

Deaf and Hard of Hearing Training for Law Enforcement

DEAF C.A.N.! and MDHHS FY20 Mental Health Block Grant

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Hearing loss is an invisible condition

Some disabilities look like this



Some look like this



No handicap symbol on license plate

Healthy Deaf people do not consider themselves to have a disability, but think of themselves as a linguistic minority

Degrees of Hearing Loss

Mild.....Profound
20 dB 90+ dB

10 dB - normal breathing
20 dB - whispering from 5 feet away
70 dB - washing machine
90 dB - subway train
120 dB - ambulance siren

No two people have the same hearing loss so everyone responds differently!

What is Deaf, Hard of Hearing, and Deaf-Blind

- Completely Deaf/Profoundly Deaf - Little to no hearing.
- Hard of Hearing - Ranges from ability to hear environmental noises to understanding speech. Typically do not use sign language and not part of the Deaf community.
- Deaf-Blind is Deaf or Hard of Hearing AND with limited to no sight.
- Hearing Loss could be due to many factors (hereditary, complications during birth, ototoxic drugs, injury, blockage, age, or environment).

Statistics

Hearing Loss affects up to 15% of American adults

- Veterans: Hearing Loss and Tinnitus are the most common disability.
- 90% of Deaf individuals are born to hearing parents. 85% of the parents do not learn ASL.
- People with hearing loss experience higher levels of stress and trauma and 3-4 times the amount of psychological distress than hearing peers.
- It is estimated that 5 million Deaf and Hard of Hearing individuals in the US need mental health treatment each year.
- Only 2% receive appropriate mental health services.



Deaf people are not all the same.



Things to be aware of in the Deaf community

- Face and body language is 50% of ASL. Some Deaf people are wrongly identified as aggressive or hostile due to their facial expressions or natural body language
- May tap you on shoulder
- Pound on floor or table for attention
- Wave a hand
- Use light switch to dim lights for attention

Deaf Culture Video

- ▶ Examples of Deaf culture throughout the lifespan



American Sign Language (ASL)

- Not universal...hundreds of sign languages all over the world
- Used here in US for last 200 years
- Most popular language amongst Deaf community
- Third most common language in the US behind English and Spanish
- Birth to age 5 is the best window of opportunity for learning language as a native user
- Some deaf children never learn ASL or any consistent way to communicate - Language Deprivation Syndrome

Language Deprivation Syndrome (LDS)

- ▶ Inadequate exposure to functional language at most critical language acquisition stage (0-5 years of age)
- ▶ Phenomenon of language deprivation virtually unknown to hearing children without impaired brain functioning
- ▶ Some of the relevant effects of LDS include: struggles with emotional regulation, rigid modes of behavior, acting out of emotions/feelings, not able to learn from their mistakes, vulnerable to victimization or victimizing, extensive trauma/abuse history, and frequently found incompetent to stand trial (IST)
- ▶ Often given diagnoses such as intermittent explosive personality disorder, impulse control disorder, or antisocial personality disorder

Common Signs

Help
Sorry
Stop
Danger
Please
Repeat
Deaf
Hard of Hearing
Hearing

www.aslpro.com - FREE ASL RESOURCE!

Myths

- Deaf/HoH people are automatically good speech readers (lip readers).
- Deaf people do not wear hearing aids.
- When Deaf/HoH nod their heads, it means “yes” or “I agree”.
- HoH people are familiar with the use of an ASL interpreter.
- Hearing aids correct hearing the same as glasses correct vision.
- HoH can hear when they want to.
- The social concept of a person who is HOH is the same as the person who is Deaf - both have needs that are similar when it pertains to issues of hearing loss.

Myths (continued)

- Deaf people usually develop understandable speech.
- Hearing aids are typically covered by health insurance.
- Hearing aids can damage your hearing.
- Deaf people are not allowed to drive.
- All hard of hearing people are old.
- Deaf people may smile and nod and this indicates understanding and/or agreement

Hearing Aids



ITE



BTE



Esteem



Bone Anchored

Cochlear Implants



CI or BAHA



Take a moment to identify

- Important to take a moment to identify if this person be could be Deaf or Hard of Hearing
- Could this person have LDS?
- Deaf person may cover an ear with hand or point to an ear and shake head “no”
- May have paperwork to show they are Deaf/HOH

Note: Future advocacy efforts (2022) to put indicator in Secretary of State Data Base - status check # 35 inquiry.

How to communicate

- On MV/Contact stops, offer pen and paper to inform them of the stop reason
- Deaf person may offer to use iPhone to text back and forth. Be prepared for an extra long contact with person to exchange info
- Important to take in the totality of the circumstances
- ADA Guide for Law Enforcement Officers (Communicating with people who are Deaf or Hard of Hearing) - <https://www.ada.gov/lawenfcomm.htm>

Deaf/HOH Drivers

- Are, statically, better drivers than hearing people
- Most Deaf people know to provide proper paperwork
- Some have “Visor Cards” that identify them as Deaf or HOH. Cards may have registration and insurance attached
- Simple “I am Deaf” can be very effective

I AM DEAF OR HARD OF HEARING.

This card is for law enforcement
officers. This card will help you
communicate with me.

QUICK COMMUNICATION TIPS:

- Get my attention first.
- Make eye contact when you speak.
- I may need to communicate through a qualified sign language interpreter.
- I cannot lip-read everything you say.
- A hearing aid or cochlear implant does **not** allow me to understand everything you say.
- Shining a flashlight in my face may make it hard for me to understand you.

The best way to
communicate with me is:



To find qualified interpreters
through the Online Interpreter
Directory, visit Michigan.gov/doddbbh



This card is endorsed by:



Please point to the pictures
that help me understand
what you want.

I NEED TO SEE YOUR:



VIOLATIONS:



HELP:



Dylan/Kathleen Video

- ▶ Highlights the perspective of an officer and a Deaf person

Deaf English

- English is a Deaf person's second language.
- ASL and English have very little in common - about as much as Japanese and English. This means it may be difficult to understand what a Deaf person writes. Some examples of differences are:
 - The verb 'to be' does not exist in ASL.
 - Verb tenses are expressed completely differently in ASL -- they are more akin to Japanese.
 - Articles (a, an, the) do not exist in ASL.
 - Plurals are expressed completely differently.
 - English euphemisms, slang, and idioms do not translate into ASL. Avoid using these.

Beyond vehicle stop

- Deaf person as victim, witness, or suspect
 - Written statements may be difficult to you to understand. English not first language
 - DO NOT use family members to interpret. Especially children. Will not be admissible in court
 - If Deaf person is the victim may need to use VRI until an interpreter is present
- If ADA accommodations are not followed, Law Enforcement will lose court cases

If the person is able to read lips to some degree...

- Speak in a normal manner
- Do not raise your voice
- Do not over-emphasize your speech
- On average, only about one third of English is recognizable on the lips
 - For example, 100-hunerd, you-ya, BUY-MY-PIE, Chew-Jew-Shoe
- Facial hair, low light, nervousness all impact ability to read lips

I can't lipread you

If you don't look at me when you speak



I can't lipread you

If I can't see your eyes



Don't over exaggerate

It distorts your natural lip movements



Professional Interpreters

- Required by American with Disabilities Act of 1991
 - Qualified interpreters (BEI I, II, III) - ask to see their card or certification
 - Any time a Deaf or HOH person is a suspect, victim, or witness
- Interpreters must abide by Code of Conduct. Everything is confidential, their function is as a conduit of communication. Speak directly to the Deaf person NOT the interpreter
- Cannot be used as a witness, they are not there to analyze or give their perception/perspective of an interaction
- Should not be subpoenaed to court
- What is a CDI?

Using A Sign Language Interpreter

When is an Interpreter Needed?

- ▶ When your client requests one.
- ▶ If consumer's family members are deaf and they need to be involved.
- ▶ When you feel communication is not adequate.
- ▶ Why writing is not always an effective option.

Interpreter's Role

- ▶ **The only information they will be transmitting is the message you and the other participants wish to convey.**
- ▶ **They will NOT be adding opinions or recommendations to your conversations.**
- ▶ **Interpreters will NOT change the intent of the message.**

Using an Interpreter Effectively

- ▶ Establish eye contact
- ▶ Address the deaf person directly
- ▶ Position Interpreter to be next to you
- ▶ Speak at your normal pace.
- ▶ Do not ask family members to interpret
- ▶ Beware of the nod...

Communication Strategies for Deaf-Blind People

- ▶ **Touch**
- ▶ **Guide**
- ▶ **Identify**
- ▶ **Universal symbol for emergency**
- ▶ **Write letters on Hand**
- ▶ **Familiarity and routine's**

Get an Interpreter!

- Will cost money. Cannot charge Deaf person.
- Fees covered by State, County or municipality. Whichever you work for
- Unless life or death emergency never, ever use family. Especially children
- Several Interpreting agencies in local area. May already have contract
- Interviews must be done with interpreters
- Will have to wait. If possible, pre-arrange meetings to properly schedule interpreters
- Stronger case in court

Federal Laws & State Laws

- ▶ Section 504 of the Rehabilitation Act of 1973
- ▶ Americans with Disabilities Act of 1990
Title III
- ▶ Persons with Disabilities Civil Rights Act – Act 220 of 1976
- ▶ Deaf Persons Interpreters Act – Public Act 204 of 1982, amended 2007

Communication Access with Police and Law Enforcement

- ▶ The first federal statute is section 504 of the Rehabilitation Act (Section 504), which prohibits recipients of federal financial assistance from discriminating against individuals on the basis of disability. 29 U.S.C. § 794.
 - ▶ Many police departments in the United States receive financial assistance from one or more federal agencies and are subject to the requirements of Section 504.
- ▶ The second federal statute is Title II of the Americans with Disabilities Act (ADA). 42 U.S.C. §§ 12131-12134. All state and local police departments, regardless of receipt of federal funds, are prohibited from discrimination based on disability.
- ▶ The U.S. Department of Justice has issued regulations explaining the requirements of the ADA. 28 C.F.R. Part 35, 56 Fed. Reg. 35694 (July 26, 1991) (U.S. Department of Justice Final Rule: Nondiscrimination on the Basis of Disability in State and Local Government Services).

Know When an Interpreter Must Be Used

- ▶ There can be confusion over when an interpreter should be called in and when writing or texting is appropriate.
- ▶ The rule of thumb is that if the Deaf person asks for an interpreter, the law enforcement agency has the obligation to secure one as quickly as possible.
- ▶ Exceptions include routine traffic stops, community care-taking functions, being detained without arrest (possibly as a witness), and when the Deaf individual waives their rights. Caution should be taken with the waiving of rights- the Deaf person must understand that this is what they are doing voluntarily.
- ▶ If the law enforcement agency has access to video relay interpreting (VRI), there may not need to be an interpreter present unless the Deaf individual states that their communication needs are not being met.

When an Interpreter Must Be Used

- ▶ Implied Consent and Title II: field sobriety test example
- ▶ Arrest with Probable Cause
- ▶ In custody
- ▶ Miranda Rights
- ▶ Communication Requirements when misunderstandings arise due to the person being Deaf or Hard of Hearing
- ▶ It is best to err on the side of caution when seeking the services of an interpreter. There is a great deal of legal precedent across the U.S. that can be used in court when the person's right to effective communication is violated.

Technology

- Most Deaf people have Videophones (VP's). TDD and TTY devices are obsolete. Most Deaf people feel that VP's are inadequate
- Videophones cannot be used as face to face interpreters
- If the Deaf provides a phone number, it goes through videophone. Will have operator translating
- Many Hard of Hearing people use captions, CART, or Speech-to-Text. Some may use personal amplifiers or ask you to speak into a remote mic. These mics may require a "Streamer" device to get the audio into their hearing aid or Cochlear Implant
- Most Deaf and Hard of Hearing people prefer texting over voice communication
- Apps on Smartphones for VP's and Speech-To-Text

Video Relay Interpreting (VRI)

- Find out if your agency has a contract for Video Relay. (Different than videophones)
- VRI is not the same as having an interpreter and it is the Deaf person's right to demand a live interpreter if they do not feel their needs are being met.
- VRI may be used temporarily while waiting for an interpreter if the Deaf person is a victim.
- Videophones allow for “same room interpreting”

Concerns from the Deaf Community

- Unaware of their presence in the community
- Don't know their language/culture
- Distrust of Police because of history of incidents
- Listening/taking the side of the hearing person
- Stereotypes such as Deaf and Dumb, Hearing Impaired
- Don't know ADA or Deaf person's rights

Officer Safety

- Treat as usual contact with public until find out person is Deaf or HOH
- Do not let your guard down
- Take time/pre-cautions to communicate
- Recognize adrenaline rush...deep breath “can this be a Deaf person”
- Consider the totality of the circumstance

Handcuffing

If allowed, if person is cooperative and non-combative, consider handcuffing in front

Allows for some communication

Low light situations

- Officer safety comes first
- Determine scene is safe and, if possible, move flashlight beam off of Deaf or HOH person's face. Can't communicate with light blindness
- Hold flashlight against chest pointing upward to shine your face
- If possible, move to a lit area
- Do not stand in front of light source
- If possible, avoid strobes and stay in the person's line of sight during take-downs

Service Dogs

- Protected under the ADA
- Allowed in all public places
- May or may not wear a special vest or collar
- May or may not be certified
- Allowable questions:
 - Is the dog a service animal required because of a disability?
 - What tasks has the dog been trained to perform?
- Not allowed:
 - Cannot ask about the persons disability or require medical proof
 - Cannot ask the dog to demonstrate abilities

DeafBlind Experience

- ▶ Jill and Twinkie video

Resources: ADA Policy Guidelines

- ▶ <https://www.ada.gov/lawenfmmodpolicy.htm>
- ▶ <http://www.ada.gov/effective-comm.htm>

Current Interpreter Listing:

- ▶ Michigan.gov/LARA, Certified Interpreters in Michigan

All Sign Language Interpreters must be certified.

- ▶ How do I know if a sign language interpreter is certified?
- ▶ The Michigan Department of Licensing and Regulatory Affairs (LARA) has a website that lists all certified sign language interpreters in Michigan.
- ▶ <https://interpreter.apps.lara.state.mi.us/>

Working with Sign Language Interpreters

Interpreting errors

1. Psychiatrist: “Do you feel sad or blue? Do you feel life is not worth living sometimes?”

Interpreter: “ The doctor wants to know if you feel sad or if you like your life?”

2. Clinician: “Ask her how long she thinks she will need to take her medications?”

Interpreter: “She says you should take this medication for 2 weeks and then come back and see him ”

3. Psychiarist: “ Is anything bothering you?”

Deaf Patient: “ I know I know that god is with me. I am not afraid they can't get me. I am wearing these new pants and feel protected. I feel good. I don't get headaches anymore”.

Interpreter: “He says that he is not afraid. He feels good he does not have headaches anymore”.

(Alabama Dept. of Mental Health Deaf Services)

Resources

- ▶ Glickman, Neil and Hall, Wyatte ed. Language Deprivation and Deaf Mental Health, Routledge, 2019
- ▶ Legal Rights for Deaf and Hard of Hearing People, Gallaudet University Press, 2015
- ▶ Potterveld, Tara, Law Enforcement Interpreting for Deaf Persons, Registry of Interpreters for the Deaf, Inc., 2012
- ▶ www.nationaldeafcenter.org information about ADA, police/Deaf interactions with legal cases cited
- ▶ Division of Deaf, DeafBlind, Hard of Hearing, MI Department of Civil Rights www.doddbhh.gov
- ▶ DEAF C.A.N.! www.deafcan.org interpreters, training, counseling, student transition program

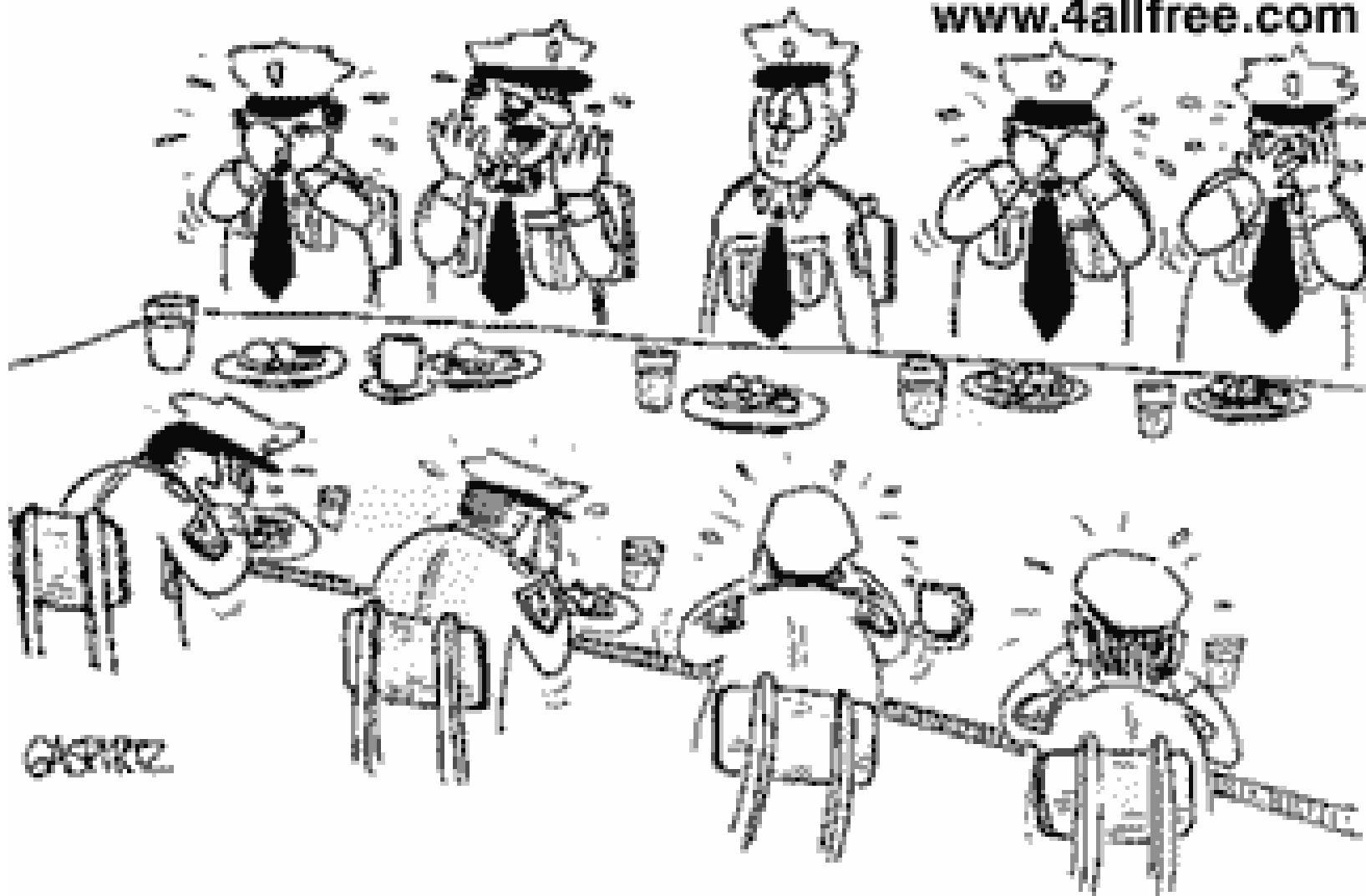
VIDEOS

Police Taser Deaf woman: <https://www.youtube.com/watch?v=7QB04-Be2F4>

Marlee Matlin, Police Interaction:

<https://www.youtube.com/watch?v=pAviewviVwjY&t=307s>

Ontario police, Deaf man: <https://www.cbc.ca/news/canada/toronto/video-deaf-man-halton-regional-police-arrest-1.3848215>



**Nice delivery, John. But I asked you to
"say grace," not to "spray mace."**