

CDAP

CULTURAL DIVERSITY AND THE POLICE

POLICING THE DEAF
AND
HARD OF HEARING POPULATIONS

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CDAP PROJECT PARTNERSHIP



Atlanta Police Department
Chicago Police Department
Houston Police Department
Los Angeles Police Department
New York City Police Department

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In conversations about cultural diversity, many people assume that policies that address “diversity” reflect only the specific needs of certain ethnic, racial, and religious groups. But the scope of diversity is much broader. As techniques of community policing evolve, many leaders in the fields of criminology and law enforcement have pointed to the need to broaden our understanding of cultural diversity to include *cross-cultural populations*. Cross-cultural populations are ones whose members hail from a diverse range of ethnic, racial, and religious backgrounds, but who nevertheless share an identity based on certain needs; cross-cultural populations include the mentally ill, the gay and lesbian community, and the disabled. Together these cross-cultural populations number in the millions. Approximately 49 million people in the United States are disabled, as defined by the Americans With Disabilities Act, for example.¹

Taking as our underlying model the “human dignity” approach to law enforcement—whose goal is to “imbue police practice with a heightened understanding of human dignity as an innate quality possessed by all people,”² this paper aims to expand on that model by examining in detail the challenges posed to cultural diversity training by the existence of cross-cultural populations, specifically, the deaf. In order to gain as broad a view of the issue as possible, we have interviewed a cross section of individuals: police officers who train fellow officers on communicating with the deaf; academics who work on issues related to the deaf and the criminal justice system; individuals who are deaf or hard of hearing; and individuals who work as educators in the deaf community. In doing so, we hope to contribute to the ongoing effort to educate members of law enforcement about best practices in dealing with culturally diverse populations.

OVERVIEW OF THE DEAF AND
HARD-OF-HEARING COMMUNITY DEAF CULTURE

Although accurate statistics are difficult to come by, experts estimate that approximately eight to 11 percent of the population is deaf or hard of hearing.³ But that percentage does not form a homogeneous group. Representatives of law enforcement should be aware of several important issues of identity and definition that exist in the deaf and hard-of-hearing community. Many researchers and educators now follow the convention of drawing a distinction between “deaf” and “Deaf.” According to researchers Paden and Humphries, little “d” “deaf” refers to “the audiological condition of not hearing,” while big “D” “Deaf” refers to “a particular group of deaf people who share a language—American Sign Language—and a culture,” one that is “historically created and actively transmitted across generations.” Those who identify themselves as Deaf usually do not include in their community individuals who have lost their hearing through age, illness, or other factors.

These issues of identity are controversial; debates over their boundaries and usefulness occur both within and outside the deaf community.⁴ However, law enforcement should be aware of the existence of the “Deaf” as a self-identified and politicized community with its own culture and language. As Professor Margaret Weigers of Gallaudet University explained, “when you are talking about issues dealing with deaf people, depending on who you are talking to and what interest group they are coming from, your recommendations may elicit very different responses. There is a very strong cultural identification for those who consider themselves Deaf.”⁵

Moreover, the deaf community is made up of individuals whose hearing ability differs greatly. Some deaf individuals are “profoundly deaf,” incapable of any hearing; others are “hard of hearing,” and thus have some ability to hear. Unlike the profoundly deaf, however, individuals who are hard of hearing often try to hide their inability to hear or rely largely on lip-reading or closed cap-

tioning. In other words, their deafness may be disguised. This is especially true among older individuals who lose some or all of their hearing later in life and so still retain speaking skills. This means that, in contrast to the profoundly deaf, members of the hard-of-hearing community can be, as one individual of the hard-of-hearing community in Houston, Texas, described, an “invisible minority.” In addition, unlike many who consider themselves members of a “Deaf” culture, “the hard of hearing are not a culture, they are mainstreamed into the hearing society and want to be accepted into that culture.” As a result, they often try to mask their hearing loss.⁶

Finally, a deaf or hard of hearing individual’s ability to communicate can vary greatly from situation to situation. A deaf or hard of hearing individual with lip-reading skills might not be able to use them if confronted with a man with a moustache, for example. The particular physical environment can also play a role, as in the case of a lip-reader pulled over at night for a routine traffic stop; without adequate lighting, even the best lip-reader might have difficulty seeing the person with whom they are trying to communicate. As the above-mentioned member of the hard of hearing community in Houston noted, “individuals with accents are difficult to lip read” as well.⁷ The law enforcement community should be aware of all of these factors in their interactions with the deaf and hard of hearing community.

Given the scope of this paper, and for the sake of clarity, we use the term “deaf” to refer to the full range of people who identify themselves as deaf, Deaf, and hard of hearing.

LEGISLATION GOVERNING LAW ENFORCEMENT AND THE DEAF COMMUNITY

Two federal laws govern law enforcement’s responsibilities to the deaf community: Section 504 of the Rehabilitation Act of 1973⁸ and the Americans with Disabilities Act.⁹ The Rehabilitation Act requires that no disabled person “be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.”

Since most law enforcement agencies receive federal funds in some form, they are subject to the requirements of the Rehabilitation Act. Included among the requirements (in Section 504) is that representatives of law enforcement make interpreters available to those who use American Sign Language (ASL). The U.S. Department of Justice's regulations governing enforcement of the Rehabilitation Act state that these interpreters must be "qualified," though not necessarily certified.¹⁰

The American with Disabilities Act (ADA) requires that public agents (including law enforcement officials) provide equal access for disabled individuals, which includes members of the deaf and hard-of-hearing communities. Moreover, ADA regulations require that "deference must be given to the deaf or hard of hearing individual's choice of what auxiliary aid he or she needs" in interactions with law enforcement.¹¹ This means that police departments are *not* required by law to furnish Certified Interpreters of American Sign Language during every interaction with a member of the deaf or hard of hearing community; the law requires only that measures be taken to ensure "effective communication." Indeed, some deaf and hard of hearing individuals do not communicate using ASL, relying instead on lip reading or written communication.

A further issue concerns Spanish Sign Language. A growing number of deaf individuals use Spanish Sign Language rather than American Sign Language. Just as Spanish differs significantly from English, so, too, Spanish Sign Language is a different style of communication than ASL. In communities with Spanish-speaking populations, law enforcement should ensure that qualified Spanish Sign Language interpreters are available; this is important both in order to comply with the requirements of the ADA and to foster effective communication between law enforcement and the Spanish-speaking deaf community.¹²

Since the passage of the ADA, police departments have found themselves facing lawsuits from the deaf community, most of which challenge departments' failure to provide interpreters during interactions with law enforcement. The first ADA complaint against a police department occurred

in Clearwater, Florida, as a result of the arrest of a 22-year old deaf man for simple battery in a domestic violence incident. The arresting officers did not know American Sign Language (ASL); six weeks later, the man who had been arrested filed an ADA complaint. The Civil Rights Division of the U.S. Department of Justice investigated the complaint, which eventually was settled after the Clearwater Police Department agreed to establish a written policy for its officers on how to achieve effective communication with the deaf and hard-of-hearing community. The Department of Justice subsequently cited the Clearwater Police Department's policy as a model for other law enforcement agencies.¹³

Other cases have followed, although not all courts have found law enforcement officials liable for discrimination in their interactions with the deaf population. For example, in *Patrice v. Murphy*, the U.S. District Court for the Western District of Washington ruled that failure to provide an interpreter to a deaf woman before police officers arrested her did not amount to disability discrimination under the provisions of the ADA.¹⁴

Regardless of their outcome, these cases reveal a distinct pattern in law enforcement's interaction with the deaf community: in effect, departments rarely issue written policies or establish officer training unless and until a deaf member of the community files a lawsuit. By and large, law enforcement agencies have adopted a reactionary approach to the issue of policing the deaf and hard of hearing community.

Part of the goal of this paper is to inform the law enforcement community about effective, *proactive* measures that can be taken in order to comply with the ADA's requirements while serving the needs of the deaf and hard of hearing individuals in their respective communities. Rather than waiting for lawsuits or complaints to be filed, police departments can and should educate their officers about useful approaches to cross cultural policing. In addition, information about law enforcement techniques should be shared with the deaf and hard of hearing members of the community in order to ensure effective and positive communication with law enforcement.

MAJOR PROBLEMS IDENTIFIED BY EXPERTS

Unlike other disabilities, deafness does not present itself through outward, physical markers. As a result, interactions between the deaf and agents of law enforcement often lead to misunderstandings on both sides.

One of the main points of contact between the deaf community and the criminal justice system is through drug and alcohol-related problems – problems exacerbated by the fact that there are very few substance abuse programs specifically for the deaf community. “Drug and alcohol problems in the deaf community are serious,” says Professor Margaret Weigers of Gallaudet, “but treatment programs are scarce. Try to get an ASL interpreter for an Alcoholics Anonymous program. It’s very difficult. Even in Washington, D.C, which has a large deaf community, there is only one social service organization that offers substance abuse programs for the deaf community.”¹⁵ Other points of contact between the deaf community and law enforcement stem from domestic incidents and routine traffic violations.

IN ENCOUNTERS WITH DEAF INDIVIDUALS, POLICE PERCEPTION THAT THE DEAF ARE DANGEROUS

Experts who work with the deaf population agree that one of the major barriers between law enforcement and the deaf community is the tendency, in their professional interactions with deaf individuals, for the police to perceive the deaf as dangerous.

This perception usually is not the result of prejudice or animosity, but of misperceptions and misunderstandings regarding norms of behavior. For example, a deaf person who has not seen a police officer approach, or seen his/her lips move when issuing a command, will appear to that police officer to be disregarding a direct order. In other cases, police officers might think that a deaf person

is mentally handicapped, drunk or on drugs because of differences in speech patterns—such as slurred or unintelligible speech—and exaggerated facial movements and gestures.

On other occasions, police officers might mistake communication among deaf individuals for other activity. For example, police officers in Chicago once arrested a group of deaf teenagers at a bus stop who were using American Sign Language because the officers thought they were making gang signals or obscene gestures.¹⁶

As a result, police officers and members of the deaf community often end up in situations where, from the officer's perspective, there is an elevated risk of danger from an unpredictable person and where, from the deaf person's perspective, an officer becomes unnecessarily impatient, irritated, and even belligerent when the deaf individual is slow to understand the questions being asked of him/her. One hard of hearing resident of Houston told the department, "My experiences with officers is that they have been impatient with my slow speech and sometimes become abrupt to abusive in manner." Other members of the deaf and hard of hearing community have complained that officers often didn't believe them when they tried to explain that they were deaf or hard of hearing.¹⁷

PERCEPTIONS AMONG MEMBERS OF DEAF COMMUNITY ABOUT LAW ENFORCEMENT

As with the public at large, the deaf and hard of hearing community often has little knowledge of the different aspects of police work – the range of functions police officers must perform on a daily basis, including living with an awareness of the potential for violence or injury on the job. For example, police officers are trained to avoid letting suspects touch them; but many people in the deaf and hard of hearing population are used to tapping people to get their attention. Once members of the deaf and hard of hearing community understand the precautionary measures that police officers take on a regular basis, misunderstandings about behavior can be avoided.

CURRENT PRACTICES THAT REQUIRE REEVALUATION

USE OF WRITTEN WARNINGS AND MIRANDA RIGHTS

The use of written warnings by law enforcement is not a solution for the communication challenges posed by the deaf and hard of hearing community because the average deaf person in the United States reads and writes at approximately the 4th-grade level.¹⁸ This is due in large part to the fact that most deaf people use American Sign Language (ASL) as their first language, and English as their second language. There is a vast difference in sentence structure between the two. The deaf community should be understood as a linguistic minority. Like any minority for whom English is not the primary language, communication problems often lead to wariness on the part of the community, and misperceptions on the part of law enforcement about their ability to understand written warnings.

Given these circumstances, representatives of law enforcement must remember that distributing a written warning is not necessarily an effective mode of communication; since many deaf individuals use ASL as their first language, asking them to read or write in English is akin to asking a person to read or write in a foreign language. In addition, deaf individuals are dealing with a language which they have never heard spoken. As Professor Margaret Weigers noted, it would be like asking an individual who knows a smattering of Latin words but has never heard the language spoken to carry on a conversation in Latin with a police officer. In this context, offering a written version of Miranda rights is nearly useless.¹⁹ There exists the very real possibility that a police officer has not successfully Mirandized a deaf person by simply showing them a card with their rights written out.

Nevertheless, the Department of Justice regulations regarding Section 504 of the Rehabilitation Act of 1973 state that, "If a hearing-impaired person is arrested, the arresting officer's Miranda warning should be communicated to the arrestee on a printed form approved for such use by the law enforcement agency where there is no qualified interpreter immediately available and com-

munication is otherwise inadequate. The form should also advise the arrestee that the law enforcement agency has an obligation under Federal law to offer an interpreter to the arrestee without cost and that the agency will defer interrogation pending the appearance of an interpreter.”²⁰ Courts have ruled on several occasions that evidence obtained from a deaf or hard of hearing individual was inadmissible if the suspect’s rights were not communicated to him/her effectively, including at a level of comprehension appropriate for the suspect. This applies to communication using ASL as well as written communication.

In addition, representatives of law enforcement should keep in mind that the public is often unfamiliar with certain legal terms; any communication of a suspect’s rights must consider this fact, whether or not those rights are communicated in written, verbal, or sign language form.²¹

ISSUES REGARDING USE OF RESTRAINTS

A related communication issue arises out of the use of handcuffs or other restraints in interactions with a deaf individual who communicates primarily through ASL. Police officers should remember that once handcuffed, a deaf or hard of hearing individual who communicates using ASL has been effectively prevented from any communication. Of course, if a police officer has probable cause to believe that a crime has been committed, or if the officer feels that a person is a physical threat to himself or others, the use of restraints is obviously required.

WHAT WORKS

EDUCATING THE LAW ENFORCEMENT COMMUNITY AT THE MOST BASIC LEVEL

There are more than 28 million deaf and hard of hearing people in the United States. Yet only a handful of police departments in the country have developed training and curricula aimed specifical-

ly at improving communication with this population.²²

Officer Randy Melton of the Houston Police Department, a leader in training law enforcement on how to communicate effectively with the deaf population, advocates the passage of laws in the states that would require police departments to train their officers on the full range of issues related to the deaf and hard of hearing communities, preferably over the course of two days and including sessions by representatives of local deaf and hard of hearing groups and service organizations. Such thorough training on a nationwide scale would likely lead to fewer lawsuits and complaints by deaf individuals.

An overview of existing training programs reveals that in interactions with the deaf community, police officers must assess quickly the particular communication needs of a deaf individual—often a combination of techniques is necessary. One of the simplest and most effective skills police officers could learn to facilitate better communication with deaf individuals is the American Sign Language sign for “Are you deaf?” It is a simple movement that involves touching the index finger to the lips and then to the ear, and it is one of the first things good training manuals (such as those developed by the Houston Police Department and the Police Executive Research Forum) recommend. Other police departments have offered classes in “survival sign language” that teach a range of basic signs for use in emergency situations. The San Bernadino, California police department developed a training course in “Survival Sign Language for the Emergency Professional,” for example. Officers who go through such training benefit as well from refresher courses that encourage retention of their knowledge of ASL.²³

Another useful communication tool for law enforcement is to realize that the simplest and least hostile way to get a deaf person’s attention is to tap him/her on the shoulder. In an indoor crowd situation, flicking the lights on and off is also effective. Of course, such tactics must be weighed against the need for caution on the part of a police officer approaching a person who is demonstrat-

ing suspicious behavior.

Ideally, police departments—particularly those that serve communities with a large number of deaf individuals—would have an officer with slightly more advanced ASL skills. Examples of the usefulness of having even one officer on the force who is fluent or nearly fluent in American Sign Language are not hard to find. Recently, a police officer fluent in ASL helped save a 16-year old deaf student in Queens, New York, who was threatening to jump off of a four-story building. The officer was able to communicate with the youth for 40 minutes and, when the student lost his footing, grabbed him and pulled him to safety.²⁴

EDUCATING THE DEAF COMMUNITY

Members of the deaf and hard of hearing communities can also benefit from education about law enforcement techniques. When asked by the Houston Police Department about their experiences with law enforcement and recommendations for encouraging better communication, several members of the deaf and hard of hearing community recommended that the department offer “training” to the deaf community in how best to respond to a police officer—including important information such as keeping one’s hands in full view, making the effort to communicate one’s deafness to the officer, and the like.²⁵

It is usually members of the deaf community who make requests for educational information—leaders in many deaf communities across the country have been proactive about improving relations with law enforcement. Just as law enforcement agents sometimes harbor misperceptions about the deaf community that can be corrected with exposure to information about the community, so, too, members of the deaf community benefit from information regarding the tactics and assumptions of law enforcement. The Sheriff of Ellis County, Kansas, for example, told us that a local organization invited a representative from his department to talk to deaf members of his communi-

ty; it was only at that point that the Sheriff realized how serious the misperceptions were and how important it was that they be addressed.²⁶ A more proactive agenda for policing the deaf community would involve better efforts by law enforcement to initiate communication and educational outreach with local organizations that work with the deaf population.

COMMUNITY POLICING

Since a significant portion of contact between the deaf and law enforcement occurs as the result of drug and alcohol abuse (particularly selling drugs), community policing offers law enforcement the best inroad to building a relationship of trust with the deaf community. Given their proximity and knowledge of their community, officers engaged in community policing will be aware of substance abuse problems and the needs of the deaf community. The best example of this principle in action is the Gallaudet University police force. Trainees for the force are required to learn basic American Sign Language, and are encouraged to “get out on campus and communicate with the students” on a regular basis.²⁷ A member of the hard of hearing community in Houston notes “training has a more lasting effect if the officers are able to interact personally with individuals who are deaf or hard of hearing.”²⁸ A police force that maintains good relations with local social service agencies and referral resources for the deaf community will have much better opportunities to communicate with individuals from that community.

Another effective model is the “Positive Interaction Program” created by the Houston Police Department. A citywide effort to improve communication between law enforcement and the local community, the Positive Interaction Program is made up of 30 groups, including senior citizen and civic groups, which meet regularly with law enforcement to discuss their concerns. Representatives from the deaf community in Houston comprise one of those groups, and on the first Tuesday of every month they meet with the Houston Police Department to relay issues of importance for their com-

munity.²⁹ These broader outreach programs are a good way to integrate cross-cultural populations such as the deaf into existing community policing practices.

WIDER USE OF CERTIFIED INTERPRETERS AND REMOTE RELAY SERVICES

Although the Americans with Disabilities Act requires only the use of “qualified,” not certified, interpreters, most experts agree that more widespread use of Certified Interpreters and Remote Relay services are two things that would lower considerably the number of episodes involving miscommunication and mistreatment that often lead to lawsuits by deaf individuals.

Currently, police departments can obtain lists of qualified interpreters of American Sign Language by contacting their local chapter of the Registry of Interpreters for the Deaf.³⁰ It is also important that interpreters used by law enforcement be well versed in legal terminology so that they can communicate effectively with members of the deaf and hard of hearing communities. The Department of Justice guidelines to law enforcement regarding the Americans with Disabilities Act notes that “communicating through sign language will not be effective unless the interpreter is familiar with the vocabulary and terminology of law enforcement, so your department should ensure that the interpreters it uses are familiar with law enforcement terms.”³¹

More innovative solutions to the problem of finding Certified Interpreters have also been suggested. Certified Interpretation can be conducted via Remote Interpreter systems such as those used by some hospitals. With these systems, Certified Interpreters are on-call 24 hours a day, at a cost of \$400/month for the price of the equipment and \$3 per minute for interpreter services.³²

The Houston Police Department contracts with outside interpreter agencies to provide on-call, 24-hours a day, seven-days a week interpreter service. According to Officer Randy Melton, outsourcing the interpreter has also alleviated any concerns on the part of the deaf community that an interpreter on staff at the police department is biased towards the police.³³ Certified Interpreter serv-

ices should be available not only to members of the deaf community who are arrested, but also to witnesses and crime victims who are deaf or hard of hearing.

Of course, Certified Interpreters are not always available. Activists in the deaf community point to the dearth of Certified Interpreters in smaller, rural communities, for example. They propose instead use of qualified, but not necessarily certified, interpreters of ASL. As Rev. Jerry Schaefer of the Deaf Chapel in Tupelo, Mississippi, told us, “If the only Certified Interpreter in the region lives 100 miles away, it might be difficult to get that person to the scene of a crime—or even to the police station—in the middle of the night.” In these communities, advocates argue, it is more practical if there is at least one person who can communicate with ASL, even if only in the most rudimentary fashion, available to assist the police in such situations. In Tupelo, for example, Rev. Schaefer often serves in that capacity.³⁴

A related need often cited by those in the deaf community is for consistent, effective, nationwide availability of telecommunications devices for the deaf (TDDs)³⁵ for all 911 service and in police departments. Deaf or hard of hearing individuals placed under arrest often require TDDs to make outgoing calls. The cost of supplying police stations with such devices is minimal; TDDs typically range from \$200-300 each. In smaller communities, several law enforcement agencies (courts, police stations) often share a single TDD device.

Another option is a telephone relay service. Every state has a relay service, where an operator able to facilitate calls between TDD users and non-TDD users are available to assist in communications. Such relay services are also available for use by deaf individuals who have been witnesses to a crime and need to contact the police.³⁶

MAKING FULL RANGE OF LAW ENFORCEMENT SERVICES AVAILABLE TO DEAF COMMUNITY

The availability of TDDs and Certified Interpreter services is necessary given the requirements of the

ADA, but police departments should ensure that services such as crime prevention and self defense classes, victim and witness assistance programs, and other routine law enforcement programs are available to the deaf as well.³⁷ Making such services available to the deaf community has the added benefit of encouraging trust and opening lines of communication between the deaf and law enforcement.

OUTREACH TO COMMUNITY AND SUPPORT GROUPS FOR THE DEAF AND HARD OF HEARING

A related effort should be made to foster contact and effective communication with local support groups for the deaf and hard of hearing communities, or with schools and universities for the deaf. Since they serve the deaf community, such institutions are well situated to offer feedback to law enforcement about the needs of that community.

OTHER RECOMMENDATIONS

SPECIAL LICENSE PLATES FOR THE DEAF AND HARD OF HEARING

Currently six states have special license plates for the deaf and hard of hearing community: Illinois, Pennsylvania, Virginia, Tennessee, Mississippi, and Louisiana; California is working on a special tag. The types of license plates differ from state to state. The state of Tennessee, for example, uses the letters TTY on these plates, while Mississippi uses the international symbol for deaf or hard of hearing on its plate (an ear with a slash through it). The use of special plates is not without problems, however. Many individuals in the deaf community find the international symbol for deafness offensive. Others note that the use of specially marked license plates raises privacy concerns. Many individuals in the deaf and hard of hearing community are uncomfortable with the thought of their state department of motor vehicles having their disability on record and choose not to get the special plates for their cars.

Moreover, other activists in the deaf community have noted the possibility that special license plates make deaf individuals more vulnerable to crime. As Rev. Jerry A. Schaefer, pastor of the Deaf Chapel, Calvary Baptist Church, in Tupelo, Mississippi, explained, “imagine you come out of the grocery store and a criminal is loitering in the area looking for a potential victim. If he sees a person get into a car that has a special license plate showing that the driver of the car is deaf, he might consider that person a much easier target for crime. That criminal might even follow a deaf person home to see where he or she lives.” Rev. Schaefer and others have suggested using a symbol unrelated to deafness (such as a star or series of numbers) that law enforcement would recognize but that would not obviously identify deaf individuals as deaf to the general public.³⁸ Similar concerns regarding privacy and vulnerability to crime have been raised with regard to stickers identifying drivers of cars as deaf or hard of hearing.

CONCLUSIONS

As evidenced by the current literature on the subject as well as our interviews with a cross-section of individuals who work with or are themselves members of the deaf community, it is clear that broad agreement exists on a few key principles regarding effective policing of the deaf community.

First, the most important tool is information, and the best way of disseminating it is through more widespread coeducation of law enforcement and the deaf community with regard to the needs and concerns of each group. Effective training manuals and programs, such as those developed by the Police Executive Research Forum, the Houston Police Department, and the Clearwater Police Department, are important educational tools; they simply have not found their way to enough police departments across the country. Unfortunately, issues regarding policing the deaf population still tend to arise only after complaints or lawsuits are made against departments. Rather than merely reacting to lawsuits and complaints, law enforcement should make a more proactive effort to educate

itself with regard to all cross-cultural populations, including the deaf.

Second, law enforcement should move toward wider use of Certified Interpreters (rather than merely qualified interpreters) of American Sign Language who are also familiar with legal terminology. With the advent of new technologies, such as Remote Interpreter services and Relay services, this is much less prohibitively expensive or logistically challenging than it used to be. Although neither the Rehabilitation Act nor the Americans with Disabilities Act require the use of Certified Interpreters, police departments that make use of them will likely find themselves experiencing fewer communication difficulties and fewer lawsuits and complaints from the deaf community.

Third, effective community policing requires familiarity and communication with a range of local civic groups. Included among these should be organizations that work with the deaf and hard of hearing populations. As noted above, many of these groups are eager to learn more about law enforcement procedures and practices so that they can educate their members on how to behave in interactions with police officers. In addition, as part of the broader mission of community policing, police departments should offer the full range of law enforcement services, such as self defense classes and victim and witness programs, available to the deaf community.

Clearly, effective policing of the deaf and hard of hearing community requires familiarity with the cultural and language differences of the deaf community, knowledge of a range of laws and regulations, and a commitment to keeping the lines of communication between law enforcement and deaf citizens clear of misperceptions and distrust. Most importantly, it requires a commitment to effective community policing and to treating every citizen, regardless of their race, religion, sex, or disability, with dignity and respect. A wider distribution of knowledge about these communities will foster an understanding with law enforcement, improve both law enforcement's and cross cultural communities' comfort level with each other, and encourage policing practices based on sound judgment and respect for human dignity.

RESOURCES

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- Jones, R. (1993). "Law Enforcement and the Deaf Community," *FBI Law Enforcement Bulletin*, November.

ADDITIONAL RESOURCES

American Sign Language Linguistic Research Project

<http://www.swarthmore.edu/SocSci/Linguistics/asl/programs.html>

Americans with Disabilities Act Home Page

<http://www.usdoj.gov/crt/ada/adahom1.htm>

Deaf Resource Library

<http://www.deaflibrary.org>

Deaf World Web

<http://deafworldweb.org>

Gallaudet University, Washington, D.C.

<http://www.gallaudet.edu>

National Association of the Deaf (NAD)

<http://www.nad.org>

Police Executive Research Forum

<http://www.policeforum.org>

Self Help for Hard of Hearing People (SHHH)

<http://www.shhh.org>

Telecommunications for the Deaf, Inc. (TDI)

(301) 580-3786

ENDNOTES

- 1 Number of disabled cited in John Fuller, "Cultural Diversity? Don't Forget the Disabled," *Law & Order*, November 2000: 84-85.
- 2 Gerald W. Lynch, ed. *Human Dignity and the Police: Ethics and Integrity in Police Work*. Springfield, Illinois: Charles C. Thomas Publisher, Ltd., 1999.
- 3 The National Center for Health Statistics estimates that approximately 20 million people (8.6 percent of U.S population), 3 years or older, had hearing problems. Judith Holt, Sue Hotto, Kevin Cole, "Demographic Aspects of Hearing Impairment," Third edition, 1994, Center for Assessment and Demographic Studies, Gallaudet University.
- 4 Carol Padden and Tom Humphries, *Deaf in America: Voices from a Culture*. Cambridge, Massachusetts: Harvard University Press, 1988: 2-3.
- 5 Interview of Professor Margaret E. Weigers, Gallaudet University, Washington, D.C., September 7, 2001.
- 6 Interview of Ms. Teri Wathen, hard of hearing member of the Houston, Texas, community, April 23-25, 2001.
- 7 Interview of Ms. Teri Wathen.
- 8 29 U.S.C. 794.
- 9 42 U.S.C. §12131-12134.
- 10 For further description of the Rehabilitation Act's requirements with regard to the deaf community, see the National Association of the Deaf website, <http://www.nad.org>.
- 11 28 C.F.R. Part 35, 56 Fed. Reg. 35694 (July 26, 1991); see also the National Association of the Deaf Law Center website at <http://www.nad.org> and "Commonly Asked Questions About the Americans with Disabilities Act and Law Enforcement," U.S. Department of Justice, Civil Rights Division, Disability Rights Section, http://www.usdoj.gov/crt/ada/q&a_law.htm.
- 12 Police Executive Research Forum, "Police Contact with People who have Hearing and Speech Disabilities: Trainers Guide," 1997, pg. 26.
- 13 "First ADA Complaint Against Police Department Settled," *The Police Chief*, January 1994: 61. The case was *Lewis v. Truitt* (TK)
- 14 *Patrice v. Murphy*, 43 F.Supp.2d 1156, U.S. Western District Washington, 1999.
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- 21 U.S. Department of Justice, "Commonly Asked Questions About the Americans with Disabilities Act and Law Enforcement."
- 22 According to the Police Executive Research Forum, accurate statistics on the number of police departments that currently train their officers on how to police the deaf community are not available.
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- 24 "ASL Saves Lives," *Law & Order*, July 2001: 6.
- 25 Recommendation included in training materials, Houston Police Department.
- 26 Interview of Sheriff Ed Harbin, Ellis County, Kansas, January 19, 2002.

- 27 Interview of Assistant Police Chief Jennifer A. Turner, Gallaudet police force, Gallaudet University, Washington, D.C. September 7, 2001.
- 28 Interview of Ms. Teri Wathen.
- 29 Interview of Officer Randy Melton, Houston Police Department, April 23-25, 2001.
- 30 The website for the organization is: <http://www.rid.org/>
- 31 U.S. Department of Justice, "Commonly Asked Questions About the Americans with Disabilities Act and Law Enforcement."
- 32 Interview of Professor Margaret Wiegers.
- 33 Interview of Officer Randy Melton.
- 34 Interview of Rev. Jerry A. Schaefer, Pastor of the Deaf Chapel at Calvary Baptist Church, Tupelo, Mississippi, October 2, 2001.
- 35 TDDs are also called Text Telephones (TTs) or Teletypewriters (TTYs). TDDs also include telephone handset amplifiers, assistive listening systems, and videotext displays. See U.S. Department of Justice, "Commonly Asked Questions about the ADA and Law Enforcement."
- 36 Police Executive Research Forum, "Police Contact with People who have Hearing and Speech Disabilities," pg. 20.
- 37 See, for example, Robert D. Jones, "Law Enforcement and the Deaf Community," *FBI Law Enforcement Bulletin*, November 1993: 18-19.
- 38 Interview of Rev. Jerry A. Schaefer.