

# MONTPELIER POLICE DEPARTMENT

<b>Persons with Disabilities</b>	Related Policies:
<i>This policy is for internal use only and does not enlarge an employee's civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can only form the basis of a complaint by this department for non-judicial administrative action in accordance with the laws governing employee discipline.</i>	
Applicable Vermont Statutes:	
CALEA Standard:	
Date Implemented: March 15, 2012	Review Date: March 15, 2012

- I. **Purpose:** The purpose of this policy is to outline department mandates with respect to contacts with persons who have disabilities.
  
- II. **Policy:** It is the policy of this department to provide police services in an equal and impartial manner. This policy includes providing police services to those who have disabilities that officers either observe or become aware of based upon the circumstances presented or information obtained. This department shall take steps to protect persons with disabilities from inequitable treatment based on their disability and to avoid furthering any injury or disability based on the police contact where such accommodation can occur without jeopardizing the safety of all persons involved in the event.
  
- III. **Definitions:**
  - A. **ADA (Americans with Disabilities Act):** Federal Civil Rights Law protecting individuals with disability.
  
  - B. **Recognized Disability/Protected Person under ADA:** Any person who has a physical or mental impairment that substantially limits one or more major life activities such as walking, seeing, hearing, speaking, breathing, learning and working. A person who associates with person who has a disability is also protected under the act.
  
  - C. **Other disabilities:** Injury, Illness, Mental or Emotional state that would render a person more vulnerable to police actions such as use of force, incarceration or restraint.

#### IV. Procedure:

- A. Arrest-Minor Crimes:** When working with a person who has a recognized disability officers should consider whether the suspected conduct is a manifestation of the person's disability. In cases where the conduct is a manifestation of the disability officers should consider a medical or mental health referral as opposed to arrest.
- B. Use of Force:** In determining the appropriate level of force to be used to control a situation involving a person with a recognized or other disability, officers should consider whether the particular control or restraint tactic is more dangerous or unreasonable in light of the particular person's disability.
- C.** In cases where an officer becomes aware, through information or observations, of a disability, officers should take steps to accommodate that disability where they are able to do so without jeopardizing the subject, the officer or any other person's safety.

  - a.** Handcuffing or other restraints-where handcuffing or other restraints may cause further injury of an existing disability and there is no imminent threat, officers should seek assistance from a supervisor to determine if there is an appropriate method of restraint that will accommodate the disability without jeopardizing safety.
  - b.** Lock-up- in cases where a person indicates that they have some recognized or other disability, where possible officers shall call for a supervisor in order that steps may be taken to verify the disability and determine what steps can be taken to accommodate the disability without jeopardizing the safety of the individual, the officers and the institutional security of the jail.
- D. Mobility:** Standard transport procedures may be dangerous for many people with mobility disabilities. Officers should use caution not to injure the person or damage their wheelchair or other mobility device. The best approach when possible is to ask the person what type of transportation he or she can use, and how to lift or assist him or her in transferring them in or out of the vehicle.
- E. Visually Impaired:** When working with a person who is visually impaired it is important for officers to identify themselves verbally and state clearly and completely any directions or instructions including any information that is posted visually which cannot be seen by the person who is visually impaired.

  - a.** Officers should read out loud and fully any document that a visually impaired person is required to sign as the result of a law enforcement action.
  - b.** Before taking photos or fingerprints of a visually impaired person, law enforcement personnel shall describe the activity to the visually impaired person so that they know what to expect.

- F. Hearing Impaired:** Law enforcement is required by the ADA to ensure effective communication with the deaf or hearing impaired.
- a.** Agencies should have one person capable of sign language on call. In accordance with recommendations by the United States Department of Justice this may be accomplished by contracting with a sign language interpreter for response on an as needed basis.
  - b.** In jails, hearing impaired prisoners must have access to a TDD phone in the same manner as other persons in custody have access to telephone privileges.
- G. Other Disability:** In any case where an officer becomes aware of an injury, illness or disability which may render the activity, tactic or restraint to be undertaken more dangerous to the individual, the officer shall notify a supervisor and in conjunction with supervisory support take reasonable steps to accommodate the injury or disability.