Interactions with Deaf and Hard of Hearing Individuals

XX.XX.01 PURPOSE

The San Francisco Police Department (SFPD) is dedicated to providing the highest level of service to all community members, including those who are deaf or hard of hearing. SFPD is required by Title II of the Americans with Disabilities Act (ADA) and the Rehabilitation Act of 1973 to communicate effectively with people who are Deaf or hard of hearing. Under the ADA, people who are Deaf or hard of hearing may not be excluded, segregated or denied services.

XX.XX.02 POLICY

It is SFPD’s policy that members, in the course of their official duties when encountering a Deaf or hard of hearing individual, shall provide free of charge a qualified interpreter or appropriate auxiliary aids to ensure effective communication. For individuals who are Deaf or hard of hearing and use American Sign Language (ASL), officers shall use their department-issued cell phone or other electronic device to obtain immediately an ASL video interpreter.

XX.XX.03 DEFINITIONS

A. Deaf or Hard of Hearing Individual – An individual who relies on visual system for communication instead of processing linguistic information through hearing, with or without amplification; also includes individuals who may have experienced loss of hearing because of age, illness or trauma.

B. American Sign Language (ASL) – American Sign Language, the primary language of many North Americans who are Deaf, is a complete, complex language with its own grammar and syntax that uses signs made by moving the hands combined with facial expressions and postures of the body.

C. Auxiliary Aids – Tools to help members communicate with Deaf or hard of hearing individuals. These aids include assistive listening devices, qualified interpreter services, written communications and materials, pads, pens, telecommunication devices for the Deaf (TDDs), videophones, and video remote interpreting devices (i.e., computers or tablets).

D. Qualified Interpreter – an individual who has been certified by the National Registry of Interpreters for the Deaf, and is able to interpret and translate effectively, accurately and impartially both receptively and expressively, using any necessary specialized vocabulary given the Deaf or hard of hearing individual’s
language skills and education. California Evidence Code section 754 mandates qualified interpreters for individuals who are Deaf or hard of hearing in civil and criminal cases. Evidence Code section 754 (k) states that a written or oral statement made by a deaf individual cannot be used against that individual unless the statement was made or elicited through a qualified interpreter.

1) For an individual who is Deaf or hard of hearing and uses American Sign Language for communication, the term "qualified interpreter" means a certified interpreter skilled in communicating in American Sign Language.

2) The term "qualified interpreter" encompasses relay interpreter teams, when such are necessary for effective communication.

E. **Certified Deaf Interpreter (CDI)** – CDIs are Deaf or hard of hearing individuals who are certified interpreters. They are particularly useful when the communication mode used by the Deaf consumer is unique, such as when they have minimal or limited communication skills or use signs that a hearing interpreter may not be familiar with (non-standard signs, "home" signs, a foreign sign language, regional signs, etc.).

F. **Relay Interpreter Teams** – Teams used to communicate with Deaf individuals who have very minimal language skills, even in ASL. The teams consist of a hearing ‘English to ASL’ interpreter (“hearing interpreter”) and a Certified Deaf Interpreter (CDI). The hearing interpreter interprets the spoken word to the CDI, who uses gestures, pantomime, drama and ASL to convey that information to the Deaf individual. The CDI and hearing interpreter may work together to understand a Deaf individual’s message, confer with each other to arrive at their best interpretation, and then convey that interpretation to the hearing party.

G. **Video Remote Interpreting (VRI)** – When in-person, on-site interpreter is not available, video remote interpreting is an interim solution that uses video conference technology (i.e. a computer with a webcam and internet connection or a member’s department-issued cell phone with video conferencing capacity) to access an ASL interpreter who can facilitate communication between a Deaf or hard-of-hearing individual and a hearing individual who are in the same location. VRIs are located at each district station. VRI is an interpreting service used by members to communicate with Deaf and hard of hearing individuals who use American Sign Language for short, same room conversations.

H. **Video Relay Service (VRS)** – Telecommunications relay service that enables individuals with hearing disabilities who use American Sign Language (ASL) to communicate with hearing people over Videophones in real-time, via a sign language interpreter. VRS allows Deaf and hard of hearing individuals to have access to the telephone system. VRS is not an interpreting service for members to communicate with Deaf and hard of hearing individuals.
I. Videophone – a device with a video camera that can perform bi-directional video and audio transmissions between people in real-time.

J. Exigent Circumstances – circumstances that require deviation from procedures, such as a threat to life, safety, or property, a fleeing suspect, or the potential loss or destruction of evidence.

**XX.XX.04 PROCEDURES**

A. Effective Communication: When encountering a Deaf or hard of hearing individual, members shall provide free of charge any method, including a qualified interpreter or appropriate auxiliary aids, preferred by the Deaf or hard of hearing individual to ensure effective communication. If the individual’s preferred method is not available, the officer shall document the reason the method was not available and the method the officer used to communicate with the Deaf or hard of hearing individual.

B. Same Level of Service: People who are Deaf or hard of hearing are entitled to the same level of services that are provided to hearing individuals.

C. Communication Tools: To effectively communicate with Deaf and hard of hearing individuals, members shall use one or a combination of the appropriate tools below:

1) Qualified interpreters (in person and through video conferencing)

2) Written communication (e.g., pen and paper)

3) TTY

4) Videophones

5) Text messaging

6) Any method most effective in light of exigent circumstances

7) Any method most effective as preferred by the Deaf or hard of hearing individual.

D. Notice of right to effective communication and determination of communication services: Members, who in the course of their official duties encounter an individual who is Deaf or hard of hearing shall immediately take the following steps:

1) Using the Communication Card (See Attachment A, SFPD Form XXX) (electronically on the officer’s department-issued cell phone or in hard copy
form), notify the individual that a qualified ASL interpreter or other auxiliary aids are available immediately free of charge.

2) Using the Communication Card, determine whether the individual uses sign language or other auxiliary aids to communicate.

3) Officers must defer to the individual’s expressed choices, unless there is another equally effective way of communicating, given the circumstances, length, complexity, and importance of the communication, as well as the communication skills of the individual who is Deaf or hard of hearing.

4) If the individual uses sign language, determine whether the individual uses American Sign Language.

5) If the individual uses American Sign Language (ASL), the member shall use their department-issued cell phone or other electronic device to obtain an ASL video interpreter immediately, absent exigent circumstances (see Section III (E)), if preferred by the Deaf or hard of hearing individual.

6) If the individual requests the use of written communication, the member shall provide a pad and pen/pencil or other method for written communication and shall communicate with the individual in writing. Written communication shall not be a substitute where the individual expressed a preference for a sign language interpreter.

7) The more lengthy, complex, and important the communication, the more likely that an in-person qualified interpreter will be required to communicate effectively with an individual whose primary means of communication is sign language. California Evidence Code section 754 mandates qualified interpreters for individuals who are Deaf or hard of hearing in civil and criminal cases. Evidence Code section 754 (k) states that a written or oral statement made by a deaf individual cannot be used against that individual unless the statement was made or elicited through a qualified interpreter.

8) Members shall review and use the suggestions for effective communication. (See Attachment B).

9) In conducting any criminal, traffic, or other investigation, no member shall rely solely on statements of others, without communicating effectively with a Deaf and hard of hearing individual, if the member would have communicated with a similarly situated individual who was not Deaf or hard of hearing.

10) Throughout the interaction, members will reassess communication effectiveness and will ask the Deaf or hard of hearing individual on a continuing basis what measures are required for effective communication. For example, while a video ASL interpreter accessed through a member’s department-issued cell phone may be an effective way to communicate with a
Deaf driver while checking the driver’s license and explaining the reason for stopping the driver, further questioning at a station may require an in-person interpreter. The member must reassess as the situation changes whether the individual requires a different auxiliary aid or service to ensure that effective communication is provided.

11) Lip Reading
   a. Do not assume that a Deaf individual reads lips. Even when a Deaf individual reads lips, only 25% of spoken language is visible on the lips.
   b. Deaf individuals may lose their “lip-reading” skills when under stress and trauma.

12) Video Relay Service (VSR) enables Deaf and hard of hearing individuals access to the telephone system. The Federal Communication Commission prohibits VRS use as a substitute for in-person interpretation or Video Remote Interpreting (VRI). Members shall not request a Deaf or hard of hearing person to use VRS on their phone or use VRS as an interpreting service.

E. Exigent Circumstances
1) When there is an exigency involving an immediate threat to the safety of the public or the officer and there is insufficient time to make available appropriate auxiliary aids or services, members may use whatever auxiliary aids or services most effective under the circumstances to communicate with individuals who are Deaf or hard of hearing, consistent with an appropriate law enforcement response to the threat. This may include, for example, exchanging written notes or using the services of an individual who knows sign language but who is not a qualified interpreter, during the exigency.

2) When the exigency has subsided, the member will provide the appropriate auxiliary aids and services consistent with this policy and will confirm or supplement the initial communication as soon as practical using the appropriate auxiliary aids and services.

F. Restrictions: Family members and other unqualified third parties shall not be interpreters
1) Officers shall not use family members, neighbors, friends, volunteers, bystanders or children to provide sign language interpretation unless exigent circumstances exist.

2) Family members and other third parties may not have the skill to interpret effectively. They may lack the vocabulary, impartiality or maturity to interpret effectively. Individuals with a rudimentary familiarity with sign language or finger spelling are not a “qualified sign language interpreter.” Individuals
fluent in sign language but who do 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 are not qualified sign language interpreters.

3) If an exigent circumstance requires an officer to use family members, neighbors, friends, volunteers, bystanders or children for initial interpretation, the officer shall seek the assistance of a qualified sign language interpreter to confirm or supplement the initial interpretation as soon as practical.

4) A family member may interpret where an interpreter is not required. For example, a passenger may interpret when a Deaf individual asks for traffic directions.

G. Routine Enforcement Actions
Unless exigent circumstances, members shall follow the notice and determination procedures set forth in Section III (D) when conducting routine enforcement actions such as a detention, traffic stop, search, an arrest or execution of a search warrant.

H. Handcuffing
When communicating with or relaying information to a Deaf or hard of hearing individual, such as during an interview or interrogation, and a member deems it necessary to handcuff the individual, members will, safety permitting, reasonably modify standard operating procedures and handcuff the individual with their hands in front to enable the individual to communicate using sign language or writing.

I. Consent
A member may not obtain consent to enter or to search from a Deaf or hard of hearing individual until the notice and determination procedures in Section III (D) have been followed, and a qualified interpreter, if required, has been provided. For consent searches of private residences, members are required to obtain explicit consent in writing or verbally. Written consent shall be documented using the Permission to Search Form (SFPD 468). Verbal consent shall be recorded using the Body Worn Camera and/or digital recorder. Written or verbal consent shall be obtained prior to conducting a consent search of a suspect’s residence.

J. Reportees, Victims, Witnesses or Complainants
1) Members shall follow the notice and determination procedures in Section III (D) to interview a reportee, victim, witness or complainant who is Deaf or hard of hearing. If a qualified interpreter is necessary to communicate effectively, the member shall request a qualified interpreter within an hour of contacting the reportee, victim, witness or complainant, unless exigent circumstances exist. The best method for effective communication is to have the qualified
interpreter, the interviewer/member and the deaf or hard of hearing individual in the same room.

2) If a qualified interpreter is not available to provide in-person interpretation services within two hours of the member’s request, members may use video interpreters through the member’s department-issued phone or other computer device. For lengthier interviews or those concerning felony conduct, officers shall, when feasible, access a video interpreter on a large screen device to better facilitate viewing of the interpreter. Members shall document the reason an in-person interpreter was not available and the method the officer used to communicate as required by Section III (A).

3) Members shall record the interview in accordance with Department General Order 10.11 (Body Worn Cameras).

K. Suspects
1) Members shall follow the notice and determination procedures in Section III (D) to interview or interrogate a suspect who is Deaf or hard of hearing.

2) Where a member seeks to interrogate a suspect, who is Deaf or hard of hearing, the notice and determination procedures outlined above must include notice to the suspect that the SFPD shall defer the interrogation pending the arrival of in-person qualified interpreter.

3) If it is determined, through the process outlined above, that a qualified interpreter is necessary to communicate effectively, members shall not interrogate, and shall not Mirandize, the suspect until a qualified interpreter has arrived. When the qualified interpreter arrives, the Miranda warning shall be administered through the qualified interpreter.

4) Members shall record the interview, including the Miranda warning.

L. Detentions, Pat Searches, Arrests, Charging and Booking Information
1) Detentions - In circumstances where a member, without communicating with the individual, has a reasonable suspicion that justifies a detention, the member may conduct a detention of a Deaf or hard of hearing individual, without first following the notice and determination procedures of Section III (D).

   a. If, following the stop, the member wishes to question the suspect who is Deaf or hard of hearing, the member must provide the notice and determination procedures of Section III (D) immediately.

   b. If, following the detention, the individual is free to go without any further communication, the notice and determination procedures of Section III (D) need not be followed, unless the Deaf or hard of hearing individual indicates a desire to communicate further. In that instance, members shall
follow the notice and determination procedures of Section III (D), use a video ASL interpreter, if the individual communicates through an ASL interpreter. The member shall also inform the detainee that the detainee is free to go.

2) Pat searches - In circumstances where a member, without communicating with the individual, has a reasonable suspicion that the individual is armed and dangerous, the member may conduct a pat search of a Deaf or hard of hearing individual without first following the notice and determination procedures in Section III (D).

a. If following the pat search, the member wishes to question the suspect who is Deaf or hard of hearing, the member must provide the notice and determination procedures of Section III (D) immediately.

b. If, following the pat search, the individual is free to go without any further communication, the notice and determination procedures of Section III (D) need not be followed, unless the Deaf or hard of hearing individual indicates a desire to communicate further. In that instance, members shall follow the notice and determination procedures of Section III (D) and use a video ASL interpreter, if necessary.

3) Stations - Upon taking an individual who is Deaf or hard of hearing as a detainee or arrestee to a station, the member shall follow the notice and determination procedures of Section III (D) immediately.

a. Information - Information generally provided to detainees or arrestees at the stations shall be communicated effectively and promptly to detainees or arrestees who are Deaf or hard of hearing. This information includes, but is not limited to the notice of the right to counsel, the nature of the charges, the right to a telephone call, the procedure for posting bond or obtaining release, or any other information that is generally provided to detainees or arrestees in similar circumstances. This information shall be provided to the detainee or arrestee who is deaf or hard of hearing immediately. In circumstances requiring an in-person interpreter, such services shall be requested no later than one hour after arrest or detention unless exigent circumstances exist. If an in-person interpreter is not available within two hours, officers shall use alternate communication tools as described in Section III (C) and document the reason the method was not available and the method the officer used to communicate as required by Section III (A).

b. Phone Access - In instances where hearing individuals would be permitted a telephone call at a district station, including the right pursuant to Penal Code section 851.5 to make at least three completed phone calls no later
than three hours after arrest, members shall provide individuals who are Deaf or hard of hearing with their choice of an operable TTY or Videophone to enable them to place a telephone call with the same degree of independence and privacy that would be permitted to similarly situated individuals absent any hearing disability.

c. Holding Cells - Pursuant to San Francisco Police Department’s Booking and Detention Manual, Deaf or hard of hearing individuals shall not be detained in district station holding cells.

M. Signage
At all district stations and any other SFPD building open to the public, SFPD will post conspicuous signs in public areas advising individuals who are Deaf or hard of hearing the availability of auxiliary aids and services, including qualified interpreters, free of charge. The posted signs will include the International Symbol for Hearing Loss, the International Symbol for TTYs, and a sign to indicate the availability of sign language interpreters:

![Signage Images]

N. Documentation
1) Whenever a member prepares an incident report involving a Deaf or hard of hearing individual, the member shall include in the incident report the manner in which the member and the Deaf or hard of hearing individual communicated and if an interpreter was used, the name of the interpreter, the manner in which the interpreter provided assistance (i.e. American Sign Language), and whether the interpreter was in person or off-site through video conferencing.

2) In a yearly report to the Police Commission, the Department shall provide data concerning 1) the number of calls for service, contacts and investigations involving Deaf and hard of hearing individuals where an incident report was required; 2) the manner in which services were provided; 3) any complaints involving interactions between SFPD officers and Deaf or hard of hearing individuals; and the Department’s resolution to these complaints. This data can be reported in the same yearly report that SFPD is required to provide concerning LEP data and services pursuant to Department General Order 5.20 Section (III)(O)(3).
O. Liaison Officers
The Chief, through the Commander of the Community Engagement Division and the Language Liaison officer, shall appoint at least two officers at each district station and SFPD Units and Divisions with public contact, to be responsible for providing assistance to Deaf and hard of hearing individuals in their interactions with police officers, monitoring compliance with this General Order, coordinating training on deaf and hard of hearing issues at the Academy and at the station, meeting with the Department of Police Accountability, Mayor's Office of Disability and community groups to discuss and resolve complaints arising from police interactions with Deaf and hard of hearing individuals, assisting officers to resolve communication needs involving Deaf and hard of hearing individuals, and ensuring that information about SFPD's services for Deaf and hard of hearing individuals are available at the stations, on the Department's website, and at community events.

P. Language Liaison Officer's duties to Include Services for the Deaf and Hard of Hearing Individuals
The Department shall designate the responsibilities of the Language Access Liaison officer established through Department General Order 5.20 to include addressing services, training, data collection, reporting, and outreach concerning police interactions with Deaf and hard of hearing individuals.

Q. Training
The Language Liaison officer in partnership with the designated officers described in Section III (O) shall develop training to implement this Department General Order, including the ADA requirements regarding effective communication with individuals who are Deaf or hard of hearing. The training will incorporate scenarios and be sufficiently practice-oriented to enable members to effectively implement all provisions of this DGO, including how to identify and provide the appropriate communication tools and work with an on-site and off-site interpreters. This training shall be provided to all SFPD members at least every two years. Initial training shall be provided within 120 days of the Police Commission's adoption of this General Order.
Hello, I am...

DEAF  Hard Of Hearing

The best way to communicate with me is...

Interpreter  Captioning  Writing

Lip-Reading  I Can't Lip-Read  Assistive Listening Device

Point to what you need...

Directions  Car Tow  Hospital

- HELP -

Gas Station  Flat Tire Help  Medication

Can I See Your...

Driver's License  Registration  Insurance

- Do Not Have -

Wait Here Please...

Reason I Stopped You:

- Other -

You Are Being:

Warned  Ticketed  Arrested

Free To Go
ATTACHMENT B

SUGGESTIONS FOR COMMUNICATING EFFECTIVELY WITH PEOPLE WHO ARE DEAF OR HARD OF HEARING

• Before speaking, get the individual’s attention with a wave of the hand or a gentle tap on the shoulder.
• Identify yourself.
• Attempt to speak in a well-lit area.
• Face the individual and do not turn away while speaking.
• Do not cover your mouth or chew gum.
• If an individual is wearing a hearing aid, do not assume the individual can hear you.
• Minimize background noise and other distractions whenever possible.
• When you are communicating orally, speak slowly and distinctly. Use gestures and facial expressions to reinforce what you are saying.
• Use visual aids when possible, such as pointing to printed information on a citation or other document.
• Remember that only about one third of spoken words can be understood by lip-reading.
• When communicating by writing notes, keep in mind that some individuals who use sign language may lack good English reading and writing skills.
• If someone with a hearing disability cannot understand you, write a note to ask what communication aid or service is needed.
• If a sign language interpreter is requested, be sure to ask which language the individual uses. American Sign Language (ASL) and Signed English are the most common.
• When you are interviewing a witness or a suspect or engaging in any complex conversation with an individual whose primary language is sign language, a qualified interpreter is usually needed to ensure effective communication.
• Talk at your normal rate, or slightly slower if you normally speak very fast.
• Only one individual should speak at a time.

WORKING WITH A SIGN INTERPRETER

• Qualified sign language interpreters are professionals bound by a Code of Ethics. Their role is to ensure that all information is understood and accurate.
• Speak directly to the Deaf or hard of hearing individual, NOT the interpreter. Avoid saying to the interpreter, “tell him” or “ask her.”
• Speak at a normal pace and volume.
• Do not speak privately to the interpreter in the presence of the Deaf individual.
• Interpreters will interpret everything you say. Do not have side conversations or whispers.
• An interpreter may interject for clarification or corrections.
• Provide the interpreter with any written materials that will be used prior to the appointment.
Interactions with Deaf and Hard of Hearing Individuals

XX.XX.01
PURPOSE

The San Francisco Police Department (SFPD) is dedicated to providing the highest level of service to all community members, including those who are deaf or hard of hearing. People who are deaf or hard of hearing are entitled to the same level of services that are provided to hearing individuals. It is estimated that up to nine percent of the population has some degree of hearing loss, and this percentage will increase as the population ages. Deaf or hard of hearing individuals may be criminal suspects, arrestees, crime victims, persons in need of assistance, or witnesses. Under federal and state law, including SFPD is required by Title II of the Americans with Disabilities Act of 1990 (ADA), and Section 504 of the Rehabilitation Act of 1973, and California Government Code section 11135, provide that SFPD shall to communicate effectively with people who are deaf or hard of hearing and----Deaf or hard of hearing individuals may be criminal suspects, arrestees, crime victims, or persons in need of assistance, or witnesses. Under the ADA state and federal law, people who are deaf or hard of hearing may not be subject to unlawful discrimination, or excluded, segregated or denied services or be subject to discrimination.

XX.XX.02
POLICY

It is SFPD's policy that members, in the course of their official duties when encountering a deaf or hard of hearing individual, shall provide free of charge a qualified interpreter or appropriate auxiliary aids as needed to ensure effective communication. For individuals who are deaf or hard of hearing and use American Sign Language (ASL), officers shall use their department-issued cell phone or other electronic device to obtain immediately an ASL video interpreter or make available a live SFPD interpreter.

In addition, Consistent with DGO 5.17, Bias-Free Policing, Section II.B., SFPD remains committed to public service that is not only impartial and, but does not foster free from a perception of bias.

XX.XX.03
DEFINITIONS

A. Deaf or Hard of Hearing Individual—An individual who relies on visual system for communication instead of processing linguistic information through hearing, with or without amplification; also includes individuals who may have experienced loss of hearing because of age, illness or trauma.

B. Deaf-Blind Individual—A person who is both deaf and has significant vision loss. Such individuals may best communicate by Tactile or Tactile or Low Light.
San Francisco Police Department

GENERAL ORDER

Interpreting (see Definition 1 below).

C. American Sign Language (ASL) – American Sign Language, the primary language of many North Americans who are Deaf, is a complete, complex language with its own grammar and syntax that uses signs made by moving the hands combined with facial expressions and postures of the body...

D. Signed English – A form of communication employing the signs of American Sign Language but using English grammar in place of ASL syntax and using invented forms for English grammatical elements, such as of, to, the, and -ing, where no ASL sign exists.

E. Lip Reading – Lip reading takes into account inferences drawn only from the speaker’s lips.

F. Speech Reading – Speech reading takes into account all other non-verbal communications that go along with speech (gestures, facial expressions and so forth).

G. Auxiliary Aids – Tools to help members communicate with Deaf or hard of hearing individuals. These aids include assistive listening devices, qualified interpreter services, written communications and materials, pads, pens, gestures, telecommunication devices for the Deaf (TDDs), videophones, and video remote interpreting devices (i.e., computers or tablets).

H. Qualified Interpreter – an individual who has been certified by the National Registry of Interpreters for the Deaf, and is able to interpret and translate effectively, accurately and impartially both receptively and expressively, using any necessary specialized vocabulary (including basic law enforcement terminology), given the Deaf or hard of hearing individual’s

Commented [Comment3]: If SFPD is defining ASL we recommend that you define Signed English based on use of both terms in the policy. There may be a better definition and cite, but this one is from dictionary.com that works.
language skills and education. Because a qualified interpreter must be able to interpret impartially, a family member, child, or friend of the individual who is deaf may not be qualified to render the necessary interpretation because of factors such as professional, emotional, or personal involvement, or considerations of confidentiality. California Evidence Code section 754 mandates qualified interpreters for individuals who are Deaf or hard of hearing in civil and criminal cases. Evidence Code section 754 (k) states that a written or oral statement made by a deaf individual cannot be used against that individual unless the statement was made or elicited through a qualified interpreter.

1) For an individual who is Deaf or hard of hearing and uses American Sign Language for communication, the term "qualified interpreter" means a certified interpreter skilled in communicating in American Sign Language or Signed English.

2) The term "qualified interpreter" encompasses relay interpreter teams, when such are necessary for effective communication.

E. I. Certified Deaf Interpreter (CDI) – CDIs are Deaf or hard of hearing individuals who are certified interpreters. They are particularly useful when the communication mode used by the Deaf consumer is unique, such as when they have minimal or limited communication skills or use signs that a hearing interpreter may not be familiar with (non-standard signs, "home" signs, a foreign sign language, regional signs, etc.).

F. J. Relay Interpreter Teams – Teams used to communicate with Deaf individuals who have very minimal language skills, even in ASL. The teams consist of a hearing "English to ASL" interpreter ("hearing interpreter") and a Certified Deaf Interpreter (CDI). The hearing interpreter interprets the spoken word to the CDI, who uses gestures, pantomime, drama and ASL to convey that information to the Deaf individual. The CDI and hearing interpreter may work together to understand a Deaf individual's message, confer with each other to arrive at their best interpretation, and then convey that interpretation to the hearing party.

G. K. Video Remote Interpreting (VRI) – When in-person, on-site interpreter is not available, video remote interpreting is an interim solution that uses video conference technology (i.e. a computer with a webcam and internet connection or a member’s department-issued cell phone with video conferencing capacity) to access an ASL interpreter who can facilitate communication between a Deaf or hard-of-hearing individual and a hearing individual who are in the same location. VRIs are located at each district station. VRI is an interpreting service used by members to communicate with Deaf and hard of hearing individuals who use American Sign Language for short, same room conversations.

H. L. Video Relay Service (VRS) – Telecommunications relay service that enables individuals with hearing disabilities who use American Sign Language (ASL) to...
communicate with hearing people over Videophones in real-time, via a sign language interpreter. VRS allows Deaf and hard of hearing individuals to have access to the telephone system. VRS is not an interpreting service for members to communicate with Deaf and hard of hearing individuals.
1. Videophone—a device with a video camera that can perform bi-directional video and audio transmissions between people in real-time.

N. Exigent Emergency Situations—Circumstances that would cause a reasonable person to believe that there is an emergency situation requiring swift action to prevent imminent danger to the safety of an individual or serious damage to property, or to forestall the imminent escape of a suspect, or destruction of evidence. Exigent circumstances are exceptions to the general requirement of a warrant under the Fourth Amendment when conducting a search or seizure.

O. Tactile and Low Light Interpreting—communication with a deaf or hard of hearing individual who is also vision impaired. Tactile interpreting involves the individual feeling the interpreter's hands while the interpreter signs or finger-spells. Low light interpreting may be used with individuals who can see signs, but only at very close range with added illumination, such as lighting the interpreter's face and hands.

DGO XX.XX
Eff. 06/11/19

XX.XX.04
PROCEDURES

A. Equivalent Level of Service: People who are Deaf or hard of hearing are entitled to the same level of services that are provided to hearing individuals.

B. Effective Communication: When encountering a Deaf or hard of hearing individual, members shall provide free of charge any method, including a qualified interpreter or appropriate auxiliary aids, preferred by the Deaf or hard of hearing individual to ensure effective communication.

j. Members shall use the individual's preferred method unless:

a. The individual's preferred method is not available;

b. The individual's preferred method would cause a significant undue burden, given the circumstances, length, complexity, and importance of the communication, as well as the communication skills of the individual who is Deaf or hard of hearing and another equally effective way of communicating is available.
c. An emergency situation does not permit the use of the individual's preferred method, as described in Section IV(D); or

d. The individual's preferred method is for family members, neighbors, friends, volunteers, bystanders or children to provide sign language interpretation, as described in Section IV(E).

2) The more lengthy, complex, and important the communication, the more likely that an in-person qualified interpreter will be required to communicate effectively with an individual whose preferred method of communication is sign language.

3) If the individual's preferred method is not available, the officer shall document the reason the preferred method was not available and identify the method the officer used to communicate with the Deaf or hard of hearing individual.

Officers must defer to the individual’s expressed choices, unless there is another equally effective way of communicating, given the circumstances, length, complexity, and importance of the communication, as well as the communication skills of the individual who is Deaf or hard of hearing.

A. Same Equivalent Level of Service: People who are Deaf or hard of hearing are entitled to the same level of services that are provided to hearing individuals.

B-C. Communication Tools: To effectively communicate with Deaf and hard of hearing individuals, members shall use any method most effective as preferred by the Deaf or hard of hearing individual or, if the preferred method is unavailable, used under the circumstances described in Section IV(B)(1), one or more combination of the appropriate tools below:

1) Qualified interpreters (in person and through video conferencing)

2) Written communication (e.g., pen and paper)

3) Qualified interpreters (in person and through video conferencing)

4) Text messaging

5) Videophones

6) Any method most effective in light of exigent circumstances or an emergency situation

D. Emergency Situations

1) When there is an emergency situation involving an immediate threat to the
safety of the public or the officer and there is insufficient time to make available appropriate auxiliary aids or services, members may use whatever auxiliary aids or services most effective under the circumstances to communicate with individuals who are Deaf or hard of hearing, consistent with an appropriate law enforcement response to the threat. This may include, for example, exchanging written notes or using the services of an individual who knows sign language but who is not a qualified interpreter, during the emergency situation.

2) When the emergency situation has subsided, the member will provide the appropriate auxiliary aids and services consistent with this policy and will confirm or supplement the initial communication as soon as practical using the appropriate auxiliary aids and services.

E. Restrictions: Family members, friends, and other unqualified third parties shall not be interpreters absent emergency situations.

1) Officers shall not use family members, neighbors, friends, volunteers, bystanders or children to provide sign language interpretation unless an emergency situation exists.

2) Family members and other third parties may not have the skill to interpret effectively. They may lack the vocabulary, impartiality or maturity to interpret effectively. Individuals with only a rudimentary familiarity with sign language or finger spelling are not a “qualified sign language interpreter.” Individuals
fluent in sign language but who do 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 are not qualified sign language interpreters.

3) If an emergency situation requires an officer to use family members, neighbors, friends, volunteers, bystanders or children for initial interpretation, the officer shall seek the assistance of a qualified sign language interpreter to confirm or supplement the initial interpretation as soon as practical.

4) A family member may interpret where an interpreter is not required. For example, a passenger may interpret when a Deaf individual asks for traffic directions. Any method most effective as preferred by the Deaf or hard of hearing individual.

C.F. Notice of right to effective communication and determination of communication services: Members, who in the course of their official duties encounter an individual who is Deaf or hard of hearing shall immediately take the following steps:

1) Using the Communication Card (See Attachment A, SFPD Form XXX) (electronically on the officer’s department-issued cell phone or in hard copy

Commented [Comment8]: Reference two-hour rule from Section 1 (5).

Commented [Comment9]: Perhaps include a few more examples that would be common and acceptable. What if the individual prefers the family member and will not communicate with an interpreter.

Commented [Comment10]: Does an officer have any duty to notify dispatch or a supervisor. That may be good practice in certain contexts, such as when detaining an individual, questioning a suspect, or interviewing a victim so that SFPD knows what the officer is doing for purposes of providing any necessary support, supervision, and clearance from other call duties to handle the communication.

For example the Charlotte-Mecklenburg PD policy (CMPD manual at pdf pages 526-27) contains this provision:

"If the officer believes that a person he or she has arrested is deaf, the officer shall notify Communications that a qualified and licensed interpreter is needed. The type of aid or service requested by the person with the hearing disability must be given primary consideration"

Commented [Comment11]: If there are any dispatch protocols, they should be cross-referenced here. To the extent needed, those protocols should also be updated.
form), notify the individual that a qualified ASL interpreter or other auxiliary aids are available immediately free of charge.

2) Using the Communication Card, determine whether the individual uses sign language or other auxiliary aids to communicate.

3) Officers must defer to the individual's expressed choices, unless there is another equally effective way of communicating, given the circumstances, length, complexity, and importance of the communication, as well as the communication skills of the individual who is Deaf or hard of hearing.

4) If the individual uses sign language, determine whether the individual uses American Sign Language.

5) If the individual uses American Sign Language (ASL), the member shall use their department-issued cell phone or other electronic device to obtain an ASL video interpreter immediately, absent exigent circumstances (see Section 44 Civ. Proc. Code § 14404(d)), if preferred by the Deaf or hard of hearing individual.

6) If the individual requests the use of written communication, the member shall provide a pad and pen/pencil or other method for written communication and shall communicate with the individual in writing. Written communication shall not be a substitute where the individual expressed a preference for a sign language interpreter.

7) The more lengthy, complex, and important the communication, the more likely that an in-person qualified interpreter will be required to communicate effectively with an individual whose primary means of communication is sign language.

8) California Evidence Code section 754 mandates qualified interpreters for individuals who are Deaf or hard of hearing in civil and criminal cases. Evidence Code section 754(k) states that a written or oral statement made by a deaf individual cannot be used against that individual unless the statement was made or elicited through a qualified interpreter.

9) Members shall review and use the suggested guidelines for effective communication. (See Attachment B).

10) In conducting any criminal, traffic, or other investigation, no member shall rely solely on statements of others, without communicating effectively with a Deaf and hard of hearing individual, if the member would have communicated with a similarly situated individual who was not Deaf or hard of hearing.

11) Throughout the interaction, members will reassess communication effectiveness and will ask the Deaf or hard of hearing individual on a continuing basis what measures are required for effective communication.
example, while a video ASL interpreter accessed through a member's department-issued cell phone may be an effective way to communicate with a
Deaf driver while checking the driver’s license and explaining the reason for stopping the driver, further questioning at a station may require an in-person interpreter. The member must reassess as the situation changes whether the individual requires a different auxiliary aid or service to ensure that effective communication is provided.

4400 Lip / Speech Reading
a. Do not assume that a Deaf or hard of hearing individual reads lips. Even when a Deaf individual reads lips, only 25% of spoken language is visible on the lips.

b. Individuals may lose their “lip- or speechreading” skills when may diminish for a variety of reasons, including under stress, trauma, sleep deprivation, or the influence of alcohol or medication.

111 Video Relay Service (VRS) enables Deaf and hard of hearing individuals access to the telephone system. The Federal Communication Commission prohibits VRS use as a substitute for in-person interpretation or Video Remote Interpreting (VRI). Members shall not request a Deaf or hard of hearing person to use VRS on their phone or use VRS as an interpreting service.

122 Except in circumstances described in this Department General Order, members should follow the notice and determination procedures described above in all circumstances involving an individual who is Deaf or hard of hearing, including when:

a. interviewing a reportee, victim, witness or complainant;
b. interviewing or interrogating a criminal suspect;
c. conducting routine enforcement actions such as a detention, traffic stop, search, an arrest or execution of a search warrant;
d. questioning a suspect following a detention or a pat search; and
e. taking a detainee or arrestee to a station.

D. Exigent Circumstances
1. When there is an exigency involving an immediate threat to the safety of the public or the officer and there is insufficient time to make available appropriate auxiliary aids or services, members may use whatever auxiliary aids or services most effective under the circumstances to communicate with individuals who are Deaf or hard of hearing, consistent with an appropriate law enforcement response to the threat. This may include, for example, exchanging written notes or using the services of an individual who knows sign language but who is not a qualified interpreter, during the exigency.
2) When the exigency has subsided, the member will provide the appropriate auxiliary aids and services consistent with this policy and will confirm or supplement the initial communication as soon as practical using the appropriate auxiliary aids and services.

E. Restrictions: Family members, friends, and other unqualified third parties shall not be interpreters absent exigent circumstances:

1) Officers shall not use family members, neighbors, friends, volunteers, bystanders or children to provide sign language interpretation unless exigent circumstances exist.

2) Family members and other third parties may not have the skill to interpret effectively. They may lack the vocabulary, impartiality or maturity to interpret effectively. Individuals with only a rudimentary familiarity with sign language or finger spelling are not a "qualified sign language interpreter." Individuals
fluent in sign language but who do 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 are not qualified sign language interpreters.

3) If an exigent circumstance requires an officer to use family members, neighbors, friends, volunteers, bystanders or children for initial interpretation, the officer shall seek the assistance of a qualified sign language interpreter to confirm or supplement the initial interpretation as soon as practical.

4) A family member may interpret where an interpreter is not required. For example, a passenger may interpret when a Deaf individual asks for traffic directions.

F. Routine Enforcement Actions

Unless absent exigent circumstances, members shall follow the notice and determination procedures set forth in Section III (D) when conducting routine enforcement actions such as a detention, traffic stop, search, an arrest or execution of a search warrant.

G. Handcuffing

When communicating with or relaying information to a Deaf or hard of hearing individual, such as during an interview or interrogation, and a member deems it necessary to handcuff the individual, members will, safety permitting, reasonably modify standard operating procedures and handcuff the individual with their hands in front to enable the individual to communicate using sign language or writing.

H. Consent

A member may not obtain consent to enter or to search from a Deaf or hard of hearing individual until the notice and determination procedures in Section III IV(D) have been followed, and a qualified interpreter, if required, has been provided. For consent searches of private residences, members are required to obtain explicit consent in writing or verbally. Written consent shall be documented using the Permission to Search Form (SFPD 468). Verbal consent shall be recorded using the Body Worn Camera and/or digital recorder. Written or verbal consent shall be obtained prior to conducting a consent search of a suspect’s residence.

I. Reportees, Victims, Witnesses or Complainants

1) Members shall follow the notice and determination procedures in Section III 311(D) to interview a reportee, victim, witness or complainant who is Deaf or hard of hearing. If a qualified interpreter is necessary to communicate effectively, the member shall request a qualified interpreter within an hour of contacting the reportee, victim, witness or complainant, unless an emergency situation exists. The best method for effective communication is to have the qualified
interpreter, the interviewer/member and the deaf or hard of hearing individual in the same room.

**42** If a qualified interpreter is not available to provide in-person interpretation services within two hours of the member’s request, members may use video interpreters through the member’s department-issued phone or other computer device. For lengthier interviews or those concerning felony conduct, officers shall, when feasible, access a video interpreter on a large screen device to better facilitate viewing of the interpreter. Members shall document the reason an in-person interpreter was not available and the method the officer used to communicate as required by Section III-J-(AB).3.

**43** Members shall record the interview in accordance with Department General Order 10.11 (Body Worn Cameras).

### J. Suspects of Crime

1) Members shall follow the notice and determination procedures in Section III (D) to interview or interrogate a criminal suspect who is Deaf or Hard of Hearing.

2) If it is determined, through the notice and determination procedures outlined above, that a qualified interpreter is necessary to communicate effectively with a criminal suspect who is Deaf or Hard of Hearing and a member wishes to interrogate the criminal suspect, members must not interrogate the suspect or administer Miranda warnings to the suspect until a qualified interpreter has arrived. Further, members must provide notice to the suspect that the SFPD shall defer the interrogation pending the arrival of an in-person qualified interpreter.

3) When the qualified interpreter arrives, the Miranda warning shall be administered to the criminal suspect through the qualified interpreter. Where a member seeks to interrogate a criminal suspect, who is Deaf or Hard of Hearing, the notice and determination procedures outlined above must include notice to the suspect that the SFPD shall defer the interrogation pending the arrival of an in-person qualified interpreter.

4) If it is determined, through the process outlined above, that a qualified interpreter is necessary to communicate effectively, members shall not interrogate and shall not administer Miranda warnings to the suspect until a qualified interpreter has arrived. When the qualified interpreter arrives, the Miranda warning shall be administered to the criminal suspect through the qualified interpreter.

5) Members shall record the interview, including the issuance of the Miranda warning.

### K. Detentions, Pat Searches, Arrests, Charging and Booking Information

1) Detentions and Pat Searches - In circumstances where a member, without communicating with the deaf or hard of hearing individual, has a reasonable suspicion that justifies a detention or a pat search, consistent with DGO 5.03.
the member may conduct a detention or a pat search, respectively, of a Deaf or hard of hearing individual, without first following the notice and determination procedures of Section IV(F) Section III (D).

a. If, following the stop/detention, the member wishes to question the suspect who is Deaf or hard of hearing, the member must provide the notice and determination procedures of Section III (D) immediately.

b. If, following the detention or pat search, the individual is free to go without any further communication, the notice and determination procedures of Section IV(F) Section III (D) need not be followed, unless the Deaf or hard of hearing individual indicates a desire to communicate further. In that instance, members shall
follow the notice and determination procedures of Section IV(F) Section III (D), use a video ASL interpreter, if the individual communicates through an ASL interpreter. The member shall also inform an individual who was detained that the individual is free to go, the detainee that the detainee is free to go.

3) Pat searches – In circumstances where a member, without communicating with the deaf or hard of hearing individual, has a reasonable suspicion that the individual is armed and dangerous, the member may conduct a pat search of the Deaf or hard of hearing individual without first following the notice and determination procedures in Section III (D).

a. If following the pat search, the member wishes to question the suspect who is Deaf or hard of hearing, the member must provide the notice and determination procedures of Section III (D) immediately.

b. If, following the pat search, the deaf or hard of hearing individual is free to go without any further communication, the notice and determination procedures of Section III (D) need not be followed, unless the Deaf or hard of hearing individual indicates a desire to communicate further. In that instance, members shall follow the notice and determination procedures of Section III (D) and use a video ASL interpreter, if necessary.

32) Stations – Upon taking an individual who is Deaf or hard of hearing as a detainee or arrestee to a station, the member shall follow the notice and determination procedures of Section III (D) immediately.

a. Information – Information generally provided to detainees or arrestees at the stations shall be communicated effectively and promptly to detainees or arrestees who are Deaf or hard of hearing. This information includes, but is not limited to:

- the notice of the right to counsel,
- the nature of the charges,
- the right to a telephone call,
- the procedure for posting bond or obtaining release, or
- any other information that is generally provided to detainees or arrestees in similar circumstances.

This information shall be provided to the detainee or arrestee who is deaf or hard of hearing immediately.

Members should also seek information from the arrestees or detainees concerning any medical issues or medication needs.
In circumstances requiring an in-person interpreter, such services shall be requested no later than one hour after arrest or detention unless exigent emergency circumstances exist. If an in-person interpreter is not available within two hours, officers shall use alternate communication tools as described in Section 14-1V(E) and document the reason the method was not available and the method the officer used to communicate as required by Section 14-1V(GA)(2).

Phone Access - In instances where hearing individuals would be permitted a telephone call at a district station, including the right pursuant to Penal Code section 851.5 to make at least three completed phone calls no later
than three hours after arrest, members shall provide individuals who are Deaf or hard of hearing with their choice of an operable TTY or Videophone to enable them to place a telephone call with the same degree of independence and privacy that would be permitted to similarly situated individuals absent any hearing disability.

b-g. Holding Cells - Pursuant to San Francisco Police Department's Booking and Detention Manual, Deaf or hard of hearing individuals shall not be detained in district station holding cells.

I. Signage
At all district stations and any other SFPD building open to the public, SFPD will post conspicuous signs in public areas advising individuals who are Deaf or hard of hearing the availability of auxiliary aids and services, including qualified interpreters, free of charge. The posted signs will include the International Symbol for Hearing Loss, the International Symbol for TTYs, and a sign to indicate the availability of sign language interpreters.

M. Documentation
1) Whenever a member prepares an incident report involving a Deaf or hard of hearing individual, the member shall include in the incident report the manner in which the member and the Deaf or hard of hearing individual communicated and if an interpreter was used, the name of the interpreter, the manner in which the interpreter provided assistance (i.e. American Sign Language), and whether the interpreter was in person or off-site through video conferencing.

2) In a yearly report to the Police Commission, the Department shall provide data concerning 1) the number of calls for service, contacts and investigations involving Deaf and hard of hearing individuals where an incident report was required; 2) the manner in which services were provided; 3) any complaints involving interactions between SFPD officers and Deaf or hard of hearing individuals; and the Department's resolution to these complaints. This data can be reported in the same yearly report that SFPD is required to provide concerning LEP data and services pursuant to Department General Order 5.20 Section (III)(O)(3).

Commented [Comment23]: Add RTT if used
Commented [Comment24]: Cal DOJ recommends that SFPD cite the appropriate section of the manual.
Commented [Comment25]: Perhaps these names should be noted under each symbol for clarity.
Commented [Comment26]: We should check this to see how they plan on collecting this data.
Commented [Comment27]: This DGO does not explain how SFPD plans on collecting this data.


Is this an error? If not, could you please clarify?
N. **Liaison Officers**

The Chief, through the Commander of the Community Engagement Division and the Language Liaison officer, shall appoint at least two officers at each district station and SFPD Units and Divisions with public contact, to be responsible for providing assistance to Deaf and hard of hearing individuals in their interactions with police officers, monitoring compliance with this General Order and related policies, coordinating training on deaf and hard of hearing issues at the Academy and at the station, meeting with the Department of Police Accountability, Mayor’s Office of Disability and community groups to discuss and resolve complaints arising from police interactions with Deaf and hard of hearing individuals, assisting officers to resolve communication needs involving Deaf and hard of hearing individuals, and ensuring that information about SFPD’s services for Deaf and hard of hearing individuals are available at the stations, on the Department’s website, and at community events.

O. **Language Liaison Officer’s duties to Include Managing Services for the Deaf and Hard of Hearing Individuals**

The Department shall designate the responsibilities of the Language Access Liaison officer established through Department General Order 5.20 to include addressing services, training, data collection, reporting, and outreach concerning police interactions with Deaf and hard of hearing individuals.

P. **Training**

The Language Liaison officer in partnership with the designated officers described in Section H-H1V(O) shall develop training to implement this Department General Order, including the ADA requirements regarding effective communication with individuals who are Deaf or hard of hearing. The training will incorporate scenarios and be sufficiently practice-oriented to enable members to effectively implement all provisions of this DGO, including how to identify and provide the appropriate communication tools and work with on-site and off-site interpreters. This training shall be provided to all SFPD members at least every two years. Initial training shall be provided within 120 days of the Police Commission’s adoption of this General Order.
Hello, I am... 

DEAF  Hard Of Hearing

The best way to communicate with me is...

 Interpreter  Captioning  Writing

Lip-Reading  I Can't Lip-Read  Assistive Listening Device

Point to what you need...

Directions  Car Tow  Hospital

Can I See Your...

Driver's License  Registration  Insurance

- Do Not Have -

Wait Here Please...

Reason I Stopped You:

- Other -

You Are Being:

Warned  Ticketed  Arrested

Free To Go
ATTACHMENT B

SUGGESTIONS/GUIDELINES FOR COMMUNICATING EFFECTIVELY WITH PEOPLE WHO ARE DEAF OR HARD OF HEARING

- Before speaking, get the individual’s attention with a wave of the hand or a gentle tap on the shoulder—keeping in mind the desire to avoid unnecessarily frightening the individual.
- Identify yourself.
- Attempt to speak in a well-lit area.
- Face the individual and do not turn away while speaking.
- Do not cover your mouth or chew gum.
- If an individual is wearing a hearing aid, do not assume the individual can hear you.
- Minimize background noise and other distractions whenever possible.
- When you are communicating orally, speak slowly and distinctly. Use gestures and facial expressions to reinforce what you are saying.
- Use visual aids when possible, such as pointing to printed information on a citation or other document.
- Do not assume that a Deaf or hard of hearing individual reads lips. Remember that only about one third of spoken words can be understood by lip-reading.
- When communicating by writing notes, keep in mind that some individuals who use sign language—may not be proficient in reading and writing English, lack good English-reading and writing skills.
- If someone with a hearing disability cannot understand you, write a note to ask what communication aid or service is needed.
- If a sign language interpreter is requested, be sure to ask which language the individual uses. American Sign Language (ASL) and Signed English are the most common.
- When you are interviewing a witness or a suspect or engaging in any complex conversation with an individual whose primary language is sign language, a qualified interpreter is usually needed to ensure effective communication.
- Talk at your normal rate, or slightly slower if you normally speak very fast.
- Only one individual should speak at a time.

WORKING WITH A SIGN INTERPRETER

- Qualified sign language interpreters are professionals bound by a Code of Ethics. Their role is to ensure that all information is understood and accurate.
- Speak directly to the Deaf or hard of hearing individual, NOT the interpreter. Avoid saying to the interpreter, “tell them” “him” or “her.”
- Only one individual should speak at a time.
- Speak at a normal pace and volume.
- Do not speak privately to the interpreter in the presence of the Deaf individual.
- Interpreters will interpret everything you say. Do not have side conversations or whispers.
- An interpreter may interject for clarification or corrections.
- Provide the interpreter with any written materials that will be used prior to the appointment.
- Consistent with DGO 5.17, Bias Free Policing, use the sign interpreter to explain the basis of SFPD
actions, such as the basis for a stop, search, or delay...

- Before concluding the interaction, ask the interpreter if they or the person they are assisting wish to add or repeat information.