

THE BILL BLACKWOOD  
LAW ENFORCEMENT MANAGEMENT INSTITUTE OF TEXAS

Silent Mirage

A Policy Research Project submitted in partial fulfillment  
of the Requirements for the Professional Designation  
Graduate, Management Institute

by

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## **ABSTRACT**

The population of the United States is getting older and with the aging comes more hearing impaired citizens. Police involvement with the hearing impaired is more a concern than ever before due to the aging of the citizens.

Law Enforcement is taking some steps to deal with the hearing impaired by installing the required communication devices in the dispatch offices but not much more. Law Enforcement is acquiring breath test equipment and officers to operate those instruments to combat the impaired drivers that are on the streets of cities today. Speed measurement devices to combat speed and the results of higher speed crashes that occur in society by drivers not being vigilant to their driving skills resulting in serious injuries or death to other citizens. Recently news reports of drivers being cut off in traffic and retaliating toward other drivers and causing concern by the public in general by having to deal with “road rage drivers”. Video cameras installed in many police cars in an effort to show “what really happened” for officer safety as well as training of officers. Other items police departments are using is phone lines to address language barriers for arrested persons or victims and now are available on a twenty four hour basis for almost any language, but very little training or experience for dealing with the hearing impaired.

Research of articles and interaction with deaf persons were part of this project to reach a conclusion about law enforcement neglecting training in the area of dealing with the hearing impaired that is a fact for all law enforcement.

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## Silent Mirage

“A disaster was viewed as a sudden event occurring with little or no warning and resulting in extensive social disruption. Disasters without much warning were emphasized as those with a warning period permitting the implementation of some precautionary actions and thus risk is reduced for everyone including disabled persons.” (Parr, p.148)

Emergency services do not take time to assess the needs of all patients all of the time. In dealing with disabled individuals, some persons do not identify themselves as disabled, such as ostomates, epileptics or diabetics. There is great reluctance of some individuals to identify themselves as disabled. Safety needs and safety protection needs to be taken into account for agencies/services to be provided to the general public. Police interaction with the deaf is almost non-existent due to actions that have occurred between the deaf community and police officers in recent news accounts.

Police officers have to deal with rapid situations that change with activities that occur in seconds, and the officers need to be cognizant of the fact of any handicapped person that has to be identified as handicapped, takes time by the police officer. Deaf persons may not understand the events as the events are occurring without the ability to hear, and will do one of several things; not responding properly to instructions given by an officer, they will move their hands to talk which is normal for them to do, or not respond at all. All of these actions are contrary to police officers usual responses from citizen when officers are yelling “Don’t move!”

## UNFAMILIARITY WITH THE PROBLEMS OF THE DEAF

When a deaf person desires an emergency response, police officers dealing with these emergencies and service requests need to be familiar that a the disabled person may request services also. There are currently approximately 24 million people in the United States suffering from some type of hearing impairment (Swanson,p 33), but the deaf person needs to understand that when they request police services what the police officers actions may be. There may be a reason to enact in any agency a list indicating who is disabled and the extent of the disability. Another alternative may be a capture locator that most departments have available on the 9-1-1 emergency system that carry notations of a disabled person for officer information while the officer is enroute to the call for police services. This notation needs to be up to date in the 9-1-1 system and reviewed periodically. Currently the problem is being addressed in emergency services by medica and fire services, but is limited in police response.

There are groups that provide services to the deaf mainly through churches, Salvation Army, and Red Cross to assist the deaf. “The Police Service did not display any special awareness and knowledge about disabled persons in disasters”.(Parr, p 148). In communities and households where disabled persons are living are sometimes known by police officers, but more often are unknown.

## GENERAL SITUATIONS, ACTIONS, AND PLANS

“The views of disabled persons. Of the eleven disabled persons interviewed for this project, four of them had experienced a major disaster, although two were not disabled at the time of the disaster.” There was one blind person interviewed who found out what had happened by phoning the local Police Service. (Parr, p 149). Another issue for disabled persons is the time of the occurrences of disability and the length of time they have been disabled. The ease of coping with adversity and challenges will be more developed in those persons who have been disabled for longer periods of time and have adjusted to public perception of their disability. Few disabled persons have experienced a catastrophic disaster and do not have the knowledge to make practical and strategically use disaster plans for their own welfare.

### *How to recognize a Deaf Person in an Emergency*

Since deafness is invisible, it is not always apparent and may add to the confusion of the responder as well as the deaf person. A deaf person may indicate they are deaf in several ways:

- verbally say” I am deaf or “I cannot hear”,
- point to their ear(s) while simultaneously shaking their head
- try to reach for a notebook and pencil or make writing motions in the air,
- move their lips without making any sound,
- make unintelligible sounds,

-- move their fingers or hands in repeated patterns,

-- use one of the conventional signs for deafness.

(National Information Center on Deafness)

Police officers need to be aware in today's time of problems, involving the hearing impaired, so they can act properly and not use excessive force too quickly.

#### DEAF FAMILIARIZATION AND EQUIPMENT AVAILABLE

There is equipment available from years ago that was donated by Western Union involving teletype (TTY) machines. These machines were made available to the deaf at no charge according to Gordon Crocker, a deaf person in Pampa, Texas. The TTY's were used and satisfied some needs in the late '60s, '70s, and '80s. When the TDD devices were available, these instruments, TTY/TDD, both operate on electric impulses transmitted over the telephone lines and printed messages on paper or, if equipment was available, on a screen. (Swanson, p. 33). The difference is in the size of the equipment.

The TDD has been in use since 1975 and looks like a portable typewriter. According to Kellie Boyet, public relations associate with Gallaudet College, a Washington, DC- based university for the hearing impaired, "With the TDD, the TTY has

been refined and is now more portable....The TDD is more like a portable typewriter or personal computer, complete with display screen and often a printer.” (Swanson, p. 33). Use of both machines is by hooking the device to a telephone receiver properly and after the phone connection tapping the space bar on the device which sends a “beep” over the telephone line, alerting person(s) on the phone that a TDD is being used. These tones sound like a touch tone telephone being played with and to unfamiliar persons to this sound may hang up the telephone thinking that someone is just playing on the phone.

The Shufeldt’s case is a prime example where an emergency call was written off as children playing on the phone while Jay Shufeldt’s wife died from congestive heart failure as a result.(Swanson, p. 33) Some legislatures in some states have required communication with the deaf as well as the rest of the population. Now, through Federal legislation American Disabilities Act requires public safety answering points (PSAPS) equipped with devices to communicate with the hearing impaired. Dispatcher training is a must to avoid problems similar to the Shufeldt case. Currently in 911 systems a microchip installed within the unit to tell the receiver of a call from a TDD ‘Hearing-Impaired Caller, Use TDD’”(Swanson, p. 34) This message is repeated until the call is acknowledged. This device and microchip will eliminate the “beep” sound currently used on the TDD.



According to Thom Mayer, MD, co-chairman of the National Trauma committee for the American college of Emergency Physicians, "...a lot of the opposition you saw back in the '70s and early '80s has died down significantly".(Swanson, p .74). Improvements are forthcoming. Other equipment available for the hearing impaired include strobe fire alarm exit signs indicating which exits are handicapped exits. Dogs are available also.

A three year study by E. Harris Norber of the University of Massachusetts at Amherst concerning the use of strobe fire alarms indicates that" ...compared reaction time to alarms set off in the middle of the night in 78 households, 48 being deaf house holds. Deaf people were able to react to the strobe and evacuate in about 45 seconds--equal to the response time of hearing people to the audible alarms. "(Friend et al, p.4D)

Exit signs for the physically handicapped to direct them to the proper exits have been introduced to public buildings. These signs will eliminate the guesswork of finding barrier free escape routes in emergency situations. The sign itself conforms to various regulations and recommendations concerning handicapped individuals and exit signs.

Dogs have been used in conjunction with the blind for considerable lengths of time and is generally known by the public and they are associated with blind. Recently, dogs have been utilized for the deaf to alert them to smoke, fire, someone at the door, a

telephone ringing, etc.... They have proved to be effective for these purposes.

Through computer technology, the deaf now have more access than ever before to the use of telephone communications. Twenty years ago, when telephone communication first became possible for the deaf, deaf households could use the TTY and then later the TDD.. Use of these machines only became widely available in the early '70s but they did require that there be someone at both ends of the phone with matching equipment, "... as recently as 1982, various counts revealed only between 25,000 and 60,000--mostly deaf-- TTY and TDD owners ". According to Dolores Hagen, publisher of Closing the Gap, "The microcomputer is well on its way to replacing the old-style teletypewriter as the primary means of telephone communication for the deaf" (Pace, p. 28) Lightweight micro-computers have been developed that allow deaf persons to actually carry their telephone access with them so that telephone calls can be made from telephone booths. There are two specialized computers have now become available to the deaf which allows the deaf to place telephone calls without someone necessarily being on the other end of the equipment. An Echo 2000 and the Lifestyle Personal communicator are both portable, pocket-sized devices that allow the deaf and hearing impaired the ability to communicate with anyone who owns a telephone. Relay Texas is another way for the deaf to call folks or to have anyone call a deaf person from any telephone.

The Echo 2000 converts tones generated by a push-button telephone, through computer microchips, into letters a deaf person can see displayed on the Echo's narrow screen. Talking to the deaf person on the Echo 2000 is a series of codes, using the push buttons on the telephone. Since this process is slow it is best suited for short telephone calls and conversations. The Lifestyle Personal Communicator was designed much as a TDD. The device tells the user if the line has a dial tone, or busy, is ringing, and when the party being called answers. The message is typed, has a voice synthesizer for the speech impaired, and will store messages. The hearing person on the end of the telephone connection is limited to yes or no answers only. This type of communicator does allow for more expansive dialogue than when a computer, TDD, or TTY is used.

American Disabilities Act mandates that calls will be received from the deaf in an emergency answering point and I recommend the use of a device that records the call on paper and prints for liability issues. The State of Texas has a phone system for the deaf that is called "Relay Texas". This service allows hearing impaired persons the use of a phone using a TDD instrument and a voice interpreter that relays words off the TDD to a hearing person, and types the hearing persons words on paper for the deaf person to read.

## COMMUNICATIONS AND POLICE INVOLVEMENT

There are two approaches in communicating with hearing impaired; sign language called American Sign Language (ASL) or bilingual manuals. The very fact that a

communication problem exists between the hearing and the hearing impaired can cause problems in emergency situations. Sign language is used by more than one-half million people, according to FEMA Newsletter, Jan/Feb 1987. Finding personnel proficient in sign language will be difficult at best, and as with any language skill, frequency of use will affect the fluency of the user. The manual alphabet for the deaf has to be used with frequency to make the hand signs effective. Communicating with the deaf may not require extensive formal knowledge of sign language as many signs can be guessed by using pantomime. "Deaf people are very adept at guessing meanings from gestures, and do so when there is not a formal sign for a word." (Clark, p. 41)

A little known fact is that deaf people rely heavily on hand motions and facial expressions of persons around them. The panicked facial expression of a hearing person during an emergency situation can panic a deaf person. Lip reading is only about 20 percent accurate and may become even more difficult for the hearing impaired to understand when facial expression(s) and body/hand movements are exaggerated during an emergency situation(s) and then panic exists for the hearing impaired.

If the decision to enroll in an American Sign Language (ALS) class is made, make sure that the appropriate classes are taken for the area. Several communication systems for communicating with the hearing impaired are --AmSlan, Signed English, Seeing Exact English, and Cued Speech. While all share some common signs, there are many that have

different meanings depending upon the language used. Before taking any classes a check with some hearing impaired person will alert you to which system is widely used in your area so that proper instructions can be obtained. The hearing impaired for the area will be able to understand you better when you attempt to sign to them. Interpreters if needed, can "...be located through local deaf services offices or contacting either the Registry of Interpreters for the Deaf (RID) or the National Association of the Deaf (NAD) at 814 Thayer Ave., Silver Spring, Maryland 20910."(Clark, p. 44)

The second way of communicating with the hearing impaired is through a manual which asks pertinent questions in both English and Spanish. This would allow an officer to communicate with the deaf and obtain the information requested without the use of either an interpreter or the use of sign language. The contact for this communication is to contact Tammy Rogers at the Deaf Action group in Dallas, Texas. The day phone number is 214-521-0407 and the staff is certified level three or better and can do the interpretation. The monetary charge is \$35.00 an hour with a two hour minimum. After hours call a pager number 972-609-0335 and the monetary charge is \$40.00 an hour with a two hour minimum. The charges are portal to portal so the charge starts when the person is called out and stops when the person returns home. Currently no deaf person has requested and services from the Allen Police Department or from the City of Allen, Tx. according to Mary Ann of Community Outreach in Allen, Texas at 972-727-9131. A listing of this information needs to be kept for dispatcher use for Allen Police Dept.

## **POLICE RELATIONS CURRENTLY**

Current relations between police departments and the deaf community are relatively reasonable from persons I have spoken to about those type of relations. However, there are newspaper articles showing deaf persons having direct conflict with local law enforcement. Some stories are amusing, some serious, others making potential legal precedents.

“A deaf man driving along a stretch of road with a hearing impaired man at his side pushed the accelerator to speed up the car to 75 miles per hour. He spotted, in his rear view mirror, a motorcycle cop chasing him with the red lights flashing. He slowed down and the cop walked up to him and spoke. The deaf man indicated that he was deaf and the cop eyed him with uncertainty, pointed to the speedometer as much to say, ‘watch your speed’, and waved him to drive on. After a while, the deaf driver asked his hearing companion if he would drive in his place. They changed seats and now the ‘hearie’ in turn hit a speed exceeding the speed limit. Suddenly he saw a highway patrol car tailing him with the red lights flashing. The ‘hearie’ driver stopped the car and the cop came up to him and spoke, and the ‘hearie’ feigned deafness and experienced the shock of his life when the cop spoke to him in sign language using American Sign Language (ASL) and issued the proper paperwork because the ‘hearie’ did not know enough of the ASL to get by! “ (Auerbach p.15)

In *Wisconsin v. Rewolinski*, the Wisconsin Supreme Court recently held that a trial court did not err in admitting the evidence a TDD transcript or a conversation between the defendant and his girlfriend. According the ruling, a conversation between the defendant and his girlfriend earlier on a TDD, which was at the Sheriff's Office, could be admitted into evidence for the subsequent murder of the defendant's girlfriend.

The ruling upheld that the TDD was the property of the Sheriff's Office and as such, the conversation did not fall under the category of constitutional protection from intersection and reasonable expectation of privacy. It cited several areas indicating that it was within the realm of possibility that if he had used a public telephone system, his conversation could have been partially overheard, that the TDD allows for no printout and if he had desired no printout he should have selected that feature since the calls placed to and from the Sheriff's Office were routinely monitored and recorded, the printout belonged to the Sheriff's Office, because the original nature of the phone call was to call for a ride, which was a personal nature and was no way private. "There will be many new legal issues surrounding the use of the TDD...Advocates must be prepared to deal with these legal issues or face results like the *Rewolinski* case." (Charmatz, p. 9)

There are also numerous articles that mention the delay and subsequent deaths of calls while attempting to call for emergency services through the use of the TDD.

Much of this could be eliminated by the continual training of communications personnel and the fact that they need to be aware that even the hearing impaired have a right to access emergency services. With the American Disabilities Act, communication personnel will be held liable for any potential mishandling of emergency calls made by the deaf or the hearing impaired. All emergency service providers must be aware that there is a large amount of the population that fall into the category of hearing impaired, and the steps to handle and communicate with these citizens must be addressed by entry level emergency services providers to the highest police administrators so the hearing impaired won't remain the **SILENT MIRAGE**.



## APPENDIX

### Suggested Reading Material

The New Whelen Strobe-Alarm Visual Smoke Alarm System.

Norris, Linda. "For deaf homeowners, fire protection a growing concern".

Coleman, Ron. "Is Your Fire Department Listening to the Deaf and Hearing Impaired?", IAFC On Scene, March 15, 1990: 1.

Fire Alarm and Detection Systems for the Hearing Impaired, United States Fire Administration, Federal Emergency Management Agency.

Dealing with the Deaf Trauma Victim, Information for Emergency Medical Technicians.

Techi, Howard and Pinskey, Raleigh. "HELP! Fire Safety for the Deaf", Firehouse, August, 1978: 26-27.

Guidelines, Emergency Preparedness Planning for People with Special Needs, Developed by United Cerebral Palsy of Florida through a grant from the Florida Department of Community Affairs, Bureau of Disaster Preparedness, 1984. .

Rodeck, Melita. "Emergency Preparedness Needs of the Disabled", Presented to Emergency 85 Conference, Washington, D.C., May 22, 1985.

Emergency Preparedness Planning and People with Special Needs. An information guide for people with handicaps who may require special assistance during an emergency evacuation.

Emergency Evacuation Procedures for the Physically Handicapped, Fire Safety Education, Midland Fire Department.

Finch, Alfred C. "Emergencies -- Can the Handicapped Get Out?", National Safety News, June, 1979: 66-68.

Gamache, Sharon. "Prevention, Protection & Public Education", The VOICE, March 1989: 24-25.

Adams, Rich. "EMS for the Physically Challenged", Firehouse, April 1990: 14.

Scheirmann, Richard L. "EMS Communications for the Deaf", Emergency Medical Services, Vol. 12, Number 4, July/August 1983: 37.

Stanford, Todd. "Breaking The Silence Communicating with the Deaf Patient", Emergency, October 1986: 38-41.

What if Your Patient is Also Deaf?, RN, June 1976: 59-62.

What You Should Know About TDDs.

Talpers, Lynn. "Learning to Sign", Fire Command, December 1987: 37.

S.D.F.D Emergency Words for the Hearing Impaired.

L.A.F.D. Emergency Words for the Hearing Impaired.

TIPS You Can Use When Communicating with Deaf People.

Silent News, World's most popular newspaper for the deaf.

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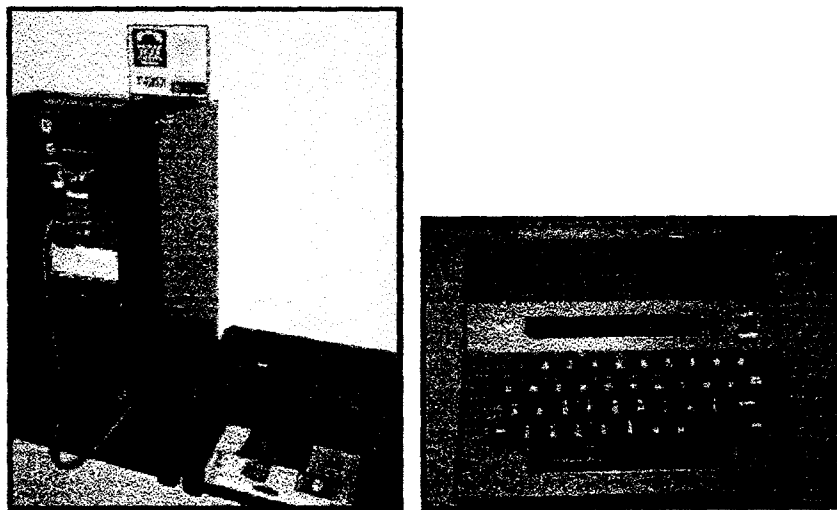
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# Public Phone TDD/TTY

## *What is a Public Phone TDD?*

The Public Phone TDD is a TDD (or TTY) which has been designed to work with any public telephone. TTYs are devices that people who are deaf, hard-of-hearing, or speech impaired use to make telephone calls.

## *The Public Phone TDD:*



This low profile TTY may be mounted on an existing pay phone shelf with any available flat surface measuring 9.5" W X 8.5" L X 1.25" H. The high-tech, stainless steel unit consists of a vandal-proof, sealed keyboard (to resist spilled liquids); bright, 20-character display screen; call progress indicator; and power switch. This is a direct-connect TTY that is hard-wired through the tip and ring terminals of the public telephone. Simply turn the power on and proceed with the TTY call as usual.

## **Features:**

- Works with almost all types of public telephone and popular enclosures.
- Does not affect the use of the telephone by the hearing users.
- Approved by the RDD - has also been accepted by several major telephone equipment providers.
- Cabinet available (picture not currently shown)
- Designed for easy installation.

***Public Phone TDDs meet a growing need.***

Installing a Public Phone TDD (Teletype) in your facility will give your many visitors who are deaf or hard of hearing access to the telephone.

Efforts that began years ago with the installation of wheelchair ramps for access to public buildings now continue with the installation of Public Phone TDDs for access to public pay telephones.

For the first time, people who use TTYs can have direct, reliable access to public telephones, a necessity that the hearing population takes for granted.

Public Phone TDDs have been installed and are now working in airports, government buildings, police stations, hospitals, schools, shopping malls, apartments buildings, bus and train terminals and any place where there are public phones and people are aware of this available technology.

All Public Phone TDDs carry a 1-Year Limited Warranty.



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[sales@krowntty.com](mailto:sales@krowntty.com)

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## ***North Carolina Police Twice* LAW ENFORCEMENT**

### ***Raid Wrong Homes***

**June 1993**

Cumberland County, N.C. narcotics bureau officers twice burst into the wrong homes on misguided drug raids (No byline, "Officers Raid Wrong Home Twice," *Winston-Salem Journal*, 5/8/93, p. 18).

Narcotic agents first went to one house, realized it was the wrong one, and then went next door, again leaving after realizing it was not the correct house. In one home, agents terrorized a deaf man by holding him at gunpoint before acknowledging their mistake.

At a third house, they allegedly found cocaine and arrested Emanuel Shears. Shears contends they still had the wrong house.



# 2 officers not leaving job to interpretation

By Lisa O'Neill Hill

*The Press-Enterprise*

**RIVERSIDE**

Riverside Police Officer Rick Wheeler went to the warehouse to investigate a call of a burglary in progress and arrived in time to see two men walking from the building across a dimly lighted field.

Crouching behind their patrol cars, Wheeler and another officer yelled at the men to stop. But the suspects kept on going. Guns drawn, the cops ran up to the men and told them to put their hands in the air.

"They started pointing to their ears," said Wheeler, who then realized the men were deaf.

Wheeler and his partner tried to enunciate carefully, hoping the men could read their lips. But they couldn't, so the cops had to write notes to communicate with them.

And because no interpreter was present, the officers could not give the men their Miranda rights.

It was the first and last time Wheeler would have difficulty communicating with members of the deaf community.

"It piqued my interest," Wheeler said of the incident. "This is the hub of the deaf community. It's important for all of us to be able to communicate with them."

As one of two cities in the state that is home to a California School for the Deaf site, Riverside has a deaf population in the thousands, making the need to communicate with deaf people crucial, Wheeler and others say. The other California School for the Deaf is in Fremont, in Northern California.

Wheeler along with Officer Tina Gould are learning how to use sign

language. Wheeler also volunteers one day a week at the school, helping students with "living skills," such as buying a car or shopping for clothes.

Other officers in the police department know that Wheeler can communicate with deaf people and often rely on him and Gould for help.

But the department also contracts with four interpreters whom police can call when they have to interview a deaf victim, witness or suspect.

The police department has to provide the interpreters as part of the Americans With Disabilities Act, which requires agencies to provide the same level of service to those with disabilities as they do to those without.

The California School for the Deaf helped the police department find contract interpreters. Officials at the school also set up training for the officers.

Deborah Cook, business and industry liaison and ADA specialist for the school, said the partnership is producing positive results. About 15 officers signed up for training to learn about the deaf culture, she said, and the deaf community has been taught what to do -- and what not to do -- around police.

Officers need to realize that deaf people touch a lot in order to communicate, but officers do not like to be touched because they think it could be a safety threat, Wheeler said. Deaf people also need to be taught not to, for example, reach for a pad and paper in a glove box if they get pulled over for a traffic violation, Cook said.

"We know what some of the sensitive issues are," Cook said.

Although the school is technically in the jurisdiction of the California Highway Patrol, the CHP will turn to the Riverside Police Department if there is a significant crime at the school.

When the CHP needs to respond to the school, officers rely on a school employee to interpret, CHP spokesman Dennis Welch said.

"We've never experienced any difficulty," Welch said.

Cook said having Wheeler on campus has helped students relate to police

officers. Sometimes, Wheeler shows up in his uniform.

On a recent morning, Wheeler helped a class of freshmen understand the difference between clothing fabrics. He passed out wool pants and cotton shirts to the students, chatting with them about how to wash the fabrics and letting them touch the clothing.

"They really miss out on a lot (of things) other students might pick up on," Wheeler said.

About a month ago, the City Council agreed to establish a task force to expand the role of the deaf in the community and provide employment opportunities. Mayor Ronald Loveridge, who proposed the plan, said the presence of the school for the deaf obligates Riverside to be a model community when dealing with deaf residents.

"I'm puzzled why we have not looked at this in the past," he said.

Cook said interpreter programs for police have been a long time coming.

"The time has come because the deaf are more active and are out there demanding their rights," she said.

California School for the Deaf student Michael McRae, 15, of Thousand Oaks, said he does not worry about having to communicate with the police.

"I can't hear," he said in sign language. "I would write. Then they could find an interpreter. Easy."

**Published 6/7/1998**

SETTLEMENT AGREEMENT BETWEEN  
THE UNITED STATES OF AMERICA  
AND  
ROSWELL POLICE DEPARTMENT, ROSWELL, NEW MEX  
DEPARTMENT OF JUSTICE COMPLAINT NUMBER X

This matter was initiated by a complaint filed under II of the Americans with Disabilities Act (ADA), 42 U.S.C. SS 12131-12134, with the United States Department of Justice (Department of Justice) against the Roswell Police Department, Roswell, New Mexico. The complaint was received by the Civil Rights Division of the Department of Justice, under the authority of 28 C.F.R. Part 35, Subpart F. The complainant, who is deaf and uses American Sign Language to communicate, alleged that she was arrested, her request for an interpreter was denied

The Department of Justice is authorized under 28 C.F.R. 35, Subpart F, to investigate fully the allegations of the complaint in this matter to determine the Roswell Police Department's compliance with title II of the ADA and the Department's implementing regulation, issue findings, and, where appropriate, negotiate and secure voluntary compliance agreements. Furthermore, the Attorney General is authorized under 42 U.S.C. 12133, to bring civil action enforcing title II of the ADA should the Department of Justice fail to secure voluntary compliance pursuant to Subpart F. In consideration of the terms of this Agreement as set forth below, the Attorney General agrees to refrain from undertaking further investigation or from filing civil suit in this matter.

The parties to this Agreement are the United States of America and the Roswell Police Department. The parties agree that this Agreement is not an admission of violation and shall not be construed as an admission by the Roswell Police Department of any violation.

In the interests of securing compliance by voluntary means, the parties hereby agree as follows:

1. The ADA applies to the Police Department because it is a public entity as defined in the Department of Justice's regulation implementing title II. 28 C.F.R. 35.104.
2. The subject of this Settlement Agreement is a writ which is attached, that requires that in those situations where the provision of interpreting services is necessary to ensure

effective communication, the Police Department will, upon reasonable notice, secure qualified interpreting services.  
01-06512

3. In order to ensure effective communication with members of the public who are deaf or hard of hearing in the Police Department's programs, activities, and services, the Police Department agrees:

a. To provide, at the Police Department's expense, appropriate auxiliary aids and services, including interpreters, when necessary to afford a qualified individual with a disability an equal opportunity to participate in, and enjoy the benefits of, a service program, or activity conducted by the Police Department.

b. To give primary consideration to the requests of individuals with disabilities, in determining what auxiliary aid or service is necessary.

c. To notify individuals who are deaf or hard of hearing about the provision of auxiliary aids and services to ensure effective participation. The Police Department will distribute this information through pamphlets, post or other appropriate means.

4. In order to inform members of the public regarding provisions of title II and their applicability to the Police Department's programs, services and activities, the Police Department will publish, within 30 days of the effective date of this Agreement, the following notice or an equivalent, on two separate occasions in a newspaper of general circulation serving the City of Roswell, New Mexico.

In accordance with the requirements of title II of the Americans with Disabilities Act of 1990, the Roswell Police Department will not discriminate against qualified individuals with disabilities on the basis of disability in the Police Department's services, programs, or activities. The Police Department will provide appropriate auxiliary aids and services, including qualified interpreters, whenever necessary to ensure effective communication with members of the public who are deaf and hard of hearing.

5. The Roswell Police Department will provide a copy of the notice in paragraph 4 to any person upon request.

6. Within 30 days of the effective date of this Agreement the Roswell Police Department will instruct all of its employees to comply with the provisions of this Agreement.

7. Within 150 days of the effective date of this Agreement the Roswell Police Department will submit a report to the Department of Justice detailing the actions it has taken to comply with the preceding provisions. This report will include copies of newspaper articles published in the newspapers.

01-06513

8. This document is a public agreement. A copy of this Agreement or any information contained in it may be made available to any person. The Roswell Police Department will provide a copy of this Agreement to any person on request.

9. The Department of Justice may review compliance with this Agreement at any time. If the Department of Justice believes that this Agreement or any requirement thereof has been violated, it may institute civil action seeking specific performance of the provisions of this Agreement in an appropriate Federal court.

10. Failure by the Department of Justice to enforce this Agreement or any provision thereof with respect to any deadline or any other provision herein will not be construed as a waiver of its right to enforce other deadlines and provisions of this Agreement.

11. The effective date of this Agreement is the date of signature below.

12. This Agreement constitutes the entire agreement between the parties on the matters raised herein, and no other statements, promises, or agreements, either written or oral, made by either party or agents of either party, that is not contained in this written Agreement, will be enforceable under its provisions. This Agreement is limited to the facts set forth in the first paragraph, and it does not purport to remedy any other potential violations of the Americans with Disabilities Act or any other Federal law. This Agreement does not affect the Roswell Police Department's continuing responsibility to comply with all provisions of title II of the ADA.

For the Roswell  
Police Department:

RAYMOND W. MOUNTS  
Chief of Police

For the United States

JOHN L. WOOD  
JOAN MAGAGNOLI

ROBERT J. M  
Disability  
Civil Right  
U.S. Depart  
P.O. Box 66  
Washington,

Date 2/16/96

Date 3/21/9

Attachment

01-06514

ROSWELL POLICE DEPARTMENT  
POLICY ON  
EFFECTIVE COMMUNICATION IN SITUATIONS  
INVOLVING INDIVIDUALS WITH HEARING IMPAIRMENTS

It is the policy of the Roswell Police Department that it w  
furnish appropriate auxiliary aids and services whenever ne  
to ensure effective communication with individuals with hea  
impairments.

1. Auxiliary aids and services include qualifi  
interpreters, written materials, note pads,  
effective methods of making aurally deliver  
available to individuals with hearing impai
2. The Roswell Police Department must provide  
for individuals with hearing impairments to  
auxiliary aids and services of their choice  
primary consideration to the choice express  
individuals. "Primary consideration" means  
Police Department must honor the choice, un  
show that another equally effective means o  
communication is available, or that use of  
chosen would result in a fundamental altera  
nature of the service, program, or activity  
financial and administrative burdens.
3. This policy addresses those situations wher  
officer, after consulting with the individu  
hearing impairment, determines that the ser  
qualified interpreter are necessary to ensu  
communication.

A. ARREST UPON PROBABLE CAUSE WHERE INTERVIEW IS NOT N  
If an individual without a hearing impairment would have be

arrested on probable cause without an interview, then a suspect with a hearing impairment in the same situation does not need to be provided with a qualified interpreter.

A qualified interpreter may still be required if an officer is unable to convey to the arrestee the nature of the criminal offense by communicating on a note pad or by using another means of communication. The arrestee should be transported to a holding cell at the Roswell Police Department. Either the arresting officer or the transporting officer can convey the information through the interpreter when the interpreter arrives.

01-06515

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B. INTERVIEW NEEDED TO ARREST INDIVIDUAL WITH A HEARING IMPAIRMENT

If a police officer needs to interview a suspect with a hearing impairment to determine if there is probable cause to make an arrest, a qualified interpreter must be provided if the verbal communication is ineffective. When the services of a qualified interpreter are required to provide effective communication, the officer cannot wait until a qualified interpreter arrives. The officer must postpone the interview and possible arrest until the officer can make arrangements for a qualified interpreter to be present. If this is not possible, the officer must document the investigation as completely as possible and file the appropriate report.

C. INTERROGATING AN ARRESTEE WITH A HEARING IMPAIRMENT

If an officer cannot effectively inform the arrestee of the Miranda warnings without the use of an interpreter, then the officer must secure the services of a qualified interpreter in order to communicate accurately the warnings to the arrestee prior to interrogation.

An officer seeking to interrogate an arrestee with a hearing impairment must obtain the services of a qualified interpreter prior to any interrogation whenever an interpreter is needed for effective communication. If exigent circumstances do not permit delay in the interrogation of the arrestee, if an interpreter cannot be located within a reasonable period of time (which occurs very infrequently), if written communication between the officer and the arrestee was effective in conveying an understanding of the Miranda warnings, and if the arrestee



specifically declines the opportunity to communicate through interpreter, the officer may proceed with the interrogation using a note pad. However, if written communication becomes ineffective, for example, because the factual pattern is complex because the arrestee is having difficulty communicating with interpreter, or because the arrestee chooses to discontinue interrogation, the officer must discontinue the interrogation until a qualified interpreter is present before continuing interrogation. In most instances a qualified interpreter will be available and the interrogation will not be delayed.

D. ISSUANCE OF A NON-CRIMINAL CITATION

If an individual without a hearing impairment would have been issued a non-criminal citation without being questioned by investigating officer, then a suspect with a hearing impairment in the same situation does not need to be provided with a qualified interpreter.

01-06516

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If an officer has stopped a suspect for committing a non-criminal infraction and if the officer is unable to convey to the victim the nature of the non-criminal infraction by communicating on a note pad or by using another means of communication, then the officer should use his or her discretion as to whether to call a qualified interpreter to the scene or whether to issue a warning rather than a citation.

E. INTERVIEWING A VICTIM OR CRITICAL WITNESS WITH A HEARING IMPAIRMENT

If an officer is able to communicate effectively by writing questions on a note pad and having the victim or witness with hearing impairment write his or her responses, then the officer may proceed with the interview using a note pad. However, if an investigating officer is unable to communicate effectively with a victim or critical witness by using a note pad or some other means of communication other than a qualified interpreter, then the investigating officer must provide the victim or critical witness with a qualified interpreter. If the investigating officer must wait until a qualified interpreter arrives the investigation must then document his or her investigation as completely as possible and file the report.

All identifying information on the interpreter must be included in the report. All written questions and responses between and

police officers and persons with hearing impairments must be treated as evidence and handled accordingly. A copy of the questions and responses must be forwarded with the police report and the originals must be placed into evidence.

01-06517

# Hearing Dogs for Deaf People Autumn/Winter 1997 Gift Catalogue

## Ordering Information

1. Please print out the order form fill it out with your selection and post it to us at the address below with payment.
2. Postage and packing:  
Up to £2.50 ... 70p  
£2.51 to £10... £2  
Over £10 ... £3.50
3. Please allow 28 days for delivery although in most cases delivery will be quicker.
4. Payment by Credit Card preferred (Visa or Mastercard), please use boxes provided on order form. Alternatively you can pay by cheque or Postal Order made out to:  
**Hearing Dogs for Deaf People** and sent to London Road (A40),  
Lewknor, Oxon, OX9 5RY. Tel: 01844 353898, Fax: 01844 353099.
5. If the item you have ordered is not available and is under £5, please indicate on the order form whether you require an alternative item of the same value, a refund, or donation to Hearing Dogs for Deaf People. Please note that it costs 54p for each cheque we have to write.  
Amounts over £5 will automatically be refunded to you.
6. Please add any donation you may wish to make to the Charity and note that if you are a tax payer, we can claim back income tax on any single donation over £250.

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## Catalogue Sections

- For Children
- Clothing
- For Dogs

- General Gifts
- Christmas Cards
- David Hockney Greeting Card

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Home Page

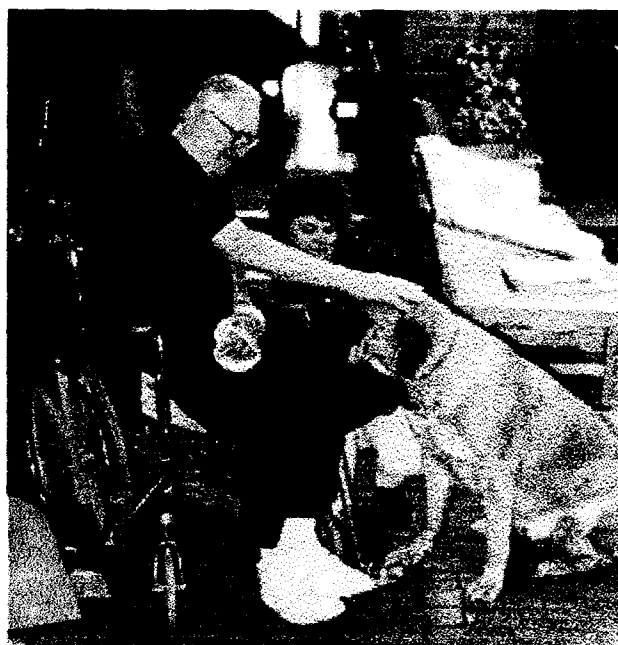
Contents Page

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**end**

# *Columbus Colony*

## *Elderly Care*



*A Special Place...*  
*Because of the People*  
*We Serve*

Columbus Colony Elderly Care is a 150 bed nursing facility offering both skilled and intermediate care.

The primary mission of Columbus Colony Elderly Care is to provide comprehensive, long-term or short-term rehabilitation services, principally to deaf, deaf-blind, and hard of hearing people. The

secondary mission is to improve communication between the deaf and hearing communities.

**SERVICES AVAILABLE:**

- 24 hour Nursing Care
  - Two full-time interpreters on Staff
  - Physical, Occupational and Speech Therapy
  - Consulting Dentistry, Podiatry, Optometry and Psychiatric services available
  - Therapeutic dietary services
  - Religious services
  - Social and Recreational Activities
  - Supportive Counseling
  - Free transportation provided to local medical appointments
- 

*Serving the Deaf for 100 Years*

*Meeting the Special Needs of the Deaf*

*Comprehensive Health Care Services*

*Activities at CCEC*

*Other Features and Services*

*Medicare and Medicaid Information*

*Tell us about you...*

***For Admissions Information***

*Contact the Admissions Department*

**Columbus Colony Elderly Care 1150 Colony Drive**

Westerville, Ohio 43081

**Voice or TTY: (614) 891-5055**

Fax: (614) 794-7461

Toll Free: 1-888-891-5055

Email: [ccec@ee.net](mailto:ccec@ee.net)