

The Cherokee Sheriff's Office is committed to providing equal access to all persons with disabilities.

To ensure effective communication in connection with the provision of Cherokee Sheriff's Office services or programs, Cherokee Sheriff's Office provides qualified sign language and oral interpreters and other auxiliary aids and services, free of charge, for individuals who are deaf or hard of hearing.

To request auxiliary aids or services, please contact the on-duty Division Commander at Cherokee Sheriff's Office, 678-493-4200.

The Americans with Disabilities Act (ADA) prohibits discrimination against people with disabilities. Pursuant to Title II of the ADA, persons who are deaf or hard of hearing have the right to request auxiliary aids and services to ensure effective communication. For more information about the ADA, call the U.S. Department of Justice's toll-free ADA Information Line at 800-514-0301 (voice) or 800-514-0383 (TTY), or visit the ADA Home Page at www.ada.gov.

 <p>Cherokee Sheriff's Office</p>	Policy # 03-02-10	
Chapter: Authority and Handling	Effective Date: May 18, 2012	Pages: 7
Section: Persons Handling	Review Date: May 18, 2012	
Subject: Communicating with Individuals with Disabilities	Approved By: 	

A: PURPOSE: The purpose of this SOP is to establish policies and procedures for ensuring effective communications with individuals with disabilities.

B. POLICY: It is the policy of Cherokee County Sheriff's Office to ensure that communications with individuals with disabilities in our programs, services, and activities are as effective as communications with individuals without disabilities, consistent with the requirements of Title II of the Americans with Disabilities Act (ADA), 42 D.S.C. §§ 12131 - 12134, and regulations implementing Title II, 28 C.F.R. pt. 35 (and for government entities receiving federal funding, Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, and the implementing regulation, 28 C.F.R. . part 42, Sub part G).

1. To meet this obligation, Cherokee Sheriff's Office will provide, free of charge, appropriate auxiliary aids and services, whenever necessary, to ensure that individuals with disabilities have an equal opportunity to participate in, and benefit from, the Sheriff's Office's programs, services, and activities. 28 C.F.R. §§ 35.130(f), 35.160(b)(1). This policy applies to all members of the public who seek to participate in the Sheriff's Office's programs, services, and activities.
2. The Cherokee Sheriff's Office shall provide a qualified interpreter to any hearing impaired person whenever a hearing impaired person is taken into custody as required in O.C.G.A. 24-9-103.
3. The handout Communicating with People who are Deaf or Hard of Hearing ADA Guide for Law Enforcement Officers will be provided to all personnel and is to be used as a reference tool for employees that interacts with people who are deaf or hard of hearing.

C. DEFINITIONS:

1. **Qualified Interpreter:** Includes "sign language interpreters," "oral interpreters," or other "interpreters" like oral transliterators and cued-language transliterators who, via video remote interpreting (VRI) service or an on-site appearance, are able to interpret effectively, accurately, and impartially, both receptively and expressively, using any specialized terminology necessary for effective communication with an individual who is deaf or hard of hearing or who has a speech impairment, given that individual's language skills and education. Not all interpreters are qualified for all situations. For example, an interpreter who is qualified to interpret using American Sign Language (ASL) is not necessarily qualified to interpret orally. Also, someone who has only a rudimentary familiarity with sign language or finger spelling is not a "qualified sign language interpreter."

Likewise, someone who is fluent in sign language but who does not possess the ability to process spoken communication into the proper signs or to observe someone signing and translate their signed or finger-spelled communication into spoken words is not a qualified sign language interpreter. 28 C.F.R. § 35.104. An interpreter who knows tactile interpreting may be the only interpreter who is qualified to interpret for someone who is both deaf and blind. Although an interpreter may be certified, a certified interpreter is not necessarily "qualified." Similarly, certification is not required in order for an interpreter to be "qualified."

CHEROKEE SHERIFF'S OFFICE MAY NOT ASK OR REQUIRE FRIENDS OR FAMILY MEMBERS TO INTERPRET, READ, OR PROVIDE OTHER AUXILIARY AIDS OR SERVICE FOR INDIVIDUALS WITH DISABILITIES.

2. **Qualified Reader:** A person who is able to read effectively, accurately, and impartially using any necessary specialized vocabulary.

3. **Video remote interpreting service (VRI):** An 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 meeting the following requirements:

(a) Real-time, full-motion video and audio over a dedicated high-speed, wide-bandwidth video connection or wireless connection that delivers high-quality video images that do not produce lags, choppy, blurry or grainy images, or irregular pauses in communication;

(b) A sharply delineated image that is large enough to display the interpreter's face, arms, hands, and fingers, and the participating individual's face, arms, hands and fingers, regardless of his or her body position;

(c) A clear, audible transmission of voices; and

(d) Adequate training to users of the technology and other involved individuals so that they may quickly and efficiently set up and operate the VRI.

D. APPROPRIATE AUXILIARY AIDS and SERVICES: Appropriate auxiliary aids and services include a wide variety of equipment, materials, and services that may be necessary to ensure effective communication for people with disabilities. 28 C.F.R. §§ 35.104, 35.160.

1. **For people who are blind or have low vision,** appropriate auxiliary aids and services include, but are not limited to, qualified readers; printed information and displays provided in Braille, in large print, in electronic format, or through audio recordings; taped text; oral descriptions of action and visual information to ensure the accessibility of proceedings and presentations; optical readers; secondary auditory programs (SAP); note takers; assistance in filling out forms or accessing materials in a computer database; screen reader software or text magnification software to make computer displays accessible; accessible electronic and information technology; an assistant to guide a person to find his or her way to an unfamiliar location or along an unfamiliar route; or other effective methods of making visually delivered materials available to individuals who are blind or have low vision.

2. **For people who are deaf, are hard of hearing, or have speech impairments,** appropriate auxiliary aids include, but are not limited to, qualified oral/sign language interpreters on-site or

through video remote interpreting (VRI) services; written material; exchange of written notes; note takers; real-time computer-aided transcription services; telephone handset amplifiers; video text displays; amplified and hearing aid compatible telephones; assistive listening devices and systems; open and closed captioning, including real time captioning and caption decoders; voice, text, and video-based telecommunications products and systems including text telephones (TTY s), videophones, and captioned telephones, or equally effective communications devices; videotext displays; computer terminals equipped for video communication, accessible electronic and information technology; and other effective methods of making aurally delivered information or materials delivered using sound available to individuals who are deaf or hard of hearing.

E. PROCEDURES FOR REQUESTING AUXILIARY AIDS and SERVICES: Whenever possible, requests for auxiliary aids and services should be directed to an on-duty Division Commander, 498 Chattin Drive, Canton, GA 30115, 678-493-4200. Requests can be made by an individual with a disability who needs the auxiliary aids or services or by someone acting on that individual's behalf. When the Division Commander is not available to receive a request, the request may be directed to the highest ranking supervisor on-duty at the time of the request. Requests can be made either in writing or orally. Requests should be made in advance, whenever possible, in order to better enable the Cherokee County Sheriff's Office to address the communication needs of the individual. However, all requests for auxiliary aids and services will be addressed promptly and in accordance with ADA requirements.

1. Determining which types of auxiliary aids and services to provide:

(a) Cherokee County Sheriff's Office personnel will confer with the individual with the disability upon notification that any auxiliary aids and services may be required to ascertain the circumstances, requirements, and preferences of the individual. Cherokee County Sheriff's Office employees will respond promptly to requests for auxiliary aids and services so that delays in responding do not deny individuals with disabilities an equal opportunity to participate in, and benefit from, the Cherokee County Sheriffs Office's programs, services, and activities. Documentation of disability will generally not be requested or required.

(b) "Primary consideration" to the request of the individual with a disability. "Primary consideration" means that Cherokee Sheriff's Office employees will defer to the individual's request unless the Cherokee Sheriff's Office employee can demonstrate that he/she has an equally effective alternative available, given the nature, circumstances, length, complexity, and importance of the communication, as well as the communication skills of the person with a disability for whom auxiliary aids and services have been requested. (28 C.F.R. § 35.160(b)(2)).

2. **EMERGENCY CONTACTS:** The Cherokee County Communications Center provides the services of the "TDD Text Telephone," which allows people who are deaf, hard of hearing, or speech impaired to convey information of an emergency nature.

3. **CRIMINAL CONTACTS:**

(a) No interrogation, warning, informing of rights, taking of statements, or other investigatory procedures will be performed until a qualified interpreter has been provided.

(b) No answer to a question, statement, admission, or the taking of evidence shall be admissible in any criminal or quasi-criminal proceedings unless such was knowingly and voluntarily given through and in the presence of a qualified interpreter.

(c) Any hearing impaired person may waive the right to the use of such interpreter. Any such waiver shall be in writing on the agency's Waiver of Interpretive Service form. This form will be forwarded to the Records section for retention. The failure of a hearing impaired person to request an interpreter is not to be deemed a waiver of that right.

4. **WARRANTLESS ARRESTS:** An interpreter will be provided at the soonest convenience after the warrantless arrest of a deaf or hearing impaired person unless the person signs a Waiver of Interpretive Service form.

(a) The hearing impaired individual may be moved to a secure location, such as a precinct or other agency facility, away from the incident scene pending arrival of an interpreter.

(b) Written communication may be used to explain deputy actions, but no questioning or investigatory communications will take place until the interpreter arrives. Book-in procedures will not be delayed pending the arrival of a qualified interpreter.

5. **ARRESTS WITH A WARRANT:** In any situation where a deputy is to execute an arrest warrant for an individual known to be hearing impaired and the deputy intends to initiate questioning, reading of rights, interrogation, etc., the deputy will first arrange for an interpreter to be provided at the time of arrest. If a deputy is simply executing an arrest warrant and will not be questioning the individual, an interpreter will be provided as soon as possible after the arrest.

6. **PRIOR TO REQUESTING AN INTERPRETER:** Prior to requesting an interpreter, deputies must first notify and obtain permission from their supervisor.

(a) The deputy will ensure that the hearing impaired individual desires an interpreter and does not want to sign a Waiver of Interpretive Services form.

(b) The deputy will try to determine what type of sign language the hearing impaired individual uses to ensure a capable interpreter is provided. This may be accomplished by asking the individual in writing what type of sign language they use.

7. REQUESTING AN INTERPRETER:

(a) Deputies will request interpreters from the following resources:

i. Sign Language Interpreting Specialist by calling 770-531-0700, or

ii. Georgia Interpreting Services Network by calling 1-800-228-4992 Mon.- Fri. 9am-6pm, or 678-776-0704 ON weekends & Mon. – Fri. after 6pm

(b) Before calling, deputies should be ready to provide the following information:

i. Name and phone number of contact person at assignment site;

ii. Date and time the interpreter is needed and directions to the site; iii. Type of incident and background;

(c) Communication method used by the hearing impaired person.

8. IF AN INTERPRETER IS NOT AVAILABLE: The Cherokee Sheriff's Office is responsible under Title II of the ADA for ensuring effective communication with individuals with disabilities.

(a) Generally, interpreter services are not required for simple transactions, i.e. checking a license or giving directions. In these situations, the deputy may use visual aids such as pointing to printed information on a citation or other written document.

(b) Lengthy or complex transactions such as interrogations and interviews of victims, witnesses, suspects, or arrestees, should not go forward if appropriate auxiliary aids and services needed for effective communication are not in place, unless there is an exigent circumstance.

9. Cherokee Sheriff's Office is not required to provide a requested auxiliary aid or service if Cherokee Sheriff's Office can demonstrate that providing it would result in a fundamental

alteration to the nature of the Cherokee Sheriffs Office's programs, services, and activities or impose undue financial and administrative burdens.

(a) In circumstances where Cherokee Sheriff's Office has determined that providing the requested auxiliary aid or service would result in a fundamental alteration or undue financial and administrative burdens, Cherokee Sheriff's Office must take any other actions that would not result in a fundamental alteration or undue financial and administrative burdens but would nevertheless ensure that, to the maximum extent possible, individuals with disabilities have an equal opportunity to participate in, and benefit from, the Cherokee Sheriffs Office's programs, services, and activities.

(b) All decisions denying the provision of a requested auxiliary aid or service on the grounds that doing so would result in a fundamental alteration or impose undue financial and administrative burdens must be made by the Division Commander after considering all resources available to Cherokee Sheriff s Office for use in the funding and operation of our services, programs, and activities and must be accompanied by a written statement of the reasons for reaching that conclusion. (28 C.F.R. § 35.164).

10. DOCUMENTATION OF REQUEST FOR OR USE OF INTERPRETER: Except for simple requests that are immediately granted, Cherokee Sheriff's Office personnel will maintain records of requests for auxiliary aids and services and actions taken to address them. In their incident reports, deputies will document:

- (a) Date on which the request was made;
- (b) Name of the individual making the request;
- (c) Name of the individual for whom the auxiliary aids and services are sought;
- (d) Auxiliary aids and services requested;
- (e) Date on which a response to the request was provided;
- (f) Description of the auxiliary aids and services provided; and
- (g) Date on which the auxiliary aids and services were provided.

11. When the requested auxiliary aids and services are not being provided, records must include:

- (a) Description of any auxiliary aids and services that were provided;
- (b) Date they were provided; (c) Date of and reasons for denying the requested auxiliary aids and services;

and (d) Name of the employee who denies the request.

12. If the individual signed a waiver of interpretive services. A copy of the approved incident report and agency's Interpretation Services Usage Form will be forwarded to the appropriate Division Commander for review AND to the Director, ASD for appropriate payment of service.

G. FEES: People with disabilities must not be asked to pay or be charged for the cost of an auxiliary aid or service needed for effective communication. (28 C.F.R. § 35.130(f)).

H. Any questions about this policy should be directed to the Accreditation Manager, 498 Chattin Drive, Canton, GA 30115, 678-493-4129.