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## **Interactions with Deaf and Hard of Hearing Individuals**

### **5.23.01 POLICY**

It is the policy of the San Francisco Police Department (Department) to provide the highest level of service to all community members, including individuals who are Deaf or hard of hearing. Under federal and state law, including Title II of the Americans with Disabilities Act of 1990 (ADA), Section 504 of the Rehabilitation Act of 1973, and California Government Code section 11135, the Department has legal obligations to ensure members communicate effectively with individuals who are Deaf or hard of hearing and that these individuals are not subjected to unlawful discrimination. Individuals who are Deaf or hard of hearing are entitled to the same level of services as hearing individuals and shall not be excluded, segregated, or denied assistance whether they are a suspect of a crime, are in custody or detained, a victim or witness of a crime, or a person in need of assistance.

### **5.23.02 PURPOSE**

The purpose of this policy is to outline procedures members shall follow when encountering an individual who is Deaf or hard of hearing and the services available to meet these legal obligations. The Department shall provide all services necessary to effectively communicate with an individual free of charge including a qualified interpreter or the appropriate preferred auxiliary aid requested by the individual.

SFPD stands for safety with respect for all. We will

- Engage in just, transparent, unbiased, and responsive policing
- Do so in the spirit of dignity and in collaboration with the community
- Maintain and build trust and respect as the guardian of constitutional and human rights.

### **5.23.03 DEFINITIONS**

- A. American Sign Language (ASL)** – The primary sign language used in North America, ASL is a complete, visual language with its own grammar and syntax that uses the shape, movement, and placement of hands as well as facial expression and body posture to convey information.
- B. Auxiliary Aids** – Tools, equipment, items, and /or services used to effectively

communicate with an individual who is Deaf, hard of hearing, and/or has low to no vision. These include assistive listening devices, qualified interpreter services, written communications and materials, pads, pens, gestures, telecommunication devices (TDDs), videophones, and video remote interpreting devices (i.e., computers or tablets).

- C. **Certified Deaf Interpreter (CDI)** – A qualified interpreter who is Deaf or hard of hearing.
- D. **Deaf-Blind Individual** – An individual who has limited to no functional hearing ability and uncorrectable low vision and/or the complete lack of light perception who may rely on a tactile form of communication.
- E. **Deaf or Hard of Hearing Individual** – An individual with limited to no functional hearing ability who relies on a visual system for communication instead of processing linguistic information through hearing, with or without amplification, and also includes individuals who may have a hearing loss because of age, illness or trauma.
- F. **Exigent Circumstance Exception** – An exigent circumstance arises when an officer has specific and articulable facts that a particular action was performed by an officer due to concerns of the person's, the safety of others or the safety of the involved officer(s).
- G. **Lip and Speech Reading** – Technique of understanding speech by visually interpreting the movements of the lips, tongue, and/or face.
  - 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' lip- or speechreading skills may diminish for a variety of reasons, including stress trauma, sleep deprivation, or the influence of alcohol or medication.
- H. **Qualified Interpreter** – A person certified by the National Registry of Interpreters for the Deaf who is able to interpret and translate effectively, accurately, and impartially both receptively and expressively, using any necessary specialized vocabulary (including basic law enforcement terminology) taking into consideration the language skills and education of the individual in need of services. As well as their preferred method of communication (sign language, video relay, etc.) Qualified interpreters should have no other responsibilities than interpreting. 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.
  - 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

language.

- 2) The term "qualified interpreter" encompasses relay interpreter teams, when such are necessary for effective communication.
- I. **Relay Interpreter Teams** – Two or more persons used to communicate with an individual with very minimal language skills including ASL. The team works together using a variety of methods to effectively convey information to and from the individual.
- J. **Signed Language** – A form of communication employing the signing characteristics of American Sign Language but using the **grammar of the preferred language** in place of ASL syntax.
- K. **Tactile and Low Light Interpreting** – Communication techniques to relay linguistic information by feeling the interpreter's hands while the interpreter signs or fingerspells. 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 interpreters face and hands.
- L. **Text to 9-1-1 (Real Time Text)** - Allows mobile users to send a text message to a 9-1-1 Dispatcher in situations where people cannot voice a call to 9-1-1.
- M. **Video Relay Service (VRS)** – Telecommunications relay service that allows individuals who rely on sign language to communicate over the telephone using Videophones in real-time, via a sign language interpreter
- N. **Video Remote Interpreting (VRI)** – An interpreting service using video conferencing technology to communicate with individuals who use American Sign Language for short, same room conversations. 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.
- O. **Videophone** – A device with a video camera that can perform bi-directional video and audio transmissions between people in real-time.

#### 5.23.04

#### PROCEDURES

In order to provide an equivalent level of service when encountering individuals who are Deaf or hard of hearing, members shall follow all procedures to ensure effective communication is established and maintained through the contact. Members shall review and use the Guidelines for Effective Communication (Attachment A).

#### A. Establishing Effective Communication

Officers shall follow up with Dispatch to advise the need for a qualified interpreter or appropriate auxiliary aids to ensure effective communication when encountering a Deaf or hard of hearing

individual.

Using the Department-issued Communication Card (SFPD Form 601) either electronically or via hard copy, the member shall determine and employ the individual's preferred method of communication to include, but not limited to, the following services, equipment, or resources defined in Section 5.23.03 B. Auxiliary Aids; written communication (e.g., pen and paper, text messaging), Qualified interpreters (in person and through video conferencing), TDD/TTY, 711 telephone relay service or Text to 911 (RTT) via DEM.

- 1) If the individual uses sign language, determine whether the individual uses American Sign Language.
  - a. 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 an exigent circumstance (see Sec 5.23.03 F), if preferred by the individual.
- 2) If the individual requests the use of written communication, the member shall provide paper and pen/pencil or other method for written communication and shall communicate with the individual in writing.
  - a. Written communication shall not be a substitute where the individual expressed a preference for a sign language interpreter.
- 3) Throughout the interaction, members shall reassess communication effectiveness by asking the individual on a continuing basis if the selected method is meeting their needs 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.

If the individual's preferred method is not available due to the following circumstances, the member shall document in the incident report the reason the preferred method was not used and the alternate method(s) used to communicate:

- a. 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, and another equally effective way of communicating is available;
- b. An exigent circumstances defined in Sec 5.23.03 F., does not permit the use of the use of the individual's preferred method or

- c. The individual's preferred method is for family members, neighbors, friends, volunteers, bystanders or children to provide sign language interpretation, as described in Section C Restrictions.
- d. When the situation limiting access to the preferred method of communication has subsided, the member shall 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.

The lengthier, 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.

Except in exigent circumstances, members must follow the Establishing Effective Communication procedures described above in all circumstances involving an individual who is Deaf or hard of hearing, including when:

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

#### **B. Exigent Circumstances**

As defined above, an exigent circumstance arises when an officer has specific and articulable facts that a particular action was performed by an officer due to concerns of the person's, the safety of others or the safety of the involved officer(s).

- 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.

### C. Restrictions

**Family members, friends, and other unqualified third parties shall not be used as interpreters absent exigent circumstances.**

- 1) 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.
- 2) A family member may interpret where an interpreter is not required, i.e., a passenger may interpret for a Deaf individual who asks for traffic directions.

### D. Handcuffing

When communicating with or relaying information to an individual who is Deaf or hard of hearing, 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.

### E. Consent

A member may not obtain consent to enter or to search from a Deaf or hard of hearing individual until the Establishing Effective Communication procedures of Section 5.23.04 A. 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.

### F. Reportees, Victims, Witnesses or Complainants

- 1) 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 exigent circumstances 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.
- 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 5.23.04 A. Establishing Effective Communication.

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

#### **G. Suspects of Crime**

- 1) 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.
- 2) If it is determined, through the Establishing Effective Communication 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 in-person qualified interpreter.
- 3) 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.
- 4) 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.

#### **H. 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 that individual, without first following the Establishing Effective Communication procedures of Section 5.23.04 A.

If, following the detention or pat search, the individual is free to go without any further communication, the Establishing Effective Communication procedures of Section 5.23.04 A. 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 Establishing Effective Communication

procedures of Section 5.23.04 A. The member shall also inform an individual who was detained that the individual is free to go.

## 2) Stations

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 emergency circumstances exist. If an in-person interpreter is not available within two hours, officers shall use alternate communication tools as described in 5.23.03 B. Auxiliary Aids and document the reason the method was not available and the method the officer used to communicate as required by Section 5.23.04 B.

- 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 Page 7, Deaf or hard of hearing individuals shall not be detained in district station holding cells.

## I. Signage

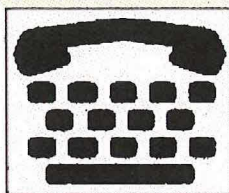


At all district stations and any other SFPD building open to the public, SFPD will post conspicuous signs in public areas advising individuals who are Deaf or hard of hearing the availability of auxiliary aids and services, including qualified interpreters, free of charge. The posted signs will include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

Available Auxiliary Aids & Services:



Hearing Loss



Telecommunications  
Device (TDD/TTY)



Sign Language Interpreters

#### J. Documentation

- 1) Whenever an incident report is prepared involving a Deaf or hard of hearing individual, the member shall check the "Interpreter Needed" box on the face sheet and shall include in the narrative the manner(s) 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. Supervisors shall ensure that members are in compliance with this this Department General Order.
- 2) The Department shall collect Deaf and hard of hearing data as to all calls for service, contacts and investigations that require an incident report. 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).

#### K. District Access Liaison Officers

The Department, through the Chief or designee, shall appoint two officers at each

district station and SFPD Units and Divisions with public contact. These personnel will be responsible for providing assistance to Deaf and hard of hearing individuals in their interactions with police officers, identify needs for training on Deaf and hard of hearing issues and facilitate through Training Coordinators, 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.

**L. Language Access Liaison Member'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 member established through Department General Order 5.20 to include monitoring compliance with this General Order and related policies, 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, and ensuring services for Deaf and hard of hearing individuals are available at the stations, on the Department's website, and at community events where possible.

**M. Training**

The Language Access Liaison member in partnership with the designated officers described in Section 5.23.04 L., 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 interpreter. The Department shall conduct such trainings for new recruits, at in-service training or at Roll Call for SFPD members at least every two (2) years. The Language Access Liaison should include feedback from members of the community in the development and coordination of training surrounding interactions with Deaf and hard of hearing individuals. Initial training shall be provided within 120 days of the Police Commission's adoption of this General Order.

**N. Airport Bureau**

Airport Bureau members providing services at the Airport will contact Airport Communications when language assistance is required at the San Francisco International Airport.

ATTACHMENT A  
(Front and Back of Communication Card for Officers)

**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
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**- HELP -**

 Gas Station	 Flat Tire Help	 Medication
 Other		












**Can I See Your...**

 Driver's License	 Registration	 Insurance
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**- Do Not Have -**

**Wait Here Please...**



**Reason I Stopped You:**

**- Other -**

**You Are Being:**

<b>Warned</b>	<b>Ticketed</b>	<b>Arrested</b>
<b>Free To Go</b>		



## ATTACHMENT B

### ***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.
- 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 Language 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"
- 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.

#	Commentor Source	Comment	Deaf & Hard of Hearing Working Group	SFPD Response	SFPD explanation
R1	CalDOJ	Somewhere in this policy, SFPD should include a brief mention and cross-reference to policies and ordinances governing 911 services and dispatcher communications with deaf and hard of hearing persons. (page 1)	Working group agrees with DOJ suggestion to reference in this DGO 911 services & dispatcher communications with Deaf and hard of hearing individuals. Working group also asked about SFPD/911's plan to implement Real Time Text and the status of SB911.	Recommendation will be included in updated draft of DGO	Added to Procedures, 1. Establishing Effective Communication and references Text to 911 services in second paragraph under same heading. (Page 3)
R2	CalDOJ	SFPD may wish to check in with local community stakeholders on the subject, but generally you see "deaf" in lower-case when referring to a person with hearing loss, but "Deaf" when referring to someone who is a member of the Deaf community. See, e.g., National Center on Disability and Journalism Style Guide (link).  Also, it is preferable to not characterize the individual by their disability, rather to state that the person is an "individual who is deaf or hard of hearing." (page 1)	Working group discussed extensively during earlier meetings & agreed to use lowercase deaf when referring to the audiological condition of not hearing and upper case Deaf when referring to individuals who share a language — American Sign Language (ASL) and a culture. As explained by Carol Padden and Tom Humphries, in Deaf in America Voices from a Culture (1988), "We use the lowercase deaf when referring to the audiological condition of not hearing, and the uppercase Deaf when referring to a particular group of deaf people who share a language - American Sign Language (ASL) and a culture. The members of this group have inherited their sign language, use it as a primary means of communication among themselves, and hold a set of beliefs about themselves and their connection to the larger society. We distinguish them from, for example, those who find themselves losing their hearing because of illness, trauma or age; although these people share the condition of not hearing, they do not have access to the knowledge, beliefs, and practices that make up the culture of Deaf people."	Recommendation will be included in updated draft of DGO	Recommendation has been revised by SFPD and will be included in draft DGO
R3	CalDOJ	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 (page 2, DOJ definition provided).	Working group suggested "signed language user" instead of "signed English user" due to Deaf individuals using languages other than English.	Recommendation will be included in updated draft of DGO	
R4	CalDOJ	As a suggestion, Seattle Police Department requires that the qualified interpreter have no responsibilities other than interpreting. From the Seattle PD policy - relevant to the standard or impartiality. (page 2, DOJ language provided).	Working group agrees.	Recommendation will be included in updated draft of DGO	Added language under Procedures, 1. Establishing Effective Communication." (Page 3)
R5	CalDOJ	Where should the officer document this? Can this be clarified? (page 5, referring to documenting when individuals' preferred communication method is not available).	Working group agrees and suggests that the officers document individual's preferred communication method in the incident report.	Recommendation will be included in updated draft of DGO	Included in Procedures, 1. Establishing Effective Communication, (Page 4) to document why a preferred method is not available, Page 6 and Page 7, document why an interpreter was not available in the time allotted.
R6	CalDOJ	Is this list meant to be exhaustive of permissible communications methods or a list of examples? SFPD may want to clarify. (Page 5)	Working group suggests the list of communication tools be described as permissive, not exhaustive, especially in light of evolving technology.	Recommendation will be included in updated draft of DGO	Included in Procedures, 1. Establishing Effective Communication, (Page 4), ...the individuals' preferred method of communication to include, but not limited to, the following services..."
R7	CalDOJ	Does SFPD use RTT? If so, SFPD should add RTT to the list and possibly the definitions section. (Page 5)	Working group is unaware of SFPD having Real Time text capacity.	Recommendation will be included in updated draft of DGO	Included in definitions, Text to 911 and in Procedures, Page 4.
R8	CalDOJ	Reference two-hour rule from Section J (2). (Page 7)	Working group agrees (See Section I for two-hour rule).	Recommendation will be included in updated draft of DGO	Page 8, G.
R9	CalDOJ	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? (page 7)	Working group's suggested examples include "location of a bus stop or restaurant." Similar to DGO 5.20, unless exigent circumstances, officers are prohibited from using family members and required to use qualified interpreters.	Recommendation will not be included in updated draft DGO.	This recommendation will be addressed in training.

DPA and SFPD Response to DOJ Recommendations

#	Commentor Source	Comment	Deaf & Hard of Hearing Working Group	SFPD Response	SFPD explanation
R10	CalDOJ	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" (page 7)	Working group agrees with DOJ's suggestion to include officer notification to supervisor and dispatch.	Recommendation will be included in updated draft of DGO	Added to Procedures, 1. Establishing Effective Communication and references Text to 911 services in second paragraph under same heading. (Page 3)
R11	CalDOJ	If there are any dispatch protocols, they should be cross-referenced here. The extent needed, those protocols should also be updated. (Page 7)	Working group agrees.	Recommendation will be included in updated draft of DGO	Added to Procedures, 1. Establishing Effective Communication and references Text to 911 services in second paragraph under same heading. (Page 3)
R12	CalDOJ	What are supervisors' duties when learning of a field need for communicative assistance? (page 8)	Working group suggests that officers notify supervisors (see Comment 10) and that supervisors provide assistance to subordinates during interactions with Deaf and hard of hearing individuals.	Recommendation will not be included in updated draft DGO.	Consistent with DGO 5.20, SFPD does not require members to notify Dispatch or supervisors for other language/communications calls for service.
R13	CalDOJ	Added this section in and removed the repeated directive to comply with the notice and determination procedures below.	DOJ comment requires no response; it explains its consolidation of the Notice/Determination Procedures.	Accepted change suggested by DOJ	
R14	CalDOJ	Reference two-hour rule from Section J (2). (Page 12)	Working group agrees	Recommendation will not be included in updated draft DGO.	The instructions clearly state as soon as practical and the officer needs to abide by the whole policy.
R15	CalDOJ	Included this in the Notice and determination Procedures under (12)	DOJ comment requires no response; it explains its consolidation of the Notice/Determination Procedures.	Accepted change suggested by DOJ	
R16	CalDOJ	SFPD could expand on this section. One example is from (Metro PD/DC): Members will handcuff and transport Deaf and hard of hearing arrestees as they would other individuals. Members must recognize that rear handcuffing will temporarily limit the individuals' to communicate and thus must be especially observant. Members will, safety permitting, provide deaf or hard of hearing arrestees use of their hands to communication in interview situations. (page 12)	Working group supports current handcuffing provision that Chief Scott agreed to during earlier discussions.	Recommendation will not be included in updated draft DGO.	SFPD accepts the language agreed during discussions with the Working Group and Chief Scott
R17	CalDOJ	Included this in the Notice and Determination Procedures section under (12)	DOJ comment requires no response; it explains its consolidation of the Notice/Determination Procedures.	Accepted change suggested by DOJ	
R18	CalDOJ	There is a one-hour timeframe to request in-person qualified interpreter when talking to a reportee, victim, witness or complainant. SFPD should consider a similar timeframe for suspects. (page 13)	Working group agrees.	Recommendation will be included in updated draft of DGO	
R19	CalDOJ	Since the detention and pat search procedures are essentially identical (except with the additional requirement that the member inform a detainee that the detainee is free to go), we have recommended consolidating this into one paragraph. (Page 13).	DOJ comment requires no response; it explains its consolidation of the Notice/Determination Procedures.	Recommendation will be included in updated draft of DGO	
R20	CalDOJ	We recommend that the SFPD reference their detention DGO 5.03	Working group agrees.	Recommendation will be included in updated draft of DGO	

DPA and SFPD Response to DOJ Recommendations

#	Commentor Source	Comment	Deaf & Hard of Hearing Working Group	SFPD Response	SFPD explanation
R21	CalDOJ	Included this in the Notice and Determination Procedures section under 12 (page 14)	DOJ comment requires no response; it explains its consolidation of the Notice/Determination Procedures.	Accepted change suggested by DOJ	
R22	CalDOJ	We recommend that this language mirror the language of pat search in the detention DGO 5.03 when finalized (Page 15).	Working group agrees.	Recommendation will be included in updated draft of DGO	
R23	CalDOJ	Add RTT if used (page 17)	Working group is unaware of SFPD 's capacity to use RTT.	Recommendation will be included in updated draft of DGO	Added to Procedures, 1. Establishing Effective Communication and references Text to 911 services in second paragraph under same heading. (Page 3)
R24	CalDOJ	Cal DOJ recommends that SFPD cite the appropriate section of the manual. (Page 17.)	Working group agrees.	Recommendation will be included in updated draft of DGO	
R25	CalDOJ	Perhaps these names should be noted under each symbol for clarity. (Page 17)	Working group agrees.	Recommendation will be included in updated draft of DGO	
R26	CalDOJ	We should check this to see how they plan on collecting this data. (Page 17)	Working group agrees.	Recommendation will be included in updated draft of DGO	Under Paragraph J: Documentation, the information will be collected from the incident report.
R27	CalDOJ	This DGO does not explain how SFPD plans on collecting this data. <a href="https://sanfranciscopolice.org/sites/default/files/2018-11/DGO5.20%20Access%20Services%20for%20Limited%English%20Proficient%20%28LEP%29%20Persons.pdf">https://sanfranciscopolice.org/sites/default/files/2018-11/DGO5.20%20Access%20Services%20for%20Limited%English%20Proficient%20%28LEP%29%20Persons.pdf</a> Is this an error? If not, could you please clarify? (Page 17)	Working group suggests data collection through incident documentation (See Section M(1) and CAD).	Recommendation will be included in updated draft of DGO	The SFPD will be able to track the incident reports involving a Deaf or Hard of Hearing individual and glean the appropriate information required to be documented similar to LEP procedures.
R28	CalDOJ	SFPD should clarify the timeframe for the appointments. (page 18)	Working group agrees	Recommendation will not be included in updated draft DGO.	The policy states that the Chief or designee <b>shall</b> appoint two officers...This will occur immediately following the adoption of the policy by the Police Commission. It will be an ongoing assignment, i.e., when an officer transfers to a different station, a new assignment <b>shall</b> be made.
R29	CalDOJ	Is this timeframe realistic? (page 18)	SFPD agreed to provide training within four months during previous discussions.	Recommendation will be included in updated draft of DGO	SFPD agrees as the timeframe is reasonable for a roll call training.
R30	CalDOJ	Are these available in other languages (Spanish, Mandarin?) (Page 19, referring to communication card)	Communication card is currently available in English and has not been translated to San Francisco's core languages.	See comments	As required by City ordinance, the cards will need to be translated into the core languages.
	DPA Suggestions <u>7/2/20</u>	As urged by Deaf advocates from the inception of the Deaf and Hard of Hearing Working Group, use upper case Deaf throughout this DGO as it refers to individuals who share a language — American Sign Language (ASL) and a culture. SFPD in its June 2020 response to DPA indicated that it would use upper case Deaf and perhaps this was simply an oversight. See Carol Padden and Tom Humphries, in Deaf in America Voices from a Culture (1988), "We use the lowercase Deaf when referring to the audiological condition of not hearing, and the uppercase Deaf when referring to a particular group of deaf people who share a language - American Sign Language (ASL) and a culture. The members of this group have inherited their sign language, use it as a primary means of communication among themselves, and hold a set of beliefs about themselves and their connection to the larger society. We distinguish them from, for example, those who find themselves losing their hearing because of illness, trauma or age; although these people share the condition of not hearing, they do not have access to the knowledge, beliefs, and practices that make up the culture of Deaf people.		Recommendation will be included in updated draft of DGO	SFPD agrees with this and has edited the document throughout for consistency.
	DPA Suggestions <u>7/2/20</u>	Definition of "Deaf and Hard of Hearing Individual" - added language... "and also includes individuals who may have a hearing loss because of age, illness or trauma"		Recommendation will be included in updated draft of DGO	SFPD appreciates this additional clarity.

DPA and SFPD Response to DOJ Recommendations

#	Commentor Source	Comment	Deaf & Hard of Hearing Working Group	SFPD Response	SFPD explanation
	SFPD Change	Exigent Circumstance Exception - adjusted this language to newly recommended language from the City Attorney.			In order to maintain consistency across definitions as they are proposed to the Commission, SFPD made this adjustment
	DPA Suggestions <u>7/2/20</u>	This current section addresses definitions. DPA suggests that as in the original suggested DGO, there should be a specific section entitled "Exigent Circumstances and these procedures should be delineated. It is problematic to combine definitions with the procedures officers need to follow. DPA suggests a section entitled "exigent circumstances" to explain the procedure officers are to take.		Recommendation will be included in updated draft of DGO	SFPD agrees that these recommendations are organizationally better for the document as a whole.
	SFPD Change	Delete "routine" from "conducting routine enforcement actions..."			SFPD feels that the word "routine" may suggest complacency in any law enforcement action and is counter to training officers receive.
	SFPD Change	Replace "should follow the notice and determination procedures" with "must follow the Establishing Effective Communication procedures"			As per guidance from the City Attorney, SFPD wishes to provide more clarity to officers about what is required of them. And making language consistent with the titling of the section.
	DPA Suggestions <u>7/2/20</u>	DPA suggests moving this provision until after an officer has determined best communication method and need for ASL interpreter or other communication aids.		Recommendation will not be included in updated draft DGO.	SFPD feels that this applies to the possible lack of a communication card as well and therefore applies to the whole section.
	DPA Suggestions <u>7/2/20</u>	DPA suggests, "The Chief, through the Commander of the Community Engagement Division and the Language Access Liaison officer"		Recommendation will not be included in updated draft DGO.	SFPD recognizes that this is the ideal and likely method of assignment. However, given the potential organizational changes within the Department, the previous language allows for more longevity for the policy.
	DPA Suggestions <u>7/2/20</u>	DPA does not agree with the change from "officer" to "member" which is inconsistent with DGO 5.20's requirement that SFPD designate a Language Access Liaison officer. DGO 3.02 defines officer as a person appointed to the Department as a full-time regularly salaried police officer under Penal Code section 830.1. DPA's position is that any change to designating the Language Access Liaison "officer" to a "civilian aka member" requires an amendment to DGO 5.20 approved by the Police Commission.		Recommendation will not be included in updated draft DGO.	SFPD feels that, due to availability, budgeting, and needs in the Department, "member" provides the most flexibility in allocating resources.

<sup>11</sup> Numbers correlate to Cal DOJ's comments provided in SFPD General Order on "Interactions with Deaf and Hard of Hearing Individuals" dated 06/11/19. SFPD provided Cal DOJ's comments to DPA on December 5, 2019. DPA reconvened the Deaf and Hard of Hearing Working group on 1/9/20 during