


<b>POLICY 116</b>	<b>PROVIDING SERVICES TO PEOPLE WITH DISABILITIES</b>	
	REVISED: 9/00, 01/05, <b>09/20</b>	RELATED POLICIES:
	CFA STANDARDS:	REVIEWED: AS NEEDED

**A. PURPOSE**

This policy establishes guidelines for providing equitable services to people with disabilities and seeks to increase the awareness level of employees regarding the identification of disabled persons. For the purposes of this policy, disabled persons may be complainants, victims, witnesses, arrestees, people seeking information, uninvolved bystanders or members of the community who desire to participate in department sponsored programs, services or activities.

**B. POLICY**

It shall be the policy of the Fort Lauderdale Police Department to ensure the delivery of quality services to all members of the community. This includes service to people who may require special consideration due to a disability, which may impair major life activities.

**C. DEFINITIONS**

1. Auxiliary Aids and Services
  - a. Qualified interpreters, note takers, transcription services, written materials, telephone handset amplifiers, assistive listening systems, telephones compatible with hearing aids, closed caption decoders, open and closed captioning, telecommunication devices for deaf persons (TDD's), videotext displays, or other effective methods of making aurally delivered materials available to individuals with hearing impairments;
  - b. Qualified readers, taped texts, audio recordings, Braille materials, large print materials, or other effective methods of making visually delivered materials available to individuals with visual impairments;
  - c. Acquisition or modification of equipment or devices; and
  - d. Other similar services and actions.
2. Disability - A physical or mental impairment that substantially limits one or more of the major life activities of an individual.
3. Major Life Activities - Activities which may include: walking, speaking, breathing, performing manual tasks, seeing, hearing, learning, caring for oneself and working.

4. Non-Qualified Interpreter - An interpreter for the deaf not certified by the National or Florida Registry of Interpreters for the Deaf.
5. Qualified Interpreter - An interpreter certified by the National or Florida Registry of Interpreters for the Deaf.
6. Reasonable Accommodation - Changes in policies, practices and procedures, the use of auxiliary aids and services, and the removal of architectural barriers, when necessary to provide individuals with disabilities an equal opportunity to participate in or benefit from the programs, services or activities that are offered.
7. Telecommunication Device for the Deaf (TDD) - A keypad device used to provide communication for the hearing impaired that utilizes basic telephone lines for transmitting and receiving.

#### **D. SPECIFIC DISABILITIES**

It is not the intent of this policy to provide detailed information on all disabilities, nor in any way restrict how an officer may best address interactions with disabled persons. The following section provides a brief overview of several disabilities and how the department and its employees may respond to the needs of people with these disabilities. However, the needs of each individual and situation must be evaluated on a case-by-case basis.

##### 1. Visual Disabilities

- a. One of the most difficult issues facing individuals, who are blind or vision impaired is identifying police officials. Employees should offer detailed information to aid in identifying themselves as police officers. Whenever possible, if the presence of a visual disability is known, the Regional Communications Center shall contact the victim or complainant by phone to verify that a member of the Department will be arriving or has arrived. If an individual is apprehensive about the officer's identification, the officer should contact the Regional Communications Center, or encourage the individual to do so, to aid in officer identification.
- b. There is no need to increase volume when speaking to someone who is visually impaired nor should an officer grab a person's arm to lead them in a particular direction. If needed, the individual will take the officer's arm for guidance.

##### 2. Emotional and Psychological Disabilities

These disabilities include those causing disturbances in thinking, feeling and relating. Employees should insure that people with mental, emotional and psychological disabilities are assisted in accessing appropriate services, which may require time and patience beyond that usually provided. Time spent on calls for service may need to be extended in order to reassure the disabled individual, sort out the facts, interact with family members and others and to conclude the call successfully.

3. Mental Disability

Mental disability encompasses a broad range of developmental disabilities from mild to profound. People who have a mental disability have varying degrees of limited intellectual functioning. In all situations, employees should ask short questions, be patient when waiting for answers and repeat questions and answers. When necessary, have mentally disabled individuals repeat the question in their own words and provide reassurance. When responding to the needs of people with severe or profound mental disability, the aid of family, friends and neighbors can be invaluable, and should be sought out whenever possible. However, this must be considered in light of the investigation, as factors such as emotional or personal involvement or requirements for confidentiality may adversely affect the ability to communicate effectively, accurately and impartially.

4. Mobility Impairments

People with mobility impairments include those who have difficulty walking, use a wheelchair or other mobility aid, and those who are immobile. In an emergency situation or during an arrest, extra attention may be required to insure the safe movement of the individual and the security and transport of any mobility aid e.g., cane, wheelchair, etc. Refer to Fort Lauderdale Police Department arrest policy 501.1 for more information.

5. Non-Visible Disabilities

a. Some disabilities are difficult to notice e.s. epilepsy, dyslexia, etc. Failure to recognize characteristics associated with certain non-visible disabilities could have serious consequences for the person with the disability. **Involuntary behavior associated with some non-visible disabilities may resemble behavior characteristically exhibited by intoxicated, combative persons or someone not in control of their physical functions.** When arresting a person who appears to be intoxicated or not in control of their physical functions, the officer should inquire if they are disabled. If necessary, examine the individual as required by §901.215 Fla.Stat. to ascertain if the person is wearing a medic alert bracelet or has some other visible identifying device, which would describe a medical disability. When appropriate, medical aid should be sought.

b. Patience and understanding during contact with a person displaying the characteristics commonly associated with non-visible disabilities should lead to a successful outcome.

6. Speech and Hearing Disabilities

Like other non-visible disabilities, the behavior of individuals with hearing and speech disabilities may be confused with people who intentionally refuse to cooperate or someone abusing illegal substances. Officers should be aware that a person's failure to comply with or respond to verbal orders does not always constitute defiance, but may be the result of an inability to hear the officer or respond verbally. Before committing to a course of action, officers should

attempt to determine if they are dealing with a person who has a communication-related disability.

## **E. EFFECTIVE COMMUNICATIONS**

1. No situation may be successfully resolved without effective communication between the officer and the disabled person. Officers should make an extra effort to insure effective communication has taken place and those efforts should be properly documented in their report(s). Though particularly applicable when encountering persons with communication difficulties, effective communication is the primary requirement to safely and effectively resolve any situation involving disabled persons.
2. If interpreter services are required, the Regional Communications Center can obtain the services of a qualified or non-qualified interpreter. On-duty officers proficient at interpreting may serve as non-qualified interpreters. A supervisor shall be notified as soon as possible when an interpreter is requested. The requesting officer shall be provided with an estimated time of arrival and the name of the responding interpreter or agency. When utilized, different certification levels are required of persons providing interpretation services, depending on the status of the individual and the situation.
3. Victim/Witness
  - a. If an investigating officer is unable to communicate effectively orally or in writing, the officer will provide an opportunity for the disabled victim or witness to request the auxiliary aid or service of their choice and will give primary consideration to the choice expressed by the individual(s), including the use of a qualified interpreter.
  - b. When interviewing a disabled victim or witness and effective communication can be established, the interview may proceed without the use of a qualified interpreter.
  - c. If the investigation does not involve a serious offense and the officer must leave the scene, the officer may have an interpreter dispatched to the victim/witness location and request to be contacted when the interpreter arrives. If an interpreter is unable to respond or if the officer is unable to return to the scene, the officer may request the victim/ witness voluntarily come to headquarters when an interpreter is available. If an interpreter is unable to respond or if the officer cannot complete the interview, these efforts should be reflected in the investigation report.
4. Non Criminal Violator

When communicating with a disabled non-criminal violator, the officer shall take a reasonable course of action to insure effective communication using methods or auxiliary aids described above.
5. Criminal Violator

In the event a deaf person is arrested or taken into custody for an alleged violation of a state, county or municipal criminal law, the services of a qualified interpreter shall be sought prior to interrogating such deaf person. If the services of a qualified interpreter cannot be obtained, the arresting officer may interrogate or take a statement from such person provided the questions and the answers shall be in writing. The written or printed questions and the answers shall be preserved as evidence in the event such person is tried for the alleged offense.

6. Miranda
  - a. It is essential that officers take measures to protect the rights of any suspect who may be hearing impaired, or who may have educational or communication disabilities. Although an individual may be disabled in some way, many times the individual will have comprehension levels that are sufficient to fully understand basic Miranda rights.
  - b. When dealing with individuals with disabilities, an officer must insure that effective communication has taken place and the method is properly documented.

## **F. PROCEDURES**

1. Provision of Services
  - a. When providing routine or emergency police service to a disabled person, employees shall evaluate the situation on a case-by-case basis and react according to the needs dictated by the situation. At no time are officers expected to compromise their safety or the safety of others.
  - b. When assisting a person with a disability, a calm reassuring manner and patience are important responses. Every effort will be made to protect the individual from unnecessary harm. Family members and friends may be sought to provide information and assistance; their presence may prove invaluable in understanding the needs of the person with the disability and guiding the officer's actions. If needed, steps should be taken to gain placement for the individual in an appropriate emergency medical, health care, or shelter facility. Appropriate service providers, including government agencies, non-profit agencies, and volunteer organizations, are available via Communications.
2. Regional Communications Center
  - a. A disabled person using TDD equipment may contact the Department on either the non-emergency number or, when necessary, through "911." Upon receipt, either line may be routed to TDD devices maintained in the Regional Communications Center.
  - b. Information on services to the disabled shall be available in the Regional Communications Center.

3. Access to Department programs
  - a. Reasonable accommodation shall be made at the request of the disabled person to afford access to Department programs, services or activities.
  - b. Crime prevention programs including, but not limited to Crime Watch, youth programs, or in-school programs, for example, will be modified to reasonably accommodate people with disabilities. These accommodations include, but are not limited to, outreach, modified program schedules, or other auxiliary aids and services.
4. Calls for Service
  - a. Officers should be alert to the potential for special needs of people with disabilities. For example, a person with disabilities may be targeted as a crime victim as a direct result of their disability. All reasonable steps should be taken to aid people with disabilities to bring calls for police service to a successful conclusion.
  - b. Contact with the disabled may occur in an emergency. If so, appropriate action should be taken to render aid and assistance. If the person with the disability or suspected disability is unable to communicate, employees should seek a medical alert bracelet, or similar form of identification, and input from family or others to aid in identifying the nature of the disability. The use of auxiliary aids or services is appropriate, dependent upon the situation.
5. Disruptive or Criminal Behavior
  - a. People with disabilities commit crimes and exhibit disruptive behavior just as people without disabilities. They should not receive preferential treatment because of their disability. However, their conduct should not be treated as criminal activity when it is known to be the manifestation of a disability.
  - b. People with certain disabilities may respond in a manner resembling someone who has abused alcohol or drugs. Such traits include, but are not limited to, a person with diabetes, epilepsy, multiple sclerosis, or a hearing impairment.
  - c. Dangerous antisocial behavior, regardless of its cause, must be stopped immediately.
6. Transportation and Incarceration
  - a. People with disabilities may also be suspects or arrestees and require detention, transport and processing. Reasonable accommodation should be made for a disabled suspect without compromising officer safety.

- b. Disabled prisoners shall be searched and transported in accordance with this order and 501.1, Arrests – General Procedures.
- c. Officers may use an appropriate means of restraint to protect themselves and the arrestee from injury. Consideration should be given to the special needs of people with disabilities in an arrest situation. Response in these situations requires discretion and will be based, in great part, on the type and severity of the disability, the level of resistance exhibited by the suspect, the seriousness of the crime and the immediacy of the situation.
- d. In arrest and incarceration situations, employees may encounter the following:
  - (1). A person whose disability affects the muscular and/or skeletal system may not be able to be restrained using handcuffs or other standard techniques. Alternative methods (transport vans, seat belts) should be sought.
  - (2). A disabled person may require physical aids such as canes, wheel chairs, leg braces to maintain their mobility. Once the immediate presence of danger has diminished and the suspect poses no threat or is safely contained, efforts may be made to return the device. If mobility aids must be withheld, the suspect must be closely monitored to insure that his or her essential needs are met.
  - (3). Prescribed medication(s) at regular intervals may be required by people with disabilities (diabetes or epilepsy, for example). Medical personnel (the suspect's physician, on-call medical staff, or emergency room medical staff) should be promptly contacted to determine the importance of administering the medication, potential for overdose, etc.
- e. Transporting officers shall notify BSO personnel when a disabled person is transported to their facility.

**G. REPORT REQUIREMENTS**

- 1. Written reports involving a disabled person shall reflect the manner of communication, the provision of aids and services, and other actions taken to reasonably meet their needs.
- 2. If communication with a disabled person is in writing, all documents produced shall be submitted as needed and deemed appropriate.