

Legal Systems Access for Persons with Hearing Loss.®

ADA AMERICANS WITH DISABILITIES ACT

- Qualified individuals with disabilities can't be denied access to services, programs, or activities based on their disability
- Removal of physical barriers
- Applies to communication access
- People with disabilities can't be charged for any accommodations provided.

Communication Differs with Degree of Hearing Loss and Other Disabilities

- Hard of Hearing – a person who has a hearing loss which results in the possible dependence on visual methods to communicate in addition to using residual hearing with or without the assistance of technology.
- Deaf – a person whose sense of hearing is non-functional without technology for the purpose of communication and whose primary means of communication is visual.

Persons with Hearing Loss Nationally

- 1 in every 10 Americans has hearing loss. (Source: CDC)
 - As baby boomers reach retirement age starting in 2010, this number is expected to rapidly climb and nearly double by the year 2030.
- The majority of people with hearing loss require some form of alternate communication method. The methods range from American Sign Language to CART to assistive listening systems to captioning to something as simple as speaking clearly while facing the person.

Persons with Hearing Loss State and Local

- 3 Million people in Florida are Deaf or Hard of Hearing.
(Source: CDC)
- The Center for Disease Control estimates that 16.1% of the population of Florida has some form of hearing loss – from mild loss to profound loss.

Prepare to Show
VIDEO
PART
ONE

Law Enforcement Call

- Male and Female are Deaf
- Main mode of communication is ASL (American Sign Language)
- Video shows the appropriate way to handle the situation
- Later we will discuss how to work with other groups:
 - Hard of Hearing, Late-Deafened, and Deaf-Blind

ASL

American Sign Language

- Visual language with distinct grammar and syntax
- Different from English
- Not Universal
- Can't be written

Interpreters

- Sign Language Interpreters must be qualified – defined as a person who is able to interpret effectively, accurately and impartially, when translating what the person is saying or the response to the statement made.
- Oral Interpreters
- Tactile -for individuals who are deaf-blind: tactile, close or low vision, Reduced peripheral field

Legal Interpreter

- Special Certification requiring training specific to the legal setting
- National Association of the Deaf-Registry of Interpreters for the Deaf (NAD-RID) Professional Code of Conduct
- Model Code of Conduct for Interpreters in the judiciary applies to:
 - Court, Police Station, Jail
 - Pre-trial events
 - Attorney Client meetings
 - Investigations
 - Court Ordered Events

Prepare to show
VIDEO
PART
TWO

HOW TO USE AN INTERPRETER

- Allow the interpreter to be positioned next to the person talking
- Speak directly to the Deaf or hard of hearing person
- Maintain eye contact with the Deaf person not the interpreter
- Allow for a possible short delay in communication

Important Questions for Law Enforcement

- Does your agency have an ADA Coordinator?
- Does your agency have a written policy to accommodate persons with hearing disabilities?
- Has your agency promulgated that policy, on the web page, in the inmate handbook, on signs throughout the station?
- Do your agency's regulations allow you to handcuff a deaf arrestee in front so they can communicate in sign language?
- Does your agency provide telephone or CART communications for those arrestees who may require them?
- Is your facility accessible to people with hearing loss e.g. use of intercoms in cells, PA systems?
- Do you know how to obtain interpreters or other auxiliary aids when needed, and then use them appropriately?
- Do you have an established system to advise the Court that an interpreter will be needed for the First Appearance the next morning when a deaf person is in your custody?

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VIDEO
PART
THREE

ACCOMMODATIONS

- TTY/TDD
 - Teletypewriter/Telecommunication Device for the Deaf
- CART
 - Communication Access Real-time Translation
- VRI
 - Video Remote Interpreting
- Assistive Listening Systems

Prepare to show
VIDEO
PART
FOUR

RESPONSIBILITIES OF JUDGES AND ATTORNEYS

- A qualified, nationally certified, legally trained interpreter should be used by the Court and by attorneys
- Florida Statute 90.6063- The court in essence must make sure the interpreter is qualified before a hearing begins
- Attorneys should also verify Certification and communication ability

OTHER TYPES OF HEARING LOSS

- HARD OF HEARING
- LATE-DEAFENED
- DEAF-BLIND

HARD-OF-HEARING INDIVIDUALS

- Hearing loss that results in the possible dependence on visual methods to communicate in addition to use of residual hearing with or without the assistance of technology
- Technology
 - Hearing Aids
 - Cochlear Implants
 - Assistive Devices
- Look at person when you are speaking as this will make it easier to understand what you are saying (Lip reading myth)
- Speak slowly and distinctly
- The majority of hard-of-hearing persons do not understand or use sign language

Some Ways to Recognize Hard-of-Hearing Individuals

- May stare at speaker more closely than feels comfortable
- Wears hearing aids or cochlear implants
- May respond to questions incorrectly because the question was not understood
- May not respond when spoken to if the proper visual cues have not been provided.

Possible Issues Resulting From Hearing Loss

- May be prone to loneliness, depression and stigmatization
- May be underemployed or unemployed in great numbers
- Can be left out of the mainstream and may misperceive situations

ACCOMMODATIONS FOR INDIVIDUALS WHO ARE HARD OF HEARING

- Look at person to whom you are speaking. This will aid them in understanding your speech (Lip reading myth)
- Position yourself so the person can see your face, especially the mouth
- Speak slowly and distinctly
- The majority of hard-of-hearing persons do not understand or use sign language – less than 10% do.

Accommodations for Individuals who are Hard of Hearing

- Special Telephones, Infrared Systems, FM Systems, Loop Systems
- CART (Communication Access Real-Time Translation)
- Captioning for TV programs, instructional materials, web-based videos on law enforcement or court Web pages

Amplified Telephones



CapTel Phones



TTY / TDD



CART Communication Access Real-time Translation

File Recent Production Move Edit Block Format Tools Window Help

Q Please state your full name for the record.

A Amadeus Villanova.

Q And your address, please?

A 1247 --

(Sirens blaring outside)

-- wow, that made me forget my own address.

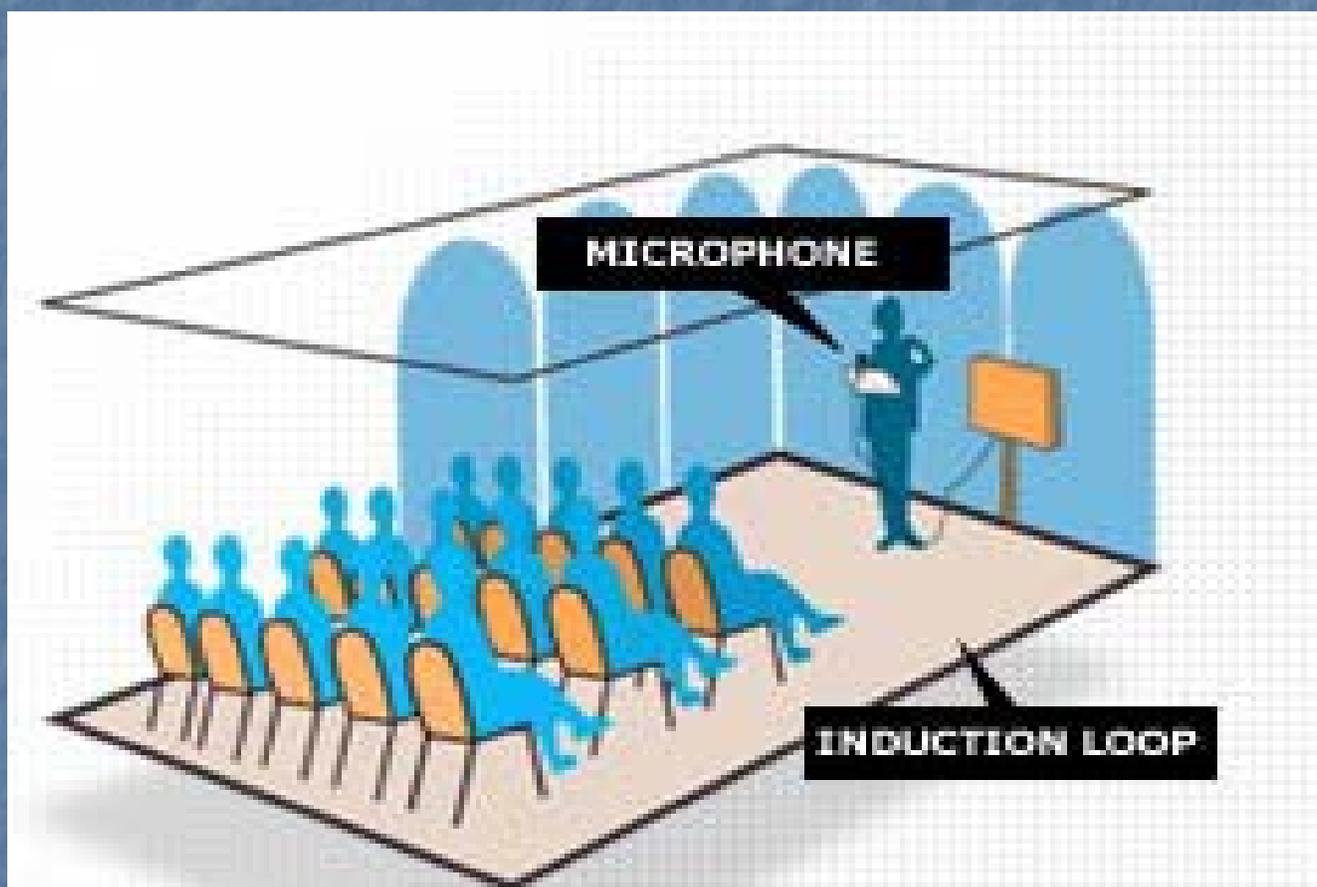
THE COURT: Just keep going, if you can.

Q Tell me, do you know the defendant in this case?

FM Systems



Loop Systems



An induction loop system transmits magnetic energy to telecoil-equipped hearing aids through a wire that surrounds an audience.

LATE-DEAFENED PERSONS

- A person who has lost most or all of their hearing after the acquisition of speech and language
- Don't assume they know sign language. Ask them!
- May or may not understand speech with visual clues or technology

HOW TO RECOGNIZE A LATE-DEAFENED INDIVIDUAL

- Inability to understand speech without visual cues
- May not respond when spoken to if they do not see the speaker's face
- Dependence on written information to understand communication
- Little to no sign-language skills

POSSIBLE ISSUES FOR LATE-DEAFENED INDIVIDUALS

- May express feelings of being caught between the hearing and deaf worlds
- Frustration or anger may be present when attempting to hear in challenging listening environments.
- Feel isolated when hearing friends, family and coworkers converse

ACCOMMODATIONS FOR LATE-DEAFENED INDIVIDUALS

- CART or some type of written communication
- Speak clearly and slowly
- Maintain eye contact when communicating

INDIVIDUALS WHO ARE DEAF-BLIND

- Combined vision and hearing loss
- Affects access to information and communication
- May use these communication methods
 - close Vision
 - tactile
 - oral/aural

Characteristics/ Accommodations for Deaf-Blindness

- May need to be close to see people/objects
- May need to have visual information explained
- May have preference to print contrast
- May use assistive listening devices
- May use devices to bring print and people closer

More Characteristics / Accommodations of Deaf-Blind individuals

- Gain information “part-to-whole”
- Communication may take longer and requires support

Use of magnifiers, screen readers, orientation and mobility, CCTV

- Use of Braillenote[©], DB Communicator, Screen Braille Communicator, FM Systems

Etiquette for Interacting with Individuals who are Deaf-Blind

- Identify yourself each time when speaking
- Provide visual information about people and activities in the environment
- Use appropriate interpreter when using sign language
- Do not assume comprehension, ask for feedback
- Offer appropriate technology

CART Services

Instantly converting the
spoken word to text
for persons with
hearing loss by a
trained professional
CART provider

CART originated from Court Reporting

The screenshot shows a software window with a menu bar (File, Recent, Production, Move, Edit, Block, Format, Tools, Window, Help) and a toolbar. The main area displays a transcript with the following text:

2 Q Please state your full name for the
3 record.
4 A AUPL day usville Nova.
5 Q And your address, please?
6 A 1247--- wow, that made me forget my own
7 address.
8 THE COURT: Just keep going, if you can.
9 Q Tell me, do you know the defendant in this
10 case?

On the right side, there is a log window with the following text:

```
Entries: 116
Untranslates: 1 .86%
Conflicts: 0 .00%
A/I Selected: 0 100%
WPM:
Audio 1:
Audio 2:

O U R 14:59:06:08
K W EU DZ 14:59:06:23
P HRA EU 14:59:07:18
T O E G 14:59:07:27
STKPWHRAO 14:59:08:06
H O* U PL 14:59:12:16
K EU DZ 14:59:13:22
TK O UF 14:59:14:17
ST P H 14:59:15:08
EUFRLBLGTS 14:59:15:23
EUF 14:59:16:08
T W O 14:59:18:03
A PBD 14:59:18:09
S H E 14:59:19:24
H A S 14:59:20:07
W O TB 14:59:28:08
T HRAO E 14:59:28:15
# * 14:59:32:01
```

The screenshot shows a software window with a menu bar (File, Recent, Production, Move, Edit, Block, Format, Tools, Window, Help) and a toolbar. The main area displays a transcript on a blue background with the following text:

Q Please state your full name for the
record.
A Amadeus Villanova.
Q And your address, please?
A 1247 --
(Sirens blaring outside)
-- wow, that made me forget my own
address.
THE COURT: Just keep going, if you can.
Q Tell me, do you know the defendant in this
case?

CART is Different from Court Reporting!

- Ethical responsibilities, skills and purpose are different
- CART = facilitates effective communication between many different parties in the room
- Court reporting = creates verbatim record / official transcript
- CART providers are bound by confidentiality rules

CART

Communication Access Real-Time Translation

- Users of CART services;
 - Hard of Hearing
 - Late Deafened
 - Oral Deaf People
 - Cochlear implant recipients

WHY CART IS NOT EFFECTIVE FOR EVERY DEAF PERSON

- Deaf who communicate in ASL may not be able to use CART
 - American Sign Language (ASL) is not in English word order
 - CART requires proficient English reading skills
 - Many ASL users do not use their "voice" to speak...Cart is a one-way accommodation.

Understanding CART

- CART providers are specially trained in working with persons with hearing loss
- CART providers use computers and writing devices to display and create the text
- CART is a word-for-word (verbatim) speech-to-text translation service
- CART is a one-way communication service

UNDERSTANDING CART (cont.)

- Court reporters use the same equipment as CART providers
- CART is recognized as an appropriate accommodation under the Americans with Disabilities Act, but only for those deaf people for whom it is effective
- CART services can be provided in person or remotely

Hiring CART Providers

- Guidelines for providing CART in the courtroom and legal settings are found at <http://fcraonline.org/CART/>
- Certified CART Providers hold the CCP certification from the National Court Reporters Association
- Florida CCPs are listed at http://www.fccdhh.org/cart_locator

Thank you!

- Questions?
- Comments?
- Concerns ?