

RESOLUTION No. 11-03-2011

**A RESOLUTION OF THE SANTAQUIN CITY COUNCIL AUTHORIZING A
POLICY REGARDING EFFECTIVE COMMUNICATION WITH PEOPLE
WHO ARE DEAF OR HEARING IMPAIRED**

A. WHEREAS, the City of Santaquin is a municipality and political subdivision of the state of Utah; and

B. WHEREAS, every political subdivision of the state of Utah is required to provide certain services to assure effective communication with persons who are deaf or hearing impaired in proceedings; and

C. WHEREAS, the City has developed a policy to assure that a consistently high level of interpretive service is provided to all community members, including those who are deaf or hearing impaired; and

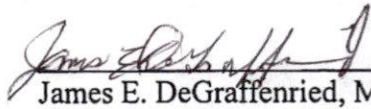
D. WHEREAS, the City Council finds that the aforementioned policy is in the best interests of the residents of the City and those who are deaf or hearing impaired;

**NOW THEREFORE, BE IT RESOLVED BY THE SANTAQUIN CITY
COUNCIL THAT:**


1. The Council approves and adopts the City of Santaquin Policy Statement Regarding Effective Communication With People Who Are Deaf Or Hearing Impaired, a copy of which is attached hereto as Exhibit A.

2. This Resolution shall take effect immediately upon its passage.

PASSED AND APPROVED this 16 day of November, 2011.


James E. DeGraffenried, Mayor

ATTEST:


Susan E. Farnsworth
Santaquin City Recorder



**CITY OF SANTAQUIN POLICY STATEMENT REGARDING
EFFECTIVE COMMUNICATION WITH
PEOPLE WHO ARE DEAF OR HEARING IMPAIRED**

OVERVIEW

It is the policy of the City of Santaquin (City) to ensure that a consistently high level of service is provided to all community members, including those who are deaf or hearing impaired. The City has specific legal obligations under the Utah Judicial Code, the Americans with Disabilities Act and the Rehabilitation Act.

To carry out these policies and legal obligations, the City instructs its officers and employees as follows:

- People who identify themselves as deaf or hearing impaired are entitled to a level of service equivalent to that provided others.
- The City will make every effort to ensure that its officers and employees communicate effectively with people who have identified themselves as deaf or hearing impaired.
- Effective communication with a person who is deaf or hearing impaired involved in an incident – whether as a victim, witness, suspect, arrestee, or other persons connected to the situation – is essential in ascertaining what actually occurred, the urgency of the matter, and the specifics of the situation.
- Various types of communication aids – known as “auxiliary aids and services” – are used to communicate with people who are deaf or hearing impaired. These include use of gestures or visual aids to supplement oral communication; an exchange of written notes; use of a computer or typewriter; use of assistive listening devices (to amplify sound for persons who are hearing impaired); or use of qualified oral or sign language interpreters.
- The type of aid that will be required for effective communication will depend on the individual’s usual method of communication, and the nature, importance, and duration of the communication at issue.
- In many circumstances, oral communication supplemented by gestures and visual aids, an exchange of written notes, use of a computer or typewriter, or use of an assistive listening device may be effective. In other circumstances, qualified sign language or oral interpreters are needed to communicate effectively with persons who are deaf or hearing impaired. The more lengthy, complex, and important the communication, the more likely it is that a qualified interpreter will be required for effective communication with a person whose primary means of communication is sign language or speech reading. For example:

- If there has been an incident and a police officer is conducting witness interviews, a qualified sign language interpreter may be required to communicate effectively with someone whose primary means of communication is sign language.

- If a person is asking an officer for directions to a location, gestures and an exchange of written notes will likely be sufficient to communicate effectively and a sign language interpreter is often not required.

- To serve each individual effectively, primary consideration should be given to the communication aid or service that works best for that person. Officers must ask persons who are deaf or hearing impaired what type of auxiliary aid or service they need. Officers must defer to those expressed choices, unless there is another equally effective way of communicating, given the circumstances, length, complexity, and importance of the communication, as well as the communication skills of the person who is deaf or hearing impaired.
- The City is not required to provide a particular auxiliary aid or service if doing so would fundamentally alter the nature of the activity in question, or if it would cause an undue administrative or financial burden. Only the Mayor, City Manager or his or her designee may make this determination.
- The input of people who are deaf or hearing impaired 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 persons who are deaf or hearing impaired.
- Auxiliary aids or services are to be provided free of charge.

ON-CALL INTERPRETER SERVICES

- The City will maintain a copy of the most current list of qualified interpreters that is established by the Utah Division of Rehabilitation services pursuant to Utah Code Ann. § 78B-1-206 and where appropriate shall select an interpreter from that list to provide interpretive services. In the event that none of the interpreters on the list are available or are able to provide effective interpreting with the particular hearing-impaired person the City may appoint another qualified sign language or oral interpreter.
- A qualified sign language or oral interpreter is one who is able to interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary. Accordingly, an interpreter must be able to sign to the deaf individual (or interpret orally to the person who does not use sign language) what is being said by the hearing person and to voice to the hearing person what is being signed or said by the deaf individual. The interpreter must be able to interpret in the language the deaf person uses (e.g., American Sign Language or Signed English) and must be familiar with law enforcement terms and phrases. Because a qualified interpreter must be able to interpret impartially, a family member, child, or friend of the individual who is deaf may not be qualified

to render the necessary interpretation because of factors such as professional, emotional, or personal involvement, or considerations of confidentiality. Additionally, although a "qualified" interpreter may be certified, a certified interpreter is not necessarily "qualified," if he or she is not a good communications match for the deaf person (e.g., where the deaf person uses Signed English and the interpreter uses American Sign Language) or the situation (e.g., where the interpreter is unfamiliar with law enforcement vocabulary). Certification is not required in order for an interpreter to be "qualified."

TTY AND RELAY SERVICES

- In situations when a nondisabled person would have access to a telephone, officers or employees must provide persons who are deaf or hearing impaired the opportunity to place calls using a text telephone (TTY, also known as a telecommunications device for deaf people, or TDD). Officers or employees must also accept telephone calls placed by persons who are deaf or hearing impaired through the Telecommunications Relay Service.

TECHNIQUES FOR OFFICERS TO COMMUNICATE EFFECTIVELY

- Officers and employees must review and have a working knowledge of *Guide for Law Enforcement Officers When In Contact With People Who Are Deaf or Hearing Impaired*. This document reviews how officers should communicate effectively in the types of situations officers will encounter. These situations include:
 - Issuing a noncriminal or motor vehicle citation.
 - Communicating with a person who initiates contact with an officer.
 - Interviewing a victim or critical witness to an incident.
 - Questioning a person who is a suspect in a crime.
 - Making an arrest or taking a person into custody.
 - Issuing *Miranda Warnings* to a person under arrest or in custody.
 - Interrogating a person under arrest or in custody.

TYPES OF AUXILIARY AIDS AND SERVICES

- Officers and employees must utilize the following auxiliary aids as appropriate, when available, to communicate effectively:
 - Use of gestures
 - Use of visual aids
 - Exchange of written notes
 - Use of computers
 - Use of assistive listening devices
 - Use of teletypewriters (TTY's)
 - Use of qualified oral or sign language interpreters