



RIGHTS OF DEAF AND HARD OF HEARING PEOPLE – POLICE AND JAILS

If you are DEAF or HARD OF HEARING, you have a right to clear, “effective” communication when you talk with police or when you are held in jail.

What is Effective Communication?

- Communication that is clear enough to you so you get the same level of understanding that hearing people get.
- You have a right to have clear communication for all “important conversations” when you are with police or in jail.

Examples of “Important Conversations” include:

- Making a complaint
- Telling what happened if you are the victim of a crime or witness a crime
- Talking to the police if they think you did something wrong
- Police telling you your rights
- Signing any papers
- Asking for a lawyer
- Understanding what the police write down about what you say (“your statement”)

- Telling you the rules in jail
- Classes, activities or jobs in jail

Remember, police must make sure everyone is safe before they do anything else. If police think it may be unsafe to wait, they are allowed to arrest you and take you to a police station BEFORE they help you with communication. If you are stopped by police while driving or any other time, tell them about your hearing loss and ask for what you need for clear communication, but DO NOT argue with the police about it.

Examples of how to make communication more clear:

- Using hearing and deaf certified or PA State registered sign language interpreters.
- Using Communication Access Realtime Translation (known as "CART" or "realtime captioning") - a service in which a person uses a special machine to type everything that is said on a computer so you can read what others are saying.
- Using assistive listening devices (hearing equipment) that make it easier for you to hear what people are saying. (But they do not have to give you personal hearing aids.)
- Meeting with you in a room that is quiet or does not have a lot of background noise, like turning off a TV or music in the room.
- Talking to you face-to-face rather than over an intercom or from another room, or rather than looking at a computer or papers.
- Using flashing alarms.

- Speaking slowly and clearly (without shouting). If you have a hard time understanding something, saying it again in a different way until you can understand.
- Writing down important information if reading is easier for you.

If you are kept in jail, you have a right to clear communication for all the same things offered to hearing people in jail. Some examples include:

- Closed captioning if hearing people can watch television
- TDD, Videophone, or Captioned telephone services
- Sign language interpreter, CART or other help for training programs, medical services, counseling services, and to understand how things work and the rules in jail
- Letting you know when it is time for meals, time to get your medicine or see the doctor or another staff person at the jail, when mail arrives, or when you have visitors

Police and jails must ask you for your opinion about what will help make communication clear. But they do not always have to use what you ask them to use for clear communication. If they can find another way to communicate with you that you understand clearly, they can use this other way to communicate with you. If you try the help they offer and it does not work you should let them know that it is not working and they must give you better help.

What can you do to make sure you have good communication with police or guards?

1. Tell the police officer that you are deaf or have a hearing loss, ask for what you need to make communication clear for you as soon as possible, and tell more than one person.
2. Carry a card in your wallet that explains that you are deaf or hard of hearing, and tells what you need for clear communication. Give this card to the officer at the same time you give your ID card. You can find an example of a card that says you are deaf or hard of hearing on a computer with internet access at the Health Bridges website: www.healthbridges.info then click on the picture of the “Accommodations card” to make your own card.
3. Place a card that says that you are deaf or hard of hearing and tells what you need for clear communication on your car visor. Move the visor so the police officer can see it when you are stopped.
4. **THIS IS IMPORTANT TO REMEMBER: DO NOT nod your head** unless you really understand what the police or other people say. Sometimes people nod to show they are trying to understand and communicate. But the police might think your nod means “yes”, so **DO NOT nod unless you really agree** with what the police officer says.
5. If you do not understand, say or write “I do not understand”.
6. If you have a lawyer, tell your lawyer what you need for clear communication.
7. If you use sign language and are arrested, ask the police to put your hands in handcuffs in front of your body so that you can still communicate. Police may or may not agree to do this.

8. If you are hard of hearing and rely on lip reading for clear communication, ask the speaker to stand in good light and not eat or drink while talking to you.

In Pennsylvania, the police or jail cannot make you use an interpreter who is not certified unless you agree and sign a form required by the PA Office of Deaf and Hard of Hearing, or unless it is an emergency. The interpreter should ask you about this before he or she begins interpreting so you can decide whether to agree to use a non-certified interpreter. You can change your mind about using a non-certified interpreter at any time by filling out a revocation form and giving it to the police or guards or the interpreter.

In an emergency, police may ask a family member or friend to act as an interpreter for you, but only for the crisis situation. Once the need for immediate information has passed, you have a right to a certified interpreter or other ways to make communication clear to you.

You have a right to contact 911 emergency call services. The emergency call center must be able to receive calls from TTY and video relay.

If you believe you have been discriminated against by the police you may file a complaint with the United States Department of Justice. If you want to file a complaint about discrimination because you are deaf or hard of hearing, you can send a written complaint to:

Disability Rights Section
Civil Rights Division
U.S. Department of Justice

P.O. Box 66738
Washington, D.C. 20035-6738

You can also call the Disability Rights Section's toll-free ADA Information Line at (800) 514-0301 (voice) or (800) 514-0383 (TDD). For more information on filing a disability discrimination complaint go to - www.ada.gov/fact_on_complaint.htm

If you are in jail and believe that you have been discriminated against because you are deaf or hard of hearing, you must FIRST file a complaint with the jail's Americans with Disabilities Act Coordinator and follow any grievance ("complaint") rules required by the jail.

Contact Information

If you need more information or need help, please contact the intake unit of Disability Rights Pennsylvania (DRP) at 800-692-7443 (voice) or 877-375-7139 (TDD). The email address is: intake@disabilityrightspa.org.

The mission of Disability Rights Pennsylvania is to advance, protect, and advocate for the human, civil, and legal rights of Pennsylvanians with disabilities. Due to our limited resources, Disability Rights Pennsylvania cannot provide individual services to every person with advocacy and legal issues. Disability Rights Pennsylvania prioritizes cases that have the potential to result in widespread, systemic changes to benefit persons with disabilities. While we cannot provide assistance to everyone, we do seek to provide every individual with information and referral options.

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PLEASE NOTE: For information in alternative formats or a language other than English, contact Disability Rights Pennsylvania at 800-692-7443, Ext. 400, TDD: 877-375-7139 or intake@disabilityrightspa.org.

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