

**TYLER POLICE DEPARTMENT
GENERAL ORDER**

ACCESS FOR THE COMMUNICATION IMPAIRED

04.300

EFFECTIVE

10/04/07

04.301 PURPOSE

Individuals who do not speak English proficiently and/or who suffer from a disability such as blindness, low vision impairment, deafness, hearing impairment, mental disorder or other physical impairment or disability may encounter difficulties in communicating their needs to a service provider of this agency. It is therefore the policy of the Tyler Police Department to provide meaningful access and understanding of the important rights, obligations, services and programs to every member of the community. The Department will take all reasonable steps to accommodate and insure timely and equal access to all individuals, regardless of national origin, primary language, disability, handicap, or impairment in any law enforcement contact, consistent with existing Federal law.

04.302 LIMITED ENGLISH PROFICIENCY (LEP) SERVICES

- A. Limited English Proficient (LEP) are those individuals whose primary language is not English or those persons that have a limited ability to read, write, speak, or understand English.
- B. There are potentially hundreds of languages that employees of this agency could encounter. The Department will analyze four factors in determining those measures which will provide reasonable and meaningful access to everyone. The intent of this analysis is to provide a balance that reasonably ensures meaningful access by LEP individuals to critical services while not imposing undue burdens on the department or its personnel. Due to the varying nature of law enforcement contacts, the analysis must remain flexible and requires an ongoing balance of the following four factors:
 - 1. The number and proportion of LEP individuals eligible to be served or likely to be encountered by personnel or who may benefit from programs or services within the jurisdiction;
 - 2. The frequency with which LEP individuals are likely to come in contact with personnel, services, or programs;
 - 3. The nature and importance of the contact, program, information, or service provided; and
 - 4. The cost of providing LEP assistance and the available resources.
- C. While this Department will not discriminate against or deny any individual access to services, rights, or programs based upon national origin or any other protected interest or right, the above analysis will be used to determine the availability and level of assistance provided to any LEP person or group.
- D. LEP individuals may elect to accept interpreter services offered by the Department at no cost or choose to provide their own interpreter services at their own expense. Personnel shall document in any related report whether the LEP individual elected to use translator services provided by the Department or some other source. Department provided interpreter services may include, but are not limited to:
 - 1. Bilingual staff: When agency employees certified to receive bilingual pay are not available, employees from other agencies in the area may be requested by a supervisor.
 - 2. Written forms and guidelines: Frequently used and critical forms and guidelines

in languages most commonly represented within the community will be provided. When appropriate, these forms will be posted in the lobby and made otherwise available upon request. A supply of printed forms in available languages that detail LEP services will be maintained.

3. Audio recordings: The agency may develop audio recordings of important information for LEP persons. Examples may include public service announcements or a crowd dispersal order to be broadcast in a language most likely to be understood by LEP individuals.

4. Telephone interpreter services: Communications will maintain a listing of interpreter services available to assist personnel with LEP persons.

5. Community volunteers: Depending on the circumstances, location, and availability, members of the community may be able to serve as an interpreter. Sources for these persons include banks, churches, schools, businesses, and neighborhood leaders.

6. Family and friends of the LEP individual: While family and friends of an LEP individual frequently offer to assist with interpretation, personnel should carefully consider the circumstances before relying on such individuals. Children should not be relied upon except in emergency or critical situations. Additionally the nature of the contact and the relationship between the LEP individual and the interpreter must be carefully considered.

04.303

COMMUNICATIONS WITH DISABLED OR IMPAIRED PERSONS

- A. Recognizing that various law enforcement encounters may be potentially volatile and/or emotionally charged, personnel should remain alert to the possibility of communications problems and exercise special care in the use of all gestures, verbal, and written communication in an effort to minimize confusion and misunderstanding when dealing with any individual(s) with known or suspected disabilities or communications impairments.
- B. Because the nature of any law enforcement contact may vary substantially from one situation to the next, personnel 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. Some impaired or disabled persons 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 such as total deafness or blindness versus impairment.
 - 3. The nature of the law enforcement contact such as emergency versus non-emergency, custodial versus consensual contact, etc.
 - 4. Availability of resources to aid in communication.

When considering these and other available information, the involved personnel will 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 personnel.

- C. Depending on the balance of the factors available for consideration at the time, this agency 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 access such assistance at no cost, choose to provide their own communication services at their own expense or any combination thereof. In any situation, the individual's expressed choice of communication method shall be given primary consideration and honored, unless the employee can adequately

demonstrate that another effective method of communications exists under the circumstances. Personnel shall document the type of communication utilized in any related report and whether a disabled or impaired individual elected to use services provided by the agency or some other source.

- D. Agency personnel are encouraged to utilize resources immediately available to them in any contact with a known or suspected disabled or impaired person. Department services include, but are not limited to:
1. Hand gestures or written communications exchanged between the employee and a deaf or hearing impaired person.
 2. Facing an individual utilizing lip reading and speaking slowly and clearly.
 3. Slowly and clearly speaking or reading simple terms to any visually or mentally impaired individual.
 4. Audio recordings and enlarged print of important information needed by blind or visually impaired persons. In the absence of such audio recordings, employees may elect to read aloud a Department form or document and/or utilize a copier to enlarge the print for a visually impaired person.
 5. Telephone interpreter services. The communications center will maintain a listing of qualified interpreter services to be contacted at Department expense to assist deaf or hearing impaired individuals upon approval of a supervisor. When utilized, notifications of such interpreters shall be made at the earliest reasonable opportunity and the interpreter should be available to respond in a reasonable time.
 6. TTY and relay service. Individuals who are deaf or hearing impaired must be given the opportunity to use available text telephones (TTY or TDD). All calls placed by such individuals shall be accepted by this Department.
 7. Community members. Depending on the circumstances, location, and availability, 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, churches, neighborhood leaders, and school officials. The department will maintain a list in the communications center of those available to respond within a reasonable time.
 8. Family and friends of the disabled or impaired individual. While family and friends of a disabled or impaired individual frequently offer to assist with interpretation, personnel should carefully consider the circumstances before relying on such individuals. Children should not be relied upon except in emergency or critical situations. Additionally, the nature of the contact and the relationship between the disabled or impaired individual and the interpreter must be carefully considered.

04.304

CONTACT SITUATIONS AND REPORTING

- A. In order to provide effective communication services for LEP individuals or otherwise disabled or impaired individuals with access to police services when they are victims of, or witnesses to, alleged criminal activity or other emergencies, this agency has designated its 911 lines as its top priority for assistance with such services. Department personnel will make every reasonable effort to promptly accommodate disabled and impaired individuals through any or all of the above referenced resources. While 911 calls will receive top priority, it is also important that reasonable efforts will be made to accommodate disabled and impaired persons seeking more routine access to services and information from this Department.
- B. In an effort to ensure the rights of all disabled and impaired individuals are protected during arrest and custodial interrogation, this agency places a high priority on providing reasonable communication assistance during such situations. Every effort to accurately and effectively communicate will be made to prevent miscommunication during custodial

interrogation to minimize any impact on the evidence presented for a criminal prosecution. Personnel providing such assistance shall be aware of the inherent communication impediments to gathering information from disabled or impaired individuals throughout the booking process or any other situation in which a disabled or impaired individual is within the control of Department personnel. Because medical screening questions are commonly used to elicit information on individual's medical needs, suicidal inclinations, presence of contagious diseases, potential illness, resulting symptoms upon withdrawal of certain medications, or the need to segregate the arrestee from other prisoners, it is important for this agency to make every reasonable effort to provide effective communication assistance in these situations.

1. Individuals who require communications aids such as hearing aids should be permitted to retain such devices while in custody, unless a safety issue exists.
 2. 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 all necessary services.
 3. Prior to conducting a custodial interrogation, the investigator will arrange for the necessary communication assistance resources to make certain the person understands all of their rights so that confessions and other information are admissible in court.
- C. Field enforcement will generally include such contacts as traffic stops, pedestrian stops, warrant service, crowd/traffic control, and other routine field contacts which may involve disabled or impaired individuals. Because the scope and nature of these activities will inevitably vary, the Department recognizes that it would be virtually impossible to provide immediate access to complete communications services to every officer in the field. Each officer and/or supervisor must assess each situation to determine the need and availability for communications assistance to any and all involved disabled or impaired individuals.
- D. 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, the need for information and the meaning or consequences of any enforcement action taken with a disabled or impaired individual.
- E. Personnel shall document in their contact report the communication method or service used during a contact with a disabled or impaired person.

04.305 COMMUNITY OUTREACH

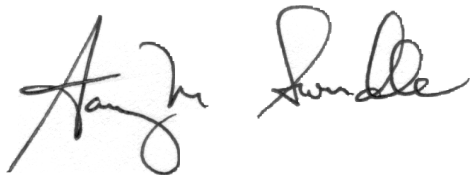
It is the intention of the Department to maintain a community outreach program by working with community groups, local businesses, and neighborhoods to ensure equal access to services and programs, and that these are made available to every member of the community including LEP individuals and/or persons with some other communications disability within the community.

04.306 TRAINING

In an effort to ensure that all employees in public contact positions or those that have contact with those in custody are properly trained, periodic training will be provided in the following areas:

1. Employee awareness of related policies, procedures, forms, guidelines, and available resources.
2. Employees having contact with the public or those in custody are trained to work effectively with in-person and telephone interpreters and related equipment.
3. Training for management staff, even if they may not interact regularly with the disabled or the communication impaired, in order that they remain fully aware of, and understand this policy, so they can reinforce its importance and ensure its implementation by all employees.

Approved: 10/04/07

A handwritten signature in black ink, appearing to read "Amy J. Swindle". The signature is written in a cursive style with a large initial 'A' and 'S'.