

**UNITED STATES DISTRICT COURT
DISTRICT OF RHODE ISLAND**

DAVID ALVES,

Plaintiff

v.

C.A. No. 16-cv-192-S-LDA

CITY OF WOONSOCKET,

by and through its Finance Director,

CHRISTINE CHAMBERLAND,

DAVID B. WAHL, individually and in his
official capacity as a police officer
employed by the City of
Woonsocket, **ANDREW GIRARD**,
individually and in his official capacity as
a police officer employed by the City of
Woonsocket, **JUSTIN GLODE**,
individually and in his official capacity as
a police officer employed by the City of
Woonsocket, and
JOHN DOES 1 through 10, inclusive,
individually and in their official capacities
as employees of the City of Woonsocket,
Defendants

SETTLEMENT AGREEMENT AND RELEASE OF CLAIMS

This Settlement Agreement and Release of Claims is made and entered into among David Alves ("Plaintiff" or "Releasor"), and the above named Defendants ("City"). Plaintiff and City may be referred to collectively as "Parties" and each may be referred to individually as "Party."

WHEREAS, on or about April 28, 2016, the Plaintiff filed a Complaint in Federal District Court alleging that the City engaged in discriminatory conduct and violated his civil rights during an incident alleged to have occurred on or about July 8, 2015;

WHEREAS, the City has denied that it violated the law and denies that it is liable to the Plaintiff; and

WHEREAS, the parties to this Settlement Agreement and Release desire to avoid the expense and uncertainties of litigation by entering into this Settlement Agreement and Release, which the parties intend to fully resolve the Complaint and address actions the City will take to improve communication with people who are deaf or hard of hearing;

NOW, THEREFORE, in consideration of the recitals and the promises made herein, the parties agree as follows:

1. No Admission. This Settlement Agreement and Release does not constitute an admission of any liability, an admission of a violation of the any law, or an admission of any wrongdoing by the City.
2. Settlement of Claims. In settlement of all claims of the Plaintiff against the City in any way related to the incident alleged in the above referenced Complaint and subject to the Release of Claims set forth in this agreement, the Rhode Island Interlocal Risk Management Trust shall deliver to Plaintiff's counsel a check in the amount of \$25,000 (twenty five thousand dollars).
3. Ordinance. The City agreed to repeal and has repealed subsection (k) of the City's Disorderly Conduct Ordinance § 14-1 in force at the time of the alleged incident. Subsection (k) stated "Uses abusive or obscene language or makes an obscene gesture."
4. Policy. The City agrees to ensure that people who are deaf and hard of hearing will have Effective Communication in order to have full and equal benefits from and enjoyment of the goods, services, facilities, privileges, advantages, and accommodations provided by the Department. The City will provide auxiliary aids and services without charge to deaf and hard-of-hearing people. The City agrees to implement an Effective Communication Policy. The parties intend such policy to be a material term of this Settlement Agreement. The policy is attached here to as Exhibit A.
5. Notice/Communication Devices/Training. The City agrees to provide notice to the public of the availability of auxiliary aides and services; offer communication devices for effective communication; train staff, and provide documentation of these actions as set forth in the Exhibit B attached hereto. The parties intend such actions set forth in Exhibit B to be material terms of this Settlement Agreement.
6. Benefit Of Counsel. The Parties acknowledge that each has been represented by counsel, that each understands the terms of this Settlement Agreement and Release Of Claims, and each is voluntarily entering into this Settlement Agreement and Release Of Claims to fully, finally, and forever resolve all matters and disputes between them that relate in any way to the allegations in the above referenced Complaint.

7. Release of Claims. I, David Alves, for myself, my heirs, personal representatives and assigns (hereinafter collectively referred to as "Releasor"), in consideration of the sum of \$25,000 dollars (\$25,000.00), do hereby remise, release and forever discharge the City of Woonsocket, by and through it Christine Chamberland, Finance Director, David B. Wahl, Andrew Girard, and Justin Glode, individually and as officers and employees of the Woonsocket Police Department, The Rhode Island Interlocal Risk Management Trust, and their affiliates, officers, former and current employees, agents, successors and or assigns (hereinafter collectively referred to as "Releasees") from all claims, actions, causes of actions, including claims for unlawful arrest, violations of freedom of speech, pursuant and under 42 U.S.C. 1983, Title II under the American with Disability Act, 42 U.S.C. 12131, claims under the Rehabilitation Act of 1972. 29 U.S.C. 794 et seq., the Rhode Island Civil Rights of People with Disabilities Act, R.I General Law, 42-87 et. seq., negligence, false arrest, malicious prosecution, and any and all claims arising out of an alleged violation of Alves federal and state constitutional rights, grievances, arbitrations, suits, proceedings, debts, controversies, agreements, attorneys' fees, judgments and demands whosoever, in law or equity, which Releasor ever had, now has, or shall have as of the date of this Release of All Claims, and more particularly, on account of all personal injury, disability, property damages, loss or damages of any kind sustained or that may hereafter be sustained, in consequence of an incident that occurred on or about July 8, 2015 at the City Side Club at River Fall Restaurant, and Alves subsequent arrest there from by officers of the Woonsocket Police Department.

To procure payment of the said sum, Releasor acknowledges and declares: that I am more than 18 years of age; that no representation about the nature and extent of said injuries, disabilities or damages made by any physician, attorney or agent of any party hereby released, nor any representations regarding the nature and extent of legal liability or financial responsibility of any of the parties released, have induced me to make this settlement; that in determining said sum there has been taken into consideration not only the ascertained injuries, disabilities and damages, but also the possibility that the injuries sustained may be permanent and recovery therefrom uncertain and indefinite, so that consequences not now anticipated may result from the said incident.

Releasor further agrees to defend, indemnify, and hold harmless Releasees from any claim, demand, or action made by any party against Releasees relating to or arising out of the injuries or damages alleged to have been sustained as a result of this incident, whether by liens, subrogation, assignment, or otherwise; claims for payments of any costs for medical services provided to Releasor in relation to this incident; claims or actions by treating physicians for payment for services rendered; claims for attorney's liens, statutory liens, Medicare, Medicaid, Social Security, or any governmental assistance program, liens, or assignments, including, but not limited to, claims or demands to recover or recoup Medicare benefits or loss of Medicare benefits, or for any recovery sought by Medicare, including past, present, and future conditional payments.

Releasor acknowledges and understands that the parties hereby released admit no liability of any sort by reason of said incident and that said payments and settlements in compromise are made to terminate further controversy respecting all claims for damages heretofore asserted or that may be asserted by Releasor's personal representatives because of said incident.

The Releasor further states that he/she has read the foregoing, that he/she knows the contents thereof and that he/she signs the same as his/her free act and deed.

FOR THE PLAINTIFF



David Alves

STATE OF RHODE ISLAND

COUNTY OF Providence

On this 11th day of January, 2017, before me personally appeared to me, known to be the person who executed the foregoing instrument, and acknowledged that he/she executed the same as his/her free act and deed.

Notary Public:  RI Notary Public No. 52057

My commission expires: 9/2/19

FOR THE CITY



Mayor Lisa Baldelli Hunt

Date: 01.12.17

Exhibit A: Alves v. Woonsocket – Effective Communication Policy



DATE OF ISSUE

--/--/----

EFFECTIVE DATE

--/--/----

POLICY #

320.20

WOONSOCKET POLICE DEPARTMENT

GENERAL ORDER

DISTRIBUTION: All Personnel

Subject: Patrol Functions

Index as: Deaf and Hard of Hearing Persons

CALEA Standards:

RIPAC Standards:

Cross Reference:

Replaces: New

DEAF AND HARD OF HEARING PERSONS

I. PURPOSE

This agency has specific legal obligations under Federal and State law to communicate effectively with people who are deaf and hard of hearing. It is the purpose of this policy to provide officers with guidance on effective communication during police contacts with people who are deaf and persons who are hard of hearing.

II. POLICY

Most officers will have encounters with persons who are deaf or affected by significant hearing loss—whether that is as victims, witnesses or suspects. To ensure effective communication with persons who are deaf and hard of hearing, and to conform to provisions of federal and state law, officers shall follow the guidelines provided in this policy.

III. DEFINITIONS

Speech Reading: Also referred to as lip reading; the ability to use information gained from movements of the lips, face, and body to increase understanding.

Sign language: American Sign Language (ASL) is the form of sign language most often used in the United States. Signs convey concepts or ideas even though a sign may stand for a separate English word. Signing individual letters by finger spelling can supplement sign language. Just as

there are regional variations (dialects) in spoken English, there are regional differences in sign language.

Auxiliary aids and services: As defined in the Americans with Disabilities Act (ADA), these are communication aids that assist people who are deaf or who have hearing loss. They include, qualified interpreters on-site or through video remote interpreting (VRI) services which is defined as interpreting service that uses video conference technology over dedicated lines or wireless technology offering high-speed, wide-bandwidth video connection that delivers high quality video images; notetakers; real-time computer-aided transcription services; written materials; exchange of written notes; telephone handset amplifiers; assistive listening devices; assistive listening systems; telephones compatible with hearing aids; closed caption decoders; open and closed captioning, including real-time captioning; voice, text and video-based telecommunications products and systems, including text telephones (TTYs) which is defined as a device that is used with a telephone to communicate with persons who are deaf or hard of hearing by typing and reading communications, videophones, a device with a video camera that can perform bi-directional video and audio transmissions between people in real time, and captioned telephones or equally effective telecommunications devices; videotext displays; accessible electronic and information technology; or other effective methods of making aurally delivered information available to individuals who are deaf or hard of hearing.

Direct Access: In the context of ADA requirements, direct access means that all emergency calls from persons who are deaf, have hearing loss or have speech impairments must be accepted through this department's emergency Communication Center by whatever means are provided to other members of the public. They may not be relayed through third-party emergency service providers unless the caller asks the department to do so.

IV. PROCEDURES

A. Communications Center Personnel

1. The deaf and hard of hearing shall be provided with direct, equal access to all emergency services provided by this department by communication through the Rhode Island Relay (7-1-1) Service or alternative services that are equally effective.
2. Emergency call takers shall place a high priority on response to emergency calls for service from persons who are deaf or who have hearing impairment.

B. Encounters with Persons who are Deaf and/or Hard of hearing

Communication problems in police-public encounters provide the basis for potential frustration and embarrassment. Failure of officers to recognize that a person has hearing impairment, or that person's failure to make their impairment known to officers, can also lead to critical misunderstandings. To avoid such potentialities, officers shall be cognizant of the following:

1. Be alert to indications that a person may be deaf or hard of hearing. Such indications include but are not limited to the following:

- a. The appearance of bumper stickers, rear window decals or visor notices/symbols indicating the disability;
 - b. Failure of persons to respond to spoken commands or signals;
 - c. Use of signs, hand signals or gestures in an attempt to communicate;
 - d. Display of cards by the person noting his or her hearing disability;
 - e. Inability or difficulty of a person to follow verbal instruction or requests for information;
 - f. A need to see the officer's face directly, suggesting that the person is attempting to speech read (lip read);
 - g. Evidence of assistive devices such as hearing aids, cochlear implants or picture symbols;
 - h. Evidence of behaviors such as increased agitation or irritability, low frustration levels, withdrawal, poor attention or impaired equilibrium.
2. The input of people who are deaf or hard of hearing who are involved in incidents is just as important to the law enforcement process as the input of others. Officers must not draw conclusions about incidents unless they fully understand, and are understood by, all those involved, including people who are deaf or hard of hearing.
 3. When dealing with persons who are, or who are suspected of being, deaf or hard of hearing, officers shall never assume that the person understands until it can be confirmed by appropriate responses to questions or directives.
 4. Once someone is identified as a deaf or hard of hearing, officers shall determine by written or other forms of communication the person's preferred means of communication—sign language, lip-reading, reading and note writing or speech. Officers should defer to those expressed choices unless:
 - a. There is another equally effective way of communicating, given the circumstances, length, complexity and importance of the communication, as well as the communications skills of the person who is deaf or hard of hearing; or
 - b. Doing so would fundamentally alter the nature of the law enforcement activity in question or would cause an undue administrative or financial burden; only the Chief of Police, or designee, may make this determination.
 5. Officers shall not require an individual who is deaf or hard of hearing to bring another member of the public to interpret for him or her. The Department will not rely on an adult accompanying an individual who is deaf or hard of hearing to interpret or facilitate communication except: (1) In an emergency involving an imminent threat to the safety or welfare of an individual or the public where there is no interpreter available, or
 - (2) Where the individual who is deaf or hard of hearing specifically requests that the accompanying adult interpret or facilitate communication, the accompanying adult agrees to provide such assistance and reliance on that adult for such assistance is appropriate under the circumstances. The Department shall not rely on a minor child to interpret or facilitate communication, except in an emergency involving an imminent threat to the safety or welfare of an individual or the public where there is no interpreter available.

6. When there is an emergency involving an imminent threat to the safety or welfare of an individual (including Department personnel or members of the public), and there is insufficient time to make available appropriate auxiliary aids and services, officers will use whatever auxiliary aids and services are most effective under the circumstances to communicate with persons who are deaf or hard of hearing, consistent with an appropriate law enforcement response to the imminent threat. This may include, for example, exchanging written notes or using the services of a person who knows sign language but who is not a qualified interpreter, for an interim period during the period of ongoing imminent threat, even if the person who is deaf or hard of hearing would prefer a qualified sign language interpreter or another appropriate auxiliary aid or service. When there is no longer an imminent threat, officers will follow procedures to provide appropriate auxiliary aids and services.

C. Communicating Effectively

1. Before speaking, get the persons attention with a wave of the hand or a gentle tap on the shoulder.
2. Officers shall address all questions and directives to persons who speech read by facing them directly and speaking in a moderately paced conversational tone.
 - a. Do not turn away while speaking.
 - b. Do not cover your mouth or chew gum.
 - c. Minimize background noise and other distractions whenever possible.
 - d. Speak slowly and distinctly.
 - e. Use gestures and facial expressions to reinforce what you are saying.
 - f. Use visual aids when possible, such as pointing to printed information on a citation or other document.
3. Try to converse in a well-lit area.
4. Shouting or using exaggerated mouth movements interfere with the ability to speech read. Understanding can be further degraded by the presence of facial hair, chewing gum, cigarettes, etc.
5. Officers shall be aware that only about one-third of words can be accurately interpreted by speech reading. Therefore, communication of a critical nature (e.g., Miranda warnings) shall be reinforced by other means of communication.
6. Officers shall not assume that persons who wear hearing aids can hear and fully understand what is being said. Some use hearing aids to provide sound awareness rather than to increase speech understanding.
7. Highly stressful situations, background noise, multiple speakers and complex information and instructions can compromise the limited effectiveness of hearing aids. Officers shall test comprehension by seeking appropriate responses to simple questions or directives.
8. Deaf or hard of hearing persons may require additional time to understand and respond to commands, instructions and questions.
9. When communicating by writing notes, keep in mind that some individuals who use sign language may lack good English reading and writing skills.

10. If someone with a hearing disability cannot understand you, write a note to ask them what communication aid or service is needed.
11. If a sign language interpreter is requested, be sure to ask which language the person uses. American Sign Language (ASL) and Signed English are the most common.

D. Interpretive Services

The need for use of a sign language interpreter is governed generally by the length, importance and complexity of the communication.

1. In simple enforcement situations, such as traffic stops, driver's license checks, or consensual police-public encounters, a notepad and pencil may provide effective communication.
2. When you are interviewing a witness or a suspect or engaging in any complex conversation with a person whose primary language is sign language, a qualified interpreter is usually needed to ensure effective communication.
3. A sign language interpreter need not be available in order for an officer to make an arrest of a subject where probable cause is established independent of interrogating the deaf or hard of hearing suspect. A sign language interpreter may be called to be available later at booking.
4. If probable cause to make an arrest must be established through questioning or interrogation of a person who is deaf or hard of hearing, a sign language interpreter will be made available, as soon as possible.
5. The ADA does not prohibit officers from taking actions necessary to protect officers or public safety. An officer should not jeopardize their safety or that of others in an attempt to accommodate a person with a disability.
6. Whenever practicable this department shall utilize sign language interpreters which are licensed by the Health Department and ensure their familiarity with common and essential forms of police communication for interrogation and related purposes.
7. Until an interpreter arrives, write messages in simple language explaining what is transpiring or will transpire. In writing, notify the deaf person that an interpreter has been called.
8. Once an interpreter has arrived, use them to facilitate communication. Do not ask advice of the interpreter or say things you do not want communicated to the deaf person. When using an interpreter:
 - a. Look at and speak directly to the deaf person, not the interpreter;
 - b. Talk at your normal rate, or slightly slower if you normally speak very fast;
 - c. Only one person should speak at a time; and
 - d. Use short sentences and simple words.
9. Although a "qualified" interpreter may be certified, a certified interpreter is not necessary "qualified" if they are not a good communications match for the deaf person (e.g. Signed English vs. American Sign Language) or for the current situation (e.g. the interpreter is unfamiliar with law enforcement vocabulary).
10. Emergencies (other than 9-1-1 calls): The Rhode Island Commission for the Deaf and Hard of Hearing operates an emergency hotline available on Monday through Friday after 1600 hrs. until the next day at 0830 hrs. It is available 24 hours on weekends and holidays. Police Officers are asked to call (401) 586-6100 to access this service when the circumstances requiring an interpreter arise. . A certified interpreter will respond to

headquarters or a secure crime scene. During the week between 0830-1600 hrs., Police Officers are asked to call (401) 222-5300.

11. Non-emergency: Rhode Island Relay Referral Service. Call interpreter service at (401) 222-5300 (voice) or (401) 222-5301 (TTY) between 0830-1600 hrs., Monday-Friday. Interpreters are available for a variety of settings that require communication access such as public events, employment, trainings/workshops, doctor visits, mental health services, healthcare facilities and many more.

E. Telephone and Relay Services

In situations when a non-disabled person would have access to a telephone, officers must provide persons who are deaf or hard of hearing the opportunity to place calls using text telephone (TTY, also known as a telecommunications device for deaf people TDD). Officers must also accept telephone calls placed by persons who are deaf or hard of hearing through the Telecommunications Relay Service. Access to these types of services as well as other telephone methods are explained below:

1. Rhode Island Relay: 7-1-1 is a national 3-digit number for anyone who wishes to make a call through the Relay service, from deaf/hard of hearing caller to voice caller or from voice caller to deaf/hard of hearing caller. The caller dials 7-1-1 and the relay service operator will pick up and ask the caller for the phone number they wish to contact.
2. Internet Relay: A complete list of other relay service options can be found on the Rhode Island Commission for the Deaf and Hard of Hearing website for relay services that use a computer instead of a telephone. Internet relay provides the same relay service to a voice caller. Video relay provides this relay service using a remote sign language interpreter.
3. CAPTEL: Captioned Telephone requires a CAPTEL telephone to access the relay service. Instead of TTY, the caller with hearing loss voices their end of the conversation and the relay operator provides text for the voice caller in response. The text is displayed on the CAPTEL phone on a small screen in addition to the sound of the voice caller.
4. Amplified Phone: For direct access without a relay service, an amplified telephone provides volume control. An amplified phone can be a special phone with volume control or a volume control adapter added to a standard telephone.
5. TTY: A teletype telephone provides a keyboard and screen for the person with a hearing loss to contact either another TTY user or a voice user through the relay service.
6. Handheld Text Messaging: There are a number of handheld text messaging devices marketed to deaf and hard of hearing consumers including Wyndtell, Sidekick and Blackberry. These devices offer text messaging services that can be used in place of telephone access.

F. Arrest Situations

1. Recognizing that some persons need their hands free in order to communicate, unless absolutely necessary for the safety of officers or others, the use of handcuffs shall be avoided if possible. If handcuffs are required, an effort will be made to cuff in the front, unless circumstances warrant cuffing in the back in which case all essential communication with the suspect should be completed prior to their application, if possible.

2. Persons who are deaf or hard of hearing often have reduced verbal communication skills, speech that may be incoherent or otherwise resemble that of an individual who is intoxicated and having difficulty with equilibrium. As such, officers shall avoid administering standard field sobriety tests to such persons. Breathalyzer, blood alcohol or horizontal gaze nystagmus should be employed as alternative tests.
3. Some persons who are deaf or hard of hearing have limited written language skills, particularly involving difficult matters such as legal warnings and admonitions. Therefore, officers shall not assume the effectiveness of this form of communication and should gain confirmation of a person's understanding whenever possible.
4. Officers shall ensure that deaf and hard of hearing persons who are arrested and transported to a booking site have their communication devices with them. Such devices shall be kept and maintained by booking authorities in good working order. In certain situations, eye glasses serve as a personal communication device. If it is safe to do so, the deaf or hard of hearing person should be allowed to retain their eye glasses.
5. If a deaf or hard of hearing person is taken into custody, their right to communicate with their family or attorney cannot be denied because of deafness. Officers shall afford the deaf or hard of hearing person the opportunity to place calls using a TTY or to utilize any personally owned telecommunication device for that purpose including but not limited to cell phone with text capacity or video phone. The deaf or hard of hearing person can also contact the Rhode Island relay service or alternate relay service.
6. On any summons and complaint issued to a deaf person, the face of the form shall contain a note in bold lettering stating, "Deaf person – Accommodations required." This alerts the court officials to summon an interpreter for the court proceedings, minimizing delays and postponements.

V. TRAINING

- A. All Communications Center personnel shall receive initial and periodic refresher training on the use of TDDs, TTYs and related devices as well as training in procedures and techniques for handling callers who have communication difficulties.
- B. All officers and Communications Center personnel shall receive initial and periodic refresher training on the use of relay systems.
- C. Officers shall receive initial and periodic refresher training on working with deaf or hard of hearing persons.

VI. ATTACHMENTS

Officers shall review and have a working knowledge of the attached publication, Communicating with People Who Are Deaf or Hard of Hearing. This document reviews how officers should communicate effectively in the types of situations officers will encounter.

Per order of:

Thomas F. Oates, III
Chief of Police



Communicating with People Who Are Deaf or Hard of Hearing

ADA Guide for Law Enforcement Officers

As a law enforcement officer, you can expect to come into contact with people who are deaf or hard of hearing. It is estimated that up to nine percent of the population has some degree of hearing loss, and this percentage will increase as the population ages.

Under the Americans with Disabilities Act (ADA), people who are deaf or hard of hearing are entitled to the same services law enforcement provides to anyone else. They may not be excluded or segregated from services, be denied services, or otherwise be treated differently than other people. Law enforcement agencies must make efforts to ensure that their personnel communicate effectively with people whose disability affects hearing. This applies to both sworn and civilian personnel.



A driver who is deaf writes on a pad of paper to communicate with an officer.

Your agency has adopted a specific policy regarding communicating with people who are deaf or hard of hearing. It is important to become familiar with this policy.

Requirements for Effective Communication

The ADA requires that . . .

- Law enforcement agencies must provide the communication aids and services needed to communicate effectively with people who are deaf or hard of hearing, except when a particular aid or service would result in an undue burden or a fundamental change in the nature of the law enforcement services being provided.
- Agencies must give primary consideration to providing the aid or service requested by the person with the hearing disability.
- Agencies cannot charge the person for the communication aids or services provided.
- Agencies do *not* have to provide personally prescribed devices such as hearing aids.
- When interpreters are needed, agencies must provide interpreters who can interpret effectively, accurately, and impartially.
- Only the head of the agency or his or her designee can make the determination that a

particular aid or service would cause an undue burden or a fundamental change in the nature of the law enforcement services being provided.

Your agency's policy explains how to obtain interpreters or other communication aids and services when needed.

Communicating with People Who are Deaf or Hard of Hearing

Officers may find a variety of communication aids and services useful in different situations.

- Speech supplemented by gestures and visual aids can be used in some cases.
- A pad and pencil, a word processor, or a typewriter can be used to exchange written notes.
- A teletypewriter (TTY, also known as a TDD) can be used to exchange written messages over the telephone.
- An assistive listening system or device to amplify sound can be used when speaking with a person who is hard of hearing.
- A sign language interpreter can be used when speaking with a person who knows sign language.
- An oral interpreter can be used when speaking with a person who has been trained to speech read (read lips). **Note:** Do not assume that speech reading will be effective in most situations. On average, only about one third of spoken words can be understood by speech reading.

The type of situation, as well as the individual's abilities, will determine which aid or service is needed to communicate effectively.

Practical Suggestions for Communicating Effectively

- Before speaking, get the person's attention with a wave of the hand or a gentle tap on the shoulder.
- Face the person and do not turn away while speaking.
- Try to converse in a well-lit area.
- Do not cover your mouth or chew gum.
- If a person is wearing a hearing aid, do not assume the individual can hear you.
- Minimize background noise and other distractions whenever possible.
- When you are communicating orally, speak slowly and distinctly. Use gestures and facial expressions to reinforce what you are saying.
- Use visual aids when possible, such as pointing to printed information on a citation or other document.
- Remember that only about one third of spoken words can be understood by speech reading.
- When communicating by writing notes, keep in mind that some individuals who use sign language may lack good English reading and writing skills.
- If someone with a hearing disability cannot understand you, write a note to ask him or her what communication aid or service is needed.
- If a sign language interpreter is requested, be sure to ask *which* language the person uses. American Sign Language (ASL) and Signed English are the most common.
- When you are interviewing a witness or a suspect or engaging in any complex conversation

with a person whose primary language is sign language, a qualified interpreter is usually needed to ensure effective communication.

- When using an interpreter, look at and speak directly to the deaf person, not to the interpreter.
- Talk at your normal rate, or slightly slower if you normally speak very fast.
- Only one person should speak at a time.
- Use short sentences and simple words.
- Do not use family members or children as interpreters. They may lack the vocabulary or the impartiality needed to interpret effectively.

What Situations *Require* an Interpreter?

Generally, interpreter services are not required for simple transactions – such as checking a license or giving directions to a location – or for urgent situations – such as responding to a violent crime in progress.

Example: An officer clocks a car on the highway going 15 miles per hour above the speed limit. The driver, who is deaf, is pulled over and is issued a noncriminal citation. The individual is able to understand the reason for the citation because the officer points out relevant information printed on the citation or written by the officer.

Example: An officer responds to an aggravated battery call and upon arriving at the scene observes a bleeding victim and an individual holding a weapon. Eyewitnesses observed the individual strike the victim. The individual with the weapon is deaf. Because the officer has probable cause to make a felony arrest without an interrogation, an interpreter is not necessary to carry out the arrest.

However, an interpreter may be needed in lengthy or complex transactions – such as interviewing a victim, witness, suspect, or arrestee – if the person being interviewed normally relies on sign language or speech reading to understand what others are saying.

Example: An officer responds to the scene of a domestic disturbance. The husband says the wife has been beating their children and he has been trying to restrain her. The wife is deaf. The officer begins questioning her by writing notes, but her response indicates a lack of comprehension. She requests a sign language interpreter. In this situation an interpreter should be called. If the woman's behavior is threatening, the officer can make an arrest and call for an interpreter to be available later at the booking station.

It is inappropriate to ask a family member or companion to interpret in a situation like this because emotional ties may interfere with the ability to interpret impartially.

Example: An officer responds to the scene of a car accident where a man has been seriously injured. The man is conscious, but is unable to comprehend the officer's questions because he is deaf. A family member who is present begins interpreting what the officer is saying.

A family member or companion *may* be used to interpret in a case like this, where the parties are

willing, the need for information is urgent, and the questions are basic and uncomplicated. However, in general, do not expect or demand that a deaf person provide his or her own interpreter. As a rule, when interpreter service is needed, it must be provided by the agency.

List your agency's contact information for obtaining an interpreter, an assistive listening device, or other communication aid or service here.

Emergencies (other than 9-1-1 calls): The Rhode Island Commission for the Deaf and Hard of Hearing operates an emergency hotline available on Monday through Friday after 1600 hrs. until the next day at 0830 hrs. It is available 24 hours on weekends and holidays. Police Officers are asked to call (401) 586-6100 to access this service when the circumstances outlined in section IV.B of this policy arise. A certified interpreter will respond to headquarters or a secure crime scene. During the week between 0830-1600 hrs., Police Officers are asked to call (401) 222-5300.

Non-emergency: Rhode Island Relay Referral Service. Call interpreter service at (401) 222-5300 (voice) or (401) 222-5301 (TTY) between 0830-1600 hrs., Monday-Friday. Interpreters are available for a variety of settings that require communication access such as public events, employment, trainings/workshops, doctor visits, mental health services, healthcare facilities and many more.

For further information on the Americans with Disabilities Act contact:

ADA Website

www.ada.gov

ADA Information Line

800-514-0301 (voice)

800-514-0383 (TTY)

This pamphlet was developed by the U.S. Department of Justice for law enforcement personnel.

Reproduction is encouraged.

January 2006

Exhibit B: Alves v. Woonsocket – Agreement re Notice/Communication Devices/Training

Notice to Staff:

Within 90 days of the effective date of this Settlement Agreement and Release, the Department will notify its Staff that it is the policy of the Department to provide full and equal access to and benefit from the services of the Woonsocket Police Department to deaf and hard-of-hearing people.

Notice to the Community:

Within 30 days of the effective date of this Settlement Agreement and Release, the Department will include on any website it maintains for the Woonsocket Police Department the following statement:

“The Woonsocket Police Department ensures that deaf and hard-of-hearing people have full and equal enjoyment of its services, privileges, facilities, advantages and accommodations, and it will provide Auxiliary Aids and Services at no cost to ensure Effective Communication with these individuals. Ask us for help.”

Signs:

Within 90 days of the effective date of this Agreement all facilities operated or occupied by the Department in which Staff are reasonably anticipated to engage with members of the public (including but not limited to police stations and other police facilities) shall have conspicuously posted in public areas, including booking and intake areas and interview rooms signs advising persons who are deaf or hard of hearing of the availability of appropriate Auxiliary Aids and Services, including Qualified Interpreters. The signs shall state:

“To ensure Effective Communication with individuals who are deaf or hard of hearing, the Woonsocket Police Department will provide free of charge auxiliary aids such as qualified sign language oral Interpreters. Please ask for assistance from a member of the Department or by contacting [Name and Contact information].”

The posted signs will conspicuously include the symbol to indicate the availability of Qualified Interpreters.

Communication Devices:

Within 90 days of the Effective Date of this Agreement, the Department shall have available and begin providing communication devices (including, but not limited to, TTY, text devices and/or videophone devices) to deaf and hard of hearing persons it detains or arrests. The Department shall provide deaf or hard of hearing arrestees or detainees with equal access to all communication devices.

Exhibit B: Alves v. Woonsocket – Agreement re Notice/Communication Devices/Training

Training:

Within 90 of the Effective Date of this Settlement Agreement and Release, the Department will complete training of all other Department Staff – including but not limited to investigators and police officers – who may encounter deaf or hard-of-hearing people in the course of their work. The training will address the special communication needs of deaf or hard-of-hearing people and will include the following topics;

1. The policies of the Department concerning communication access for deaf and hard-of-hearing individuals;
2. Best practices in communicating with deaf and hard-of-hearing individuals, including “on the street” encounters with deaf and hard-of-hearing individuals, when Qualified Interpreters are not available;
3. Identifying communication needs of persons who are deaf or hard of hearing;
4. Types of Auxiliary Aids and Services available;
5. The proper use and role of Qualified Interpreters;
6. The Department’s policies and procedures for contacting and obtaining Qualified Interpreters;
7. Directions for using Videophone (VP), video calls, Video relay services, the Rhode Island Relay Service, TTY’s, TDD’s and or other equipment facilitating communication with deaf and hard-of-hearing people;

The Department will also provide this information for all new Department Staff as part of its initial training and orientation.

Compliance:

The City shall provide to the Trust and to the Rhode Island Disability Law Center documentation of compliance with this Settlement Agreement and Release.

- Certification that the Department has obtained, and is a making available communication devices, providers required this Agreement. (Within 90 of the effective date of this Settlement Agreement and Release.)
- Documentation of Notice to Staff required by this Settlement Agreement and Release. (To be provided within 90 days of the Effective Date of this Settlement Agreement and Release.)

Exhibit B: Alves v. Woonsocket – Agreement re Notice/Communication Devices/Training

- Certification that the Department has installed the signs required this Agreement (including the date on which the signs were installed) and a copy of the sign it installed. (To be provided within 90 days of the installation of the signs.)
- Documentation concerning training required by this Settlement Agreement and Release, including copies of training materials and documentation of attendance. (To be provided within thirty 90 days of the completion of the training.)