

Interacting with Drivers who are Deaf or Hard of Hearing



Course # 7887

September 2023

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ABSTRACT

This guide is designed to assist the instructor in developing an appropriate lesson plan to teach the course learning objectives. The learning objectives are the minimum required content of the Interacting with Drivers who are Deaf or Hard of Hearing Training. This course is a required course to be completed no later than the second anniversary of the date the officer is licensed or the date an officer applies for an intermediate proficiency certificate, whichever date is earlier. This takes effect March 1, 2016.

Note to Trainers: It is the responsibility of the coordinator to ensure this curriculum and its materials are kept up to date. Refer to curriculum and legal resources for changes in subject matter or laws relating to this topic as well as the Texas Commission on Law Enforcement website at www.tcole.texas.gov for edits due to course review.

Target Population: Peace Officers working toward their intermediate proficiency certificate on or after March 1, 2016, and within 2 years of licensing date for those licensed on or after March 1, 2016.

Student Pre-Requisites:

- None

Instructor Pre-Requisites:

- Certified TCOLE Instructor and/or
- Subject matter expert/Deaf Culture awareness
- **ALSO** it is highly recommended to include a co-presenter from the deaf community. Contact information to assist in finding a co-presenter:
 - Texas Health and Human Services Commission Deaf and Hard of Hearing Services
dhhs.mailbox@hhs.texas.gov, 512-410-1387 or 512-438-4880
 - Texas Association for the Deaf info@txad.org

Length of Course: 4 hours

Training Options: Refer to graphic below for presentation options for this course. The highlighted “classroom” means that **this course can only be taught as a classroom version.**

CLASSROOM

~~BLENDED~~

~~e-LEARNING~~

~~ANY OPTION~~

Method of Instruction:

- Lecture
- Discussion
- Scenario and role-play activities (utilization of deaf community representatives to complete this activity is recommended.)
- Videos

Assessment: Assessment is required for completion of this course to ensure the student has a thorough comprehension of all learning objectives. Training providers are responsible for assessing and documenting student mastery of all objectives in this course.

Reference materials:

- Senate Bill 1987
- Occupations Code 1701
- Transportation Code 504

Interacting with Drivers who are Deaf or Hard of Hearing

Unit Goal 1.0

Procedures for Interacting with Drivers who are Deaf or Hard of Hearing

Law Enforcement Officers are in daily contact with all types of people. Considering that nearly 10% of the US population has some sort hearing loss, it is reasonable to assume that some of those contacts would be with individuals who are deaf or hard of hearing, especially with the baby boomers reaching their senior years.

According to the Americans with Disabilities Act (ADA), people who are deaf or hard of hearing should be given the same services provided to the other 90% of the population. They may not be excluded or segregated from services.

Instructor Note: The below video link can be used as an introduction to this training, as a review at the end of this training, or can be shown in parts attached to the appropriate objective section. When showing the videos, it is advised to stop them periodically to discuss the information being presented especially through the scenario sections.

<https://www.youtube.com/watch?v=I9aNpMRHH2c&feature=youtu.be>

1.1 Define the terms “Deaf” and “Hard of hearing” as defined by Section 81.001 of the Texas Human Resource Code

- “Deaf” means a hearing status of such severity that an individual must depend on visual methods to communicate.
- “Hard of hearing” means a hearing status that results in a loss of hearing function to an individual and in which the individual:
 - Relies on residual hearing; and
 - May depend on visual methods to communicate

Instructor Note: Discuss with students the use of the terminology in reference to a deaf person. “Deaf” is a term utilized to reference a member of the deaf community or deaf culture. They are proud to be deaf and feel Deafness is a vital part of their identity, as much as ethnicity, gender, or religious background. Hard of hearing is usually a term for people with a mild, moderate, or severe hearing loss. Hard of hearing people often use speech as their primary mode of communication, but may be involved in the deaf community. “Hearing impaired” is term that is considered highly offensive. It is an outdated way to collectively label people with any level of hearing loss. It does not account for their cultural identity. This term can be interpreted as oppressive and meaning that something is wrong with them, that something needs to be fixed. It is an inappropriate label. So what is correct? It is preferable to use the specific terms of deaf or hard of hearing.

1.2 Discuss appropriate techniques utilized to interact with drivers who are deaf or hard of hearing

Instructor Note: The U.S. Department of Justice has published a guide (“Communicating with People who are Deaf or Hard of Hearing: ADA Guide for Law Enforcement Officers”) on how the Americans with Disabilities Act (ADA) relates to law enforcement and their duties. This guide contains recommendations on how to best serve the Deaf community, how to comply with the ADA, and training and situational scenarios. The following are some excerpts taken directly from that guide. <http://www.ada.gov/lawenfcomm.htm>.

Additional note: the above resource from the U.S. Dept. of Justice is currently being updated. Please monitor this website for updated information as it is published.

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 should provide interpreters who can interpret effectively, accurately, and impartially. A legal certificate interpreter is the best source for this resource.

Instructor Note: (resource for locating Interpreters) Texas Health and Human Services, Office of Deaf and Hard of Hearing Services, <http://bei.hhsc.state.tx.us/PublicInterpreterSearch/Search>

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 TDD) can be used to exchange written messages by telephone. However, this method is outdated and rarely used.
- A more current mode of communication is the videophone or a **video relay service** (VRS), also sometimes known as a **video interpreting service** (VIS). It is a video telecommunication service that allows deaf or hard of hearing individuals to

communicate over video telephones and similar technologies with hearing people in real-time, via a sign language interpreter.

- 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.

Instructor note: The U.S. DOJ also has created a model policy on how law enforcement agencies can better communicate with the deaf and hard of hearing. This can be used as a guide when writing policies at the local level. Please be specific in writing a policy for your area to include resources for contacting legal certificate interpreters and the procedures for doing so. To find this policy refer to the following link: [Http://www.ada.gov/lawenfmodpolicy.htm](http://www.ada.gov/lawenfmodpolicy.htm). This is also being updated. Please check back periodically for updated information.

1.3 Identify practical suggestions for more effectively communicating with drivers who are deaf or hard of hearing

- Before speaking, get the person's attention by waving your hand or a gentle tap on the shoulder
- Face the person while speaking
- Go to a well-lit area to converse
- Do not cover your mouth or chew gum
- Do not assume a person can hear you just because they are wearing a hearing aid
- Try to minimize background noise
- Speak slowly and clearly and incorporate appropriate gestures and facial expressions
- Use visual aids when possible
- If someone cannot understand you, write a note asking what communication mode is best for their situation. Understand that some deaf people do not read or write English – ASL is its own language with no roots in English – and may push a notepad away if this is the case.
- If an interpreter is needed remember to ask in which language the person uses...American sign Language (ASL) is the most common
- Look directly at the deaf person when speaking even through an interpreter
- Talk at your normal speed or slightly slower if you normally speak rapidly
- 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 to interpret effectively

Instructor Note: The below link are commonly asked questions concerning this topic. Please utilize for discussion points throughout this training.

http://www.ada.gov/q%26a_law.htm

1.4 Discuss the communication impediment program

The Texas Transportation Code §521.125 allows the Texas Department of Public safety to include a notice on a state driver's license or identification card for persons who indicate they have a health condition that may impede their ability to communicate readily to a law enforcement officer.

A written statement from a physician (form DL-101) must be available discussing the health condition and presented at the driver's license office before the communication impediment notice can be included on the license or card.



Instructor Note: Medical information provided under this program is not protected and is subject to release under the Public Information Act.

Additional Note: This program is not required, and many deaf individuals do not have this designation on their driver license. Use this as a tool only, not as an absolute.

1.5 Distinguish what situations require an interpreter per student role-play

Generally speaking, interpreter services are not necessary in simple situations, such as giving directions or checking a license plate or in an urgent situation such as responding to a crime in progress. The U.S. Department of Justice "Communicating with People who are Deaf or Hard of Hearing: ADA Guide for Law Enforcement Officers" guide has some helpful examples for such situations.

Instructor Note: Utilize the scenarios as an educational opportunity for the class by conducting a role-play activity. Use an assessment tool to measure student participation. These are only scenario examples. Instructor can substitute more area specific examples as well as updated examples as available. Also, this is section would be more effective if taught with the assistance of a person from the Deaf community.

Example 1: 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 written by the officer.

Example 2: 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.

In lengthy or complex situations an interpreter may be necessary. Such situations could include: interviewing a victim, witness, suspect, or arrestee.

Example 3: 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 not appropriate 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 4: 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.

Many departments struggle with having the availability of an interpreter especially one for all types of languages. With verbal languages, officers can utilize a phone based interpreter, which is not an option for the deaf.

Instructor Note: brainstorm with student's ideas on locating interpreters as needed and have students locate their agency's contact information for obtaining an interpreter, an assistive listening device, or other communication aid services.

Unit Goal 2.0: Deaf and hard of hearing Specialty License Plates

2.1 Describe how to identify specialty license plates issued to individuals who are deaf or hard of hearing in the State of Texas

Per the 84th Texas legislative session, Senate Bill 1987 was mandated. This bill amends the Transportation Code and the Occupations Code to provide for the Texas Department of Motor Vehicles' issuance of specialty license plates for persons who are deaf or hard of hearing.

The license plate's name in the TxDMV's motor vehicle database is "Deaf Driver Awareness." This license plate name will appear when an officer looks-up or calls in a plate-look-up during a traffic stop. N nmmn

The license plate is unobtrusive and does not "label" or include the words "disabled" or "hearing impaired" which could offend by defining someone by their impairment. It was important that the plate's design NOT alert the general public that the motorist is deaf, but be specifically designed to indicate to law enforcement that a driver is deaf or hard of hearing. Below is an illustration of the license plate design:



Instructor Note: Discuss the plate identification with class and any departmental process involved.

Additional note: This license plate program will not be utilized by all. This is a tool only.

References

Americans with Disabilities Act (ADA), www.ada.gov

DEAF Inc., “Deaf Sensitivity Training Video for Police Officers,” <http://deafinc.org>

Texas Department of Motor Vehicles, Vehicle Titles and Registration Division, Specialty License Plates

U.S. Department of Justice, Civil rights Division, “Communicating with People who are Deaf or hard of Hearing,” <http://www.ada.gov/lawenfcomm.htm>

Resources

ACLU, <https://www.aclu.org/video/marlee-matlin-deaf-and-police-interaction>

HEARD, <http://www.behearddc.org/>

National Association of the Deaf, <http://nad.org/>

Texas Association of the Deaf, <http://www.txad.org/>

Texas Health and Human Services, Office of Deaf and Hard of Hearing Services, <http://hhs.texas.gov/services/disability/deaf-hard-hearing>