

Date of Hearing: April 20, 2016

ASSEMBLY COMMITTEE ON GOVERNMENTAL ORGANIZATION

Adam Gray, Chair

AB 2311 (Brown) – As Amended March 16, 2016

SUBJECT: Emergency services: sign language interpreters

SUMMARY: Would require California Governor's Office of Emergency Services (CalOES), in cooperation with the Office for Access and Functional Needs (OAFN), to provide or contract for a disaster response sign language interpreter-credential program to train American Sign Language interpreters to effectively communicate public safety information. Specifically, **this bill:**

- 1) Requires every state agency and every local agency to utilize a sign language interpreter who has completed the credential program to provide interpretation services at every media or public briefing and any emergency shelter where actionable information will be disseminated before, during, or after a state of war emergency, state of emergency, or local emergency.
- 2) Imposes a state-mandated local program.

EXISTING LAW:

- 1) Establishes CalOES by the Governor's Reorganization Plan No.2, operative July 1, 2013.
- 2) Requires CalOES to perform a variety of duties with respect to specified emergency preparedness, mitigation, and response activities in the state, including emergency medical services.
- 3) Specifies that the State Emergency Plan (SEP) shall be in effect in each political subdivision of the state, and the governing body of each political subdivision shall take such action as may be necessary to carry out the provisions thereof.
- 4) Requires the Governor to coordinate SEP and those programs necessary to mitigate the effects of an emergency.
- 5) Requires the Governor to coordinate the preparation of plans and programs for the mitigation of the effects of an emergency by the political subdivisions of the State of California, such plans and programs to be integrated into and coordinated with the State Emergency Plan and the plans and programs of the federal government and of other states to the fullest possible extent.
- 6) Requires the director of CalOES to appoint representatives of the disabled community to serve on the evacuation, sheltering, communication, recovery, and other pertinent Standardized Emergency Management System (SEMS) committees. Representatives of the disabled community shall, to the extent practicable, be from the following groups:
 - a) Persons who are blind or visually impaired.
 - b) Persons with sensory or cognitive disabilities.

- c) Persons with physical disabilities.
- 7) Requires CalOES, within the SEMS structure, to ensure, to the extent practicable, that the needs of the disabled community are met by ensuring all committee recommendations regarding preparedness, planning, and procedures relating to emergencies include the needs of people with disabilities.

FISCAL EFFECT: Unknown

COMMENTS:

Purpose of the bill: According to the author, “although there have been many reports written as to the lessons learned from previous disasters about the lack of accessibility to information, resources and needed services, the deaf community continues to be denied access to information and resources at the time of disasters. The following are examples of recent disasters in which deaf individuals were denied crucial information and access:

- San Diego Wildfires: Interpreters were not used at news conferences, nor at shelters
- Napa Earthquake: Qualified interpreters were not used at news conferences; deaf individuals did not know shelters were available or where they were, become homeless and had to go to a hotel
- San Bernardino shooting: There was a deaf agency in the building, they didn’t have access to information during the recovery
- Interpreters, If dispatched by a local agency to a televised press conference, are not shown on screen

We simply cannot keep hoping someone will remember to provide access for deaf and hard of hearing that uses American Sign Language. Access denied is a life not saved.”

Background: In 2009, the California Legislature merged the powers, purposes, and responsibilities of the former CalOES with those of the Office of Homeland Security (OHS) into the newly- created California Emergency Management Agency (CalEMA). On July 1, 2013, Governor Edmund G. Brown Jr.’s Reorganization Plan #2 eliminated CalEMA and restored it to the Governor’s Office, renaming it the California Governor’s Office of Emergency Services (CalOES), and merging it with the Office of Public Safety Communications. Today, CalOES is responsible for overseeing and coordinating emergency preparedness, response, recovery and homeland security activities within the state.

Office for Access and Functional Needs (OAFN): In January 2008, CalOES established the OAFN. The purpose of OAFN is to identify the needs of people with disabilities and others with access and functional needs before, during, and after a disaster and to integrate disability needs and resources into emergency management systems. OAFN offers guidance to emergency managers and planners, disability and older adult service systems for planning and responding during disasters and recovery.

Standardized Emergency Management System (SEMS): SEMS is the system used for coordinating state and local emergency response in California. SEMS provides a multiple level emergency response organization that facilitates the flow of emergency information and resources. SEMS consists of the Incident Command System (ICS), mutual aid, the operational area concept and multi-interagency coordination. SEMS is designed to be flexible and adaptable to the varied emergencies that can occur in California, and to meet the emergency management needs of all responders. Government Code 8607(a), requires CalOES, in coordination with other state agencies and interested local emergency management agencies, to establish SEMS by regulation.

SB 1451 (Kehoe), Chapter 600, Statutes of 2006, required CalOES to ensure that members of the disabled community are represented on all pertinent SEMS Specialist Committees to ensure that the needs of people with disabilities are met during emergency and disaster situations. The bill also required OES to submit a report to the Legislature and appropriate state and local agencies by January 1, 2009 containing recommendations regarding emergency preparedness and the needs of people with disabilities. The bill also required CalOES to prepare and disseminate sample brochures and other materials on the emergency preparedness and evacuations needs of the disabled community.

Operational Area (OA): OAs encompass the county and all political subdivisions within the county. The OA serves as a focal point for all local emergency management information and the provision of mutual aid. It manages information, resources, and priorities among local governments within the OA. The OA also serves as the coordination and communication link between the local government level and the regional level. SEMS regulations authorize each County Board of Supervisors to designate an OA lead agency.

Bill in practice: Section 1 of AB 2311 requires CalOES and OAFN to *“provide, or contract for, a disaster response sign language interpreter credential program, which shall train persons on the use of American Sign Language interpreters to effectively communicate public safety information”*.

CalOES currently provides a Disaster Response Interpreter Training Course through the California Specialized Training Institute to local certified American Sign Language interpreters – once this course is completed, they become certified Disaster Response Interpreters (DRIs). OAFN is the designated state agency for activating the DRI’s in a state of emergency.

OAFN has Partner Agencies (PAs), which are local community-based organizations that currently provide on-call sign language interpreting services on a 24/7 basis for medical, mental health and law enforcement emergencies – service areas are identified by the PAs, some which may overlap. Each PA is an independent organization and is not an employee or agent of CalOES.

In the event of an emergency it is the PAs responsibility to locate, recruit and dispatch DRI sign language interpreters, upon request from OAFN, as quickly and efficiently as possible during a declared emergency. Respond and confirm to OAFN within 30-45 minutes from the time that the request was made with the name and contact information of the DRI. The process outlined above, ostensibly, should satisfy the mandate in Section 1 of AB 2311.

Section 2 and 3 of AB 2311 mandates that any state agency or local governing body *“provide interpretation services at every media or public briefing and any emergency shelter where*

actionable information will be disseminated before, during, or after a state of emergency, state of war emergency, or local emergency”.

Currently, there is no mandate in law requiring state and local governments to provide a certified DRI sign language interpreter at every emergency where information is being disseminated. According to CalOES, there are approximately 100 statewide DRIs spread across various PAs statewide. The number of certified DRIs would have to increase exponentially to ensure this mandate could be met on the state and local level.

Support: The California Association of the Deaf states, “During times of natural disasters and crises, all warning alert systems are sound based. CAD recognizes that the eight regions of California Coalition of Agencies Serving the Deaf & Hard of Hearing are often the main source of information and resources for our Deaf and Hard of Hearing community members because there is no other place to go. This is especially true when the local news stations fail to add closed captioning (text) to their reports and 9-1-1 fails to respond to TTY or Video Relay calls.”

“In the meantime, barriers to access still exist, especially for those Deaf Californians who, due to language deprivation or delays, have not mastered the English language and cannot follow written instructions and/or captioning shown on media outlets. Having a sign language interpreter will fill a huge communication access gap that has been long ignored. It is high time that county and state officials remove barriers to communication for public safety reasons so that all Californians have access to all press/media conferences shown on TV, including those at the emergency shelters. Supporting AB 2311 is a step that will save lives.”

Related/Prior legislation: AB 615 (Torrico) of 2007/2008 Session, requires OES to consider the needs of people with limited English proficiency in creating emergency and disaster response plans. (Assembly Appropriations Committee)

SB 426 (Kehoe) of 2007, establishes a "Deputy Director for Access and Functional Needs Coordination" position, within OES, responsible for preparedness, response and recovery services for individuals of all ages with functional limitations and disabilities - persons who have one or more functional limitations that reduce their ability to move, see, hear, walk, speak, learn, breathe, understand information, respond quickly, or manipulate or reach controls. (Senate Appropriations Committee)

SB 1451 (Kehoe), Chapter 600, Statutes of 2006, requires OES to ensure that members of the disabled community are represented on all pertinent SEMS Specialist Committees to ensure that the needs of people with disabilities are met during emergency and disaster situations. Requires OES to submit a report to the Legislature and appropriate state and local agencies by January 1, 2009 containing recommendations regarding emergency preparedness and the needs of people with disabilities. Requires OES to prepare and disseminate sample brochures and other materials on the emergency preparedness and evacuations needs of the disabled community. Requires OES and the Office of the State Fire Marshal (SFM) to seek research funding in order to develop new technologies and information systems that will assist in the effort to improve emergency services to people with disabilities.

REGISTERED SUPPORT / OPPOSITION:

Support

California Coalition of Agencies Serving the Deaf and Hard of Hearing Persons (Co-Sponsor)

California Association of the Deaf (Co-Sponsor)

Deaf Counseling, Advocacy, & Referral Agency

Greater Los Angeles Agency on Deafness, Inc.

Southern California Registry of Interpreters for the Deaf

Opposition

None on file

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