

# TRAINING



# BULLETIN

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*"Department Training Bulletins shall be used to advise members of current police techniques and procedures and shall constitute official policy."*

## **Police Response to Physically Handicapped**

### **Rights of the Physically Handicapped**

The Oakland Police Department's position in regard to the physically handicapped is consistent with its organizational values and operating philosophy: "We value and respect the rights and dignity of all persons. Enforcement action is taken only upon observation of violations of the law."

In contacts with the physically handicapped, officers shall display behavior that reflects the Department's philosophy and their informed understanding of the principles outlined in this Training Bulletin.

Section 54 of the Civil Code states that physically handicapped citizens are entitled to full and equal access to all public transportation, accommodations, amusements, resorts, or other places to which the general public is invited.

Blind and visually handicapped citizens may be accompanied by guide dogs. Deaf persons may be accompanied by signal or "hearing dogs," which are trained to alert their users to sounds. The physically disabled may be accompanied by "assistance dogs," which are trained to fetch dropped items, pull wheelchairs, and give other aid.

This Training Bulletin discusses, in turn, the police response in incidents involving the deaf, the blind, and those for whom a wheelchair is the primary means of mobility.



## **The Deaf**

### **Introduction**

There are two and one-half million deaf persons in the United States. Approximately 35,000 deaf people live in the Bay Area.

Deafness varies from person to person; it is not a simple or a uniform handicap.

Some persons are born deaf; some lose their hearing after they have learned to speak. Some persons who can hear loud, low frequency noises cannot hear words or music. The handicap all deaf persons share is an inability to communicate easily in "the hearing world."

Hearing disabilities often involve corresponding degrees of speech impairment. Because they have never heard normal speech sounds, most persons who are born deaf never learn to speak clearly. In addition, many deaf persons read and write poorly.

### **Lip Reading and Sign Language**

The techniques deaf persons rely on to alleviate the communication problems caused by their handicap are lip reading and sign language.

Under ideal conditions, a good lip reader can accurately read about 25% of the words spoken by a person standing in the lip reader's direct line of sight.

Most deaf people use sign language to communicate. American Sign Language (ASL) has its own grammar and sentence patterns. In general, an ASL sign stands for a concept or an idea. Deaf people use finger spelling to supplement ASL.

### **Police Contact with the Deaf**

Most contacts between deaf persons and the police occur during traffic stops.

During a traffic stop or an investigation, a deaf person, like any other citizen, has the right to know why he or she is being stopped or detained.

In an arrest situation, an officer shows a deaf person a printed statement of the Miranda Warning (Statement Form 536-200-1) and indicates in writing that the admonition applies to anything the deaf person might say or write. The suspect should understand that he or she can contact an attorney.

In any official contact with a deaf person, an officer attempts to keep the upper portion of his or her body visible so the deaf person can see the officer's facial expressions and body movements.

If communication is difficult, an officer can ask the deaf person in writing whether he or she wants an interpreter. If the response is affirmative or if the officer determines that writing is not an effective means of communication, the officer shall contact his or her supervisor and inform the supervisor of the problem.



If the supervisor cannot resolve the difficulty, the supervisor determines whether an officer fluent in sign language can be sent to the scene. If the event is an emergency or circumstances exist that require the presence of an interpreter, the supervisor shall advise the Watch Commander, who shall determine whether the expense of an interpreter is warranted.

An officer retains his or her written notes of communication with a deaf person and incorporates them in reports completed in connection with the incident.

### **Interpreter Service**

Interpreter service is provided by contract between the Oakland Police Department and the organization listed below.

Hands on Service  
P.O. Box 550  
Rocklin, CA 945677  
Voice: 1-800-600-6145  
TTY: 1-800-900-9479, FAX: 1-888-600-9477

### **TTY's**

A TTY is a mechanism with a keyboard and print-out capability which together allow a deaf person to conduct a telephone conversation in print rather than in speech.

By calling one of the Department's TTY numbers, a deaf person can complete business transactions with the Police Department.

The following areas have TTY machines:

Communications Division: TTY Number: 911 Emergency, 777-3333 Non-Emergency  
Records Division: TTY Number: (510) 238-3227

Procedures for receiving 911 calls from the deaf are outlined in Communications Division policies and procedures.

### **East Bay Referrals for the Deaf**

*Deaf Counseling, Advocacy and Referral Agency (DCARA)*  
14985 East 14th Street, Suite 200  
San Leandro, CA  
Voice: (510) 483-0753 TTY: (510) 483-6914, FAX: (510) 483-1790, [www.dcara.org](http://www.dcara.org)

DCARA provides advocates for the deaf in their dealings with community agencies and provides recreational programs, life-adjustment counseling, educational programs, and crisis intervention counseling. Interpreters can be requested.



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*State Department of Rehabilitation*  
1515 University Way, Suite 119  
Oakland, CA 94612  
(510) 622-2764

Services include medical and hearing examinations, vocational evaluation and counseling, job training, support services including interpreters, and job placement assistance.

*City Clerk's Office*  
One Frank H. Ogawa Plaza  
Oakland, CA 94612  
(510) 273-3612, TTY: (510) 839-6451

With three days advance notice, provides interpreters for public services and activities, including business transactions with the City.

*California School for the Deaf*  
39350 Gallaudet Drive  
Fremont, CA 94538  
(510) 794-3666, TTY: (510) 794-3672

The school provides a residence program which includes elementary, junior high, and high school training. Its programs are academic and vocational.

## **The Blind**

### **Introduction**

There are approximately 3,000 blind and 8,000 visually impaired persons in Alameda County. A totally or partially blind person, as defined by VC 21965, has the right to be accompanied by a guide dog in any place open to the public.

As with a hearing impairment, the severity of a vision impairment differs among individuals.

For blind and partially-sighted persons, the inability to read ordinary print means that written material must be copied in large print or Braille or tape recorded. No single method works in every situation. A relatively small percentage of blind people use Braille. A tape recording can generally be used by anyone. For persons with partial vision, large print is often adequate.

An officer can easily produce a page of large print by changing the type size in a computer software program or by using a copier's enlarger mechanism.

### **The White Cane Law**

To secure the rights of the blind, the California Legislature passed a series of statutes known collectively as the "White Cane Law."

VC 21963 gives a blind person carrying a white cane or using a guide dog the right of way on any street.

VC 21964 allows only blind or partially blind people to carry a white cane.



### **Police Contact with the Blind**

The guidelines listed below identify ways an officer can assist a blind person:

- When you see a blind person hesitating at a curb or otherwise in need of assistance, identify yourself by saying, "I am a police officer, may I help you?"
- Use a normal tone of voice when speaking to a blind person.
- If you guide a blind person, let the blind person take your arm just above the elbow; walk a half step ahead of the blind person.
- Never insist on helping someone who does not want your help.
- Use words-not gestures which the blind person cannot see-to give directions.
- If the person has a guide dog, do not attempt to pet or distract the dog.
- When a blind person is escorted by a sighted guide, talk to the blind person directly; do not talk through the guide.
- When helping a blind person into an automobile, place the blind person's hand on the door handle or, if the door is open, on the car roof.
- When helping a blind person to negotiate stairs or escalators, tell the blind person whether the steps lead up or down and place the blind person's hand on the railing.

If a dog user is a victim of a crime, do not take the dog to the pound or animal shelter. If no friend or relative is available to retrieve the dog, an Animal Control Officer may transport the dog to the Bay Area Pet Hospital-Kennel at 4820 Broadway in Oakland. A dog user who will be held in police custody is to be allowed telephone calls to arrange care-taking for the dog.

### **East Bay Referrals for the Blind**

*California School for the Blind*  
500 Walnut Avenue  
Fremont, CA 94536  
TTY/Voice: (510) 794-3800

The school offers comprehensive educational and residential programs for visually handicapped children, ages 3 to 21, for whom suitable local educational programs are not available.

*State Department of Rehabilitation*  
1515 Clay Street, Suite 119  
Oakland, CA 94612  
(510) 622-2764

Provides vocational counseling, training, and job placement services. Provides training in independent living skills, use of a white cane, Braille, typing, social security, and recreation.



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*Lions Blind Center*  
3834 Opal Street  
Oakland, CA, 94609  
(510) 450-1580

Provides classes and workshops for the blind of all ages.

*East Bay Center for the Blind*  
2928 Adeline Street  
Berkeley, CA 94704  
(510) 843-6935

A membership organization, the East Bay Center for the Blind provides a Braille library and Braille supplies, canes and repair parts, and classes and social events.

### **Wheelchair Users**

#### **Introduction**

Handicapped persons for whom a wheelchair is the primary means of mobility refer to themselves as "wheelchair users." There are approximately 5,000 wheelchair users in the East Bay.

Many physical conditions cause persons to use wheelchairs. The most severely disabled wheelchair users are paraplegics and quadriplegics. Paraplegia is a disability resulting from a spinal cord injury or other condition causing paralysis and loss of sensation below the waist. Quadriplegia has similar causes but results in paralysis below the neck.

The City Access Policy makes wheelchair accessibility a requirement for all City activities.

#### **Police Contact with Wheelchair Users**

Occasionally a motorized wheelchair breaks down, and its occupant requires assistance. Officers help the person contact friends or relatives for a ride home. In the event that no ride is available, an officer calls for a van equipped with a lift to transport the person home. Medi-Cal does not pay for such non-medical emergency services.

Some wheelchair users can be injured if removed from a wheel chair by an untrained person. An officer shall not remove or assist in the removal of a wheelchair user from his or her wheelchair. An officer may ask the wheelchair user if he or she can get out of the wheelchair and into a police vehicle unassisted. An officer shall not separate a wheelchair user from any type of life-support system or breathing apparatus.

Arrestees who are wheelchair bound shall not be transported by police vehicle unless the arrestee can move to and from the wheelchair unassisted and the wheelchair can be transported at the same time.

If a private contractor transports a wheelchair bound arrestee, a sworn officer shall ride inside the van. A second officer shall follow in a police vehicle.

As with any arrested person, handcuff a wheelchair user if the wheelchair user represents a threat to anyone's safety.



### **Relevant Laws Affecting Wheelchair Users**

Wheelchair users are treated as pedestrians, and all pedestrian laws and protections apply to them.

Use Vehicle Code Section 22500 (1) to cite car owners who block the sidewalk preventing wheelchair access.

Vehicle Code Section 4011 states that a self-propelled wheelchair operated by a person who by reason of physical disability is otherwise unable to move is exempt from registration.

Vehicle Code Section 22511.5 states that a disabled person shall be allowed to park for unlimited periods in a parking zone restricted as to the length of time parking is permitted and shall be allowed to park in any metered parking space without being required to pay any parking meter fees. As a condition of this privilege, the vehicle shall display a distinguishing license plate or placard which is issued for a vehicle registered to a disabled person.

This section does not apply to those zones in which the stopping, parking, or standing of all vehicles is prohibited or which are reserved for special types of vehicles.

Vehicle Code section 21458 (e) identifies blue curb markings as indicative of parking limited exclusively to vehicles of physically handicapped persons. Vehicle Code section 22507.8 (a) makes it unlawful for any person to park or leave standing any vehicle in a stall or space designated for physically handicapped persons unless the vehicle displays a distinguishing license plate or placard of the physically handicapped.

Vehicle Code Section 25276 (a) states that any vehicle designed to carry more than eight persons, including the driver, who are mentally retarded or physically handicapped, may be equipped with a flashing amber light signal system. The vehicle may display the system when parked upon a highway and in the process of loading or unloading mentally retarded or physically handicapped persons.

Vehicle Code Section 42001.5 (b) states that every person convicted of an infraction for a violation of Section 22507.8-parking in a space designated for disabled persons-shall be punished by a fine of not less than \$50.

Oakland Municipal Code 8.40.170, Hallway and Exit Obstructions, requires that "all doors, aisles, and passageways within and leading into or out of theaters, churches, and all other places of public assemblage shall be free from ...chairs, sofas, benches, and every other article that might obstruct the orderly exit of the ...assemblage during the entire time during which any assemblage may be held ...." The Fire Marshal is the enforcing officer for this section.



### **East Bay Referrals for Wheelchair Users**

*Center for Independent Living*  
2539 Telegraph Avenue  
Berkeley, CA 94704  
(510) 841-4776

The Center offers vocational training, counseling, and job placement services designed to encourage self reliance in day-to-day activities. It also provides attendant referral services, benefits counseling, housing assistance, and peer counseling. It does not provide emergency transportation.

*State Department of Rehabilitation*  
2229 Webster Street, Suite 200  
Oakland, CA 94612  
(510) 286-0511

Provides evaluation services and job training assistance to assist a person re-enter the job market. Other services include counseling, transportation allowances, occupational licenses, and job placement. It does not provide emergency transportation.

Emergency Wheelchair Transportation  
VIP Transportation: 510-569-6255 (24 hours a day/7 days a week)

Provides emergency transportation for wheelchair users within Alameda County. Also supplies transportation of the wheelchair independent of the person, such as when the wheelchair user is transported to a hospital in an ambulance without the chair.