impaired must be given the opportunity to use available test telephones (TTY or TDD). All calls placed by such individuals through such services shall be

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accepted by the Bay City Department of Public Safety. Test telephones are available at Bay County Central Dispatch.

5. 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.

6. FAMILY AND FRIENDS OF DISABLED OR IMPAIRED INDIVIDUAL

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).

D. CONTACT SITUATIONS AND REPORTING

While all contacts, services and individual rights are important, the Bay City Department of Public Safety will carefully consider reasonably available information in an effort to prioritize services to disabled and impaired individuals so that such services and resources may be targeted where they are most needed because of the nature and importance of the particular public safety activity involved. Whenever any member of this department is otherwise required to complete a report or other documentation, and communication assistance is provided to any involved disabled or impaired individual(s), such services should be noted in the related report.

1. RECEIVING AND RESPONDING TO REQUESTS FOR ASSISTANCE

In order to provide disabled and impaired individuals with meaningful access to public safety services when they are victims of, or witnesses to, alleged criminal activity or other emergencies,

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the Bay City Department of Public Safety has designated Bay County Central Dispatch 911 lines as its primary access point for assistance with such services.

2. QUALIFIED INTERPRETER REQUIRED IN ARRESTS

A law enforcement officer or public safety officer who arrests a person who, due to deafness or a physical speaking impairment, cannot readily understand or communicate in the English language or cannot understand the proceedings, and before an interrogation or the taking of a statement, shall inform his/her supervisor of the arrest and ensure a qualified interpreter as specified by law is available at public expense to the arrestee (MCL 393.505). The arresting officer shall immediately make arrangements to provide a qualified interpreter at the earliest possible time and at the place of detention. The officer shall, with the assistance of the interpreter, explain all charges filed and all procedures relating to the person's detainment and release. Prior to an interrogation or taking a statement, the arresting officer shall make available a qualified interpreter to assist throughout the interrogation or taking of a statement. The interpreter shall assist with all other communications, including those relating to needed medical attention. V.O.I.C.E., Inc. shall be utilized under these circumstances.

3. DISABLED AND IMPAIRED INDIVIDUALS IN CUSTODY

To ensure the rights of all disabled and impaired individuals are protected during arrest and custodial interrogation, the Bay City Department of Public Safety places a high priority on providing reasonable communication assistance during such 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 or impaired individuals. Employees providing such assistance shall also be aware of the inherent communication impediments to gathering information from disabled or impaired individuals throughout any situation in which a disabled or impaired individual is under the control of

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department personnel. Therefore, 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.
 - c. Whenever a deaf or hearing-impaired individual is detained or arrested and placed in handcuffs, officers should consider, safety permitting, placing the handcuffs in front of the body to allow the individual to sign or write notes.
4. **QUALIFIED INTERPRETER REQUIRED FOR PROPERTY**
If the property of a person is seized incident to a lawful arrest or search, the seizing officer shall, upon request, make available to the person at the earliest possible time a qualified interpreter to assist the person in understanding the possible consequences of the seizure and the person's right to judicial review. V.O.I.C.E., Inc. shall be utilized under these circumstances.

5. **FIELD CONTACTS AND INVESTIGATIONS**

Field contacts will generally include such contacts as traffic stops, pedestrian stops, serving warrants and personal protection orders, pre-emptive action plans, home surveys, crowd/traffic control and other routine field contacts which may involve disabled or impaired individuals. The scope and nature of these activities and contacts will inevitably vary. Therefore the Bay City Department of Public Safety recognizes that it would be virtually impossible to provide immediate access to complete communication services to every employee in the field. Each employee and/or supervisor must assess each situation to determine the need and availability

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for communication assistance to any and 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 with a disabled or impaired individual, the need for information and the meaning or consequences of any enforcement action. For example, it would be meaningless to verbally request consent to search if a law enforcement officer or public safety officer is unable to effectively communicate with a deaf individual.

E. TRAINING

In an effort to ensure that all employees in public contact positions or who have contact with those in custody are properly trained, the Bay City Department of Public Safety will provide periodic training in the following areas:

1. Employee awareness of related policies, procedures, forms and available resources.
2. Training for management staff, even if they may not interact regularly with disabled individuals, so that they remain fully aware of and understand this policy, can reinforce its importance, and ensure its implementation by staff.

By order of:


Michael J. Cecchini
Public Safety Director