

TEXARKANA POLICE DEPARTMENT GENERAL ORDERS MANUAL

SUBJECT	Response to the Hearing Impaired		
NUMBER	1108.13	EFFECTIVE DATE	May 18, 2011
Scheduled Review Date	July 1, 2016	ISSUE DATE	May 18, 2011
Date Reviewed	June 17, 2014	REVISION DATE	
APPROVED BY		(Reserved for Expansion)	

I. Purpose and Scope

- A. The purpose of this policy is to define the Texarkana Police Department’s response to hearing impaired individuals the officers of the Department might encounter while instituting clear guidelines and procedures that bring the Department into compliance with Section 504 of the *Rehabilitation Act of 1973* and with the *Americans with Disabilities Act of 1990*.
- B. The guidelines and procedures set forth within this policy will ensure the Texarkana Police Department provides an interpreter at the time of an arrest, as needed during detention and during the interrogation process to persons who are deaf or hearing impaired.

II. Policy

- A. It shall remain the policy of the Texarkana Police Department to ensure a consistently high level of police related services is provided to all individuals—including those who might be deaf or hearing impaired—who encounter members of the Department. The Texarkana Police Department has specific legal obligations under the *Americans with Disabilities Act* and the *Rehabilitation Act* to communicate effectively with people who are deaf or hearing impaired.
- B. All members of the Texarkana Police Department shall recognize and adhere to the guidelines set forth within this policy.

III. Background

- A. Section 504 of the *Rehabilitation Act of 1973* mandates—through practice and precedent—all persons who are deaf are entitled to an interpreter at the time of arrest, during interrogation, before obtaining signatures and at times necessary during detention.
- B. This practice was further upheld by the *Americans with Disabilities Act (ADA) of 1990* that prevents discrimination against people with disabilities. Title II refers to state and local government agencies providing individuals who are deaf or hard of hearing with “auxiliary aids and services” to ensure effective communication. An interpreter is cited as a primary example of an auxiliary service.
- C. When a deaf person is arrested or questioned without a qualified interpreter, that person has been denied his/her basic constitutional rights to know the nature of the charges made against him/her and to effectively convey and contribute to his/her own defense.

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IV. Procedure

- A. Members of the Texarkana Police Department will make a reasonable effort to obtain the services of a qualified interpreter to all deaf persons at the time of arrest, during any questioning or interrogation, before obtaining signatures or at other times necessary during detention.
- B. *A.C.A. §16-89-104* states that every person who cannot speak or understand the English language who because of hearing, speaking or other impairment has difficulty communicating with other persons and who is a defendant in any criminal action or a witness therein shall be entitled to an interpreter to aid the person throughout the proceeding.
- C. *A.C.A. §16-89-105* states that every deaf person meeting the threshold contained within *§16-89-104* shall be entitled to a qualified interpreter.
1. The term qualified interpreter is statutorily defined as an interpreter certified by the National Registry of Interpreters for the Deaf or the Arkansas Registry of Interpreters for the Deaf, or in the event an interpreter so certified is not available, an interpreter who is otherwise qualified.
- D. *A.C.A. §16-89-105* states an oral interpreter—defined as a person who is trained/certified to interpret language through facial and lips movements only—shall be provided upon the request of a deaf person who does not communicate in sign language.
- E. *A.C.A. §16-89-105* states whenever a person who is deaf is arrested and taken into custody for any alleged violation of a criminal law of this state, the arresting officer and his or her superiors shall procure a qualified interpreter in order to properly interrogate the deaf person and to interpret the person's statement. No statement taken from the deaf person before an interpreter is present may be admissible in court.
- F. The Administrative Office of the Courts is responsible to maintain a list of those interpreters who have met the requirements set forth by the State of Arkansas. The following is a list of qualified interpreters contained on the approved list:
1. Sharon Downs, ASL
Bryant, Arkansas (501) 952-0059 **Cell**
 2. Julie Lowe, CT
Little Rock, Arkansas (501) 374-5293 **Home** (501) 515-4521 **Cell**
 3. Jessica Trotter, ASL-CDI
Alexander, Arkansas (501) 588-3907 (281) 907-3935
 4. Holly Smith
Little Rock, Arkansas (501) 374-5293 **Home** (501) 515-4521 **Cell**
 5. Communications Plus
Little Rock, Arkansas (501) 224-2521 **Assistance available 24hrs per day**
- G. Below is a list of interpreters available within the immediate Texarkana area for emergency use; however, none of these interpreters have met the statutory requirements as a qualified interpreter. The following individuals should not be used for interrogations or any proceeding affiliated with any court of record:
1. Dr. Rolfe Wylie (903) 838-6601
 2. Ms. Cindy Bunch (903) 832-6285

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3. Ms. Libby Wolfe (903) 748-1015

C. Should assistance be required to locate a qualified interpreter, the following individual should be contacted. The Administrative Office of the Courts should be contacted in a timely manner whenever a deaf person has been arrested and charged with a criminal offense:

1. Laney Yates, RID Certified Sign Language Interpreter
Administrative Office of the Courts
(501) 682-9400
(800) 950-8821
Laney.Yates@arkansas.gov

D. An interpreter's willingness to assist the investigating or arresting officer will always depend upon the interpreter's credentials, level of education, expertise within the field, skill level and the seriousness of the case. An interpreter with a lower certification level might not have the necessary skills to assist with a homicide or some other serious felony case, but he/she might be adequately competent to assist with most misdemeanor cases.

E. An interpreter will always remain legally and professionally accountable for the assignments they accept and will not venture beyond their level of certification and skill set; therefore, it is conceivable officers of the Department might encounter difficulty locating an interpreter to assist in certain circumstances.

1. In those cases that require the need of an interpreter, efforts to locate an interpreter must continue, and the officer assigned to locate the interpreter must ensure he/she documents all efforts.

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