

PALM BEACH GARDENS POLICE DEPARTMENT		
AMERICANS WITH DISABILITIES ACT (ADA)		
POLICY AND PROCEDURE 4.1.7.3		
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PURPOSE: To outline the overall responsibility of the police department toward (qualified) individuals with disabilities to ensure that consideration of services, programs and activities are non-discriminatory.

SCOPE: All Members

REVIEW RESPONSIBILITY: Patrol Operations Bureau Major

POLICY: The City of Palm Beach Gardens and its Police Department's policy is to ensure that a consistently high level of police service is provided to all members of the community, including people with disabilities who may require special consideration in order to access these services. Department members shall afford people with disabilities equal access to programs, services, and employment opportunities in a non-discriminatory manner. Members shall make reasonable accommodations, where necessary, to protect the health and welfare of disabled persons while ensuring their own personal safety.

1. GENERAL GUIDELINES

- a. No single policy or procedure can address the needs or the nature of police response to all people with disabilities. Procedures described herein are intended to guide members in responding to and assisting persons with the most common disabilities.
 - i. Such persons may be complainants, victims, witnesses, arrestees, members of the community who desire to participate in department sponsored programs, people seeking information, uninvolved bystanders, or applicants for employment.
- b. If a non-English speaking person is in need of a qualified interpreter, the officer or member should contact Communications who shall attempt to locate an interpreter.
- c. If a deaf person is in need of a qualified interpreter, the officer or member must first contact their supervisor who will determine if the merits of the incident are such that a qualified interpreter is warranted.

2. DEPARTMENTAL RESPONSIBILITIES

- a. Through the Training Unit, appropriate members will be provided information and training on recognizing various disabilities and providing services to people with disabilities.
 - i. The department will provide training to all officers concerning appropriate responses for non-arrest and arrest situations involving people with disabilities.
- b. In order for members to provide the highest level of service and safe custodial care to people with disabilities, the department will utilize available social service agencies to provide guidance, support, and direct assistance.
 - i. The department will also maintain a roster of social service agencies and individuals who may be contacted on a 24 hour basis to provide support in situations involving people with specific disabilities.
 - ii. Officers needing assistance may contact Communications, or if appropriate, the shift Sergeant for assistance with social service information.
 - 1. Routine and Emergency Interaction:
 - a. In providing routine and emergency services, persons with disabilities shall be afforded response, support, and protection equal to that provided to the general population. Appropriate department services will be made available to people with disabilities.
 - 2. Communications Accessibility for both Emergency and Routine Situations:
 - a. Emergency Communications Operators (ECO) and/or complaint takers will receive training on recognizing characteristics of callers who may require special communications techniques, and on methods for providing service.
 - b. The department has telecommunications devices for the deaf (TDD) to assist persons who are hearing impaired.
 - 3. Access to Departmental Programs:
 - a. Interactive police-community programs such as crime prevention, neighborhood crime watch, youth and in-school programs, and other services will be available to people with disabilities.
 - i. Members will attempt to accommodate people with disabilities who wish to participate in department programs; i.e., by modifying schedules, providing an accessible location and interpreters for people who are deaf and hearing impaired.
 - b. All materials available to the community shall be provided, on request, for disabled persons in alternate formats such as Braille, audio cassettes, or in large print.
 - c. Publications by or for the department, i.e., Information for Victims or Witnesses of Crimes will be provided to aid persons with disabilities.
 - d. In many circumstances, oral communication supplemented by gestures and visual aids or an exchange of written notes will be an effective means of communicating with people who are deaf or hard-of-hearing.
 - i. In other circumstances, a qualified sign language or oral interpreter may be needed to communicate effectively with persons who are deaf or hard-of-hearing.

1. The more lengthy, complex, and important the communication, the more likely it is that a qualified interpreter will be required for effective communication.
 - e. To provide the highest level of service or safe custodial care to persons with disabilities, the Administrative Bureau will:
 - i. Develop and regularly update a list of agencies available for guidance, support, and direct assistance.
 - ii. Budget for potential expenses related to use of those agencies.
 - iii. The list should be maintained in the Communication Center.
4. Response to Routine Calls for Service:
 - a. Members may have to attend to the needs of persons with disabilities to provide them the best possible police service.
 - i. Members should also be sensitive to the fact that some people are targeted as crime victims as a direct consequence of their disability.
 - b. Officers shall be trained to employ helpful techniques at a scene to support disabled persons.
5. Response to Emergency Calls for Service:
 - a. Officers and ECOs shall be trained to identify the most frequently encountered disabilities in a crisis or emergency so that appropriate action may be taken to render aid and assistance.
 - i. If the person with the disability is unable to communicate, members should seek input from family, witnesses, or others to aid in identifying the nature of the incident.
 - b. All members shall make reasonable attempts to communicate, i.e., with emergency signs or notes, to people who are hearing impaired in order to obtain basic information on matters such as the nature of the incident, location, extent of injury, name and address and a family member or other person to be contacted.
 - c. Officers shall know how to obtain assistance, i.e., a sign language interpreter, through approved referral services listed and maintained in the Communications Center.
6. Response to Criminal and Disruptive Behavior:
 - a. The response to criminal acts committed by people with disabilities shall be the same as with other members of the general population.
 - i. No special treatment shall be extended for violation of the law other than exercising care to avoid unnecessarily injuring persons with disabilities during arrest and transport.
 - b. In such situations, officers shall take reasonable precautions to protect themselves and others.
 - i. Officer safety must prevail.
 - ii. Officers shall use sound procedures to maintain their personal safety and the safety of others when attempting to accommodate persons with disabilities.

7. Citations, Arrests, and Incarceration:

- a. Officers shall employ appropriate precautions and safety techniques when issuing citations, making arrests, and transporting all people, whether or not they have a disability.
 - i. Officers should be guided by standard policies and procedures for arrest and transport of people with disabilities.
- b. Consideration may be warranted for the special needs of some people with disabilities in arrest and transport situations.
 - i. Response in these situations requires discretion and will be based, in great part, on the officer's knowledge of the severity and characteristics of the disability, the level of resistance exhibited by the arrestee/suspect, and the urgency of the situation.
 - ii. Officers may encounter the following:
 1. Persons with physical disabilities who may not be able to be restrained using handcuffs or other standard techniques.
 - a. In cases where normal means of transport and restraint could injure a person with disabilities, alternative methods, i.e., transport vans should be sought.
 2. People with disabilities requiring physical aids for mobility; i.e. canes, wheelchairs, or leg braces.
 - a. If a device is taken from a disabled person, it shall be returned as soon as circumstances safely permit, unless the device is part of the case evidence.
 - b. The aids will be transported in a manner that ensures their availability at the disabled person's destination.
 3. People who require prescribed medication at regular intervals; i.e., diabetes or epilepsy."
 - a. Fire and Rescue EMT personnel shall be contacted immediately to determine the importance of administering medications, potential for overdose, or other concerns.
 4. People with certain disabilities who cannot comprehend their individual rights in an arrest situation. For example, there is no simple sign for the term "waive" in regard to Miranda warnings.
 - a. For many people who are deaf, reading may not be an effective means of communication either. Yet, in an effort to be cooperative, such a suspect may acknowledge that he/she is willing to give up his/her rights.
 - b. Officers shall take extra care to ensure that the rights of the accused are protected.

- c. For the above example, the services of a qualified sign language interpreter may be indicated.
- 5. People whose speech impairments make it difficult to notify an officer of an urgent need.
 - a. No one shall be left unattended when such persons are being interviewed.
- 6. Whenever feasible, officers arresting a person with a known disability shall transport the individual directly to the Palm Beach Sheriff's Detention Center or appropriate correctional facility.
 - a. This policy facilitates obtaining appropriate assistance for the arrestee and reduces the department's exposure to civil liability.

3. TRAINING UNIT RESPONSIBILITIES

- a. First Responder Special Procedures:
 - i. Prepare appropriate members for unusual situations that may occur in providing persons with disabilities first responder services.
- b. Other Special Procedures:
 - i. Train appropriate members to recognize common disabilities, and how to provide appropriate physical and emotional support to people with disabilities who seek police services or who come into contact with the police. Examples include, but are not limited to:
 - 1. Recognizing symptoms and providing appropriate medical and emotional support for people experiencing seizures.
 - 2. Being sensitive and providing appropriate physical support when aiding people who have disabilities limiting their mobility.
 - 3. Explaining procedures for obtaining access to interpreters for people with hearing and/or speech disabilities who have a need to communicate with police.
 - 4. Explaining procedures for obtaining access to professional support systems for people with mental disabilities.
 - 5. Recognizing characteristics of certain disabilities, i.e., blindness (poor vision), epilepsy, diabetes, and deafness, and distinguishing these from traits associated with antisocial or criminal behavior, or reaction to alcohol and drug abuse.

4. RESPONSIBILITIES OF OFFICERS AND OTHER MEMBERS

- a. Special Methods:
 - i. Officers must familiarize themselves with proper methods of arresting, transporting, and detaining persons with disabilities while ensuring both officer safety and providing reasonable support to the arrestee.
- b. Recognition:
 - i. Appropriate members should apply their training to recognize the characteristics of various disabilities, including symptoms and physical reactions.
- c. Discernment:

- i. Appropriate members should recognize that responses from people with certain disabilities may resemble those of people who have abused substances such as alcohol or drugs.
 - 1. At times, similar responses may be exhibited by people with diabetes, epilepsy, multiple sclerosis, cerebral palsy, hearing impairments, mental disorders, emotional and psychological disabilities, and other disabilities.
- d. Responses:
 - i. Appropriate members should be able to identify and apply appropriate responses such as:
 - 1. emergency medical aid,
 - 2. protecting and/or calming an individual,
 - 3. securing medical or other professional attention,
 - 4. locating and enlisting support of family and friends,
 - 5. rendering proper physical support.
- e. Special Restraint and Arrest Procedures:
 - i. Officers should be able to identify and apply appropriate restraint, if needed, to a person with a disability to facilitate an arrest and reduce the chance of injury during transportation.
 - ii. When effecting an arrest of a person with a disability, officers should be able to access the support systems necessary to ensure the rights of the individual.
 - 1. This may include the use of interpreters, attorneys, and legal guardians.
- f. Officer Safety:
 - i. In all cases, officer safety must prevail. No officer shall jeopardize his/her safety or that of another in an unsound attempt to accommodate a person with a disability.

5. INFORMATION ON ADA

- a. Departmental and County Agencies:
 - i. Members having questions regarding the ADA, providing services to people with disabilities, or employment of people with disabilities, should direct their inquiries to the Human Resource Department.
- b. Employment Issues:
 - i. Selection Process:
 - 1. The ADA requires consideration by public entities concerning fairness towards, and equal employment opportunity for, persons with disabilities. Employment issues provide an introduction to these requirements.
 - 2. Members involved in the hiring process should also consult specialists in the Human Resource Department for policy guidance.
 - ii. Complaint Procedure:
 - 1. Before filing a complaint, members are encouraged to discuss the problem with a representative of the Human Resources Department.
 - a. This contact may help clarify or resolve the issue.
 - b. At a minimum, a representative will guide the member in filing the complaint properly.
 - iii. Corrective Actions:
 - 1. Any corrective actions taken shall be in accordance with EEOC guidelines, police/city policy, and current case law.

6. FREQUENTLY ENCOUNTERED DISABILITIES

The following information provides a brief overview of several disabilities and how the city, department and its members should respond to people with these disabilities. It is not possible to provide detailed information on all disabilities, and members should be aware that many people have multiple disabilities.

a. Visual Disabilities:

- i. Identifying police officials is a major difficulty for people who are vision impaired.
 1. Officers shall offer suitable printed information to identify themselves as members of the department.
 2. When the presence of a visual disability is known, officers may have an ECO contact the victim or complainant to confirm that a member of the department has arrived.
 - a. If needed, badges may be offered to the individual to verify the officer's identity.
 3. The impaired individual may also call the communication center to verify identity.
- ii. Knowing what not to do is as important as knowing what to do in assisting a person with impaired vision.
 1. Members do not need to raise their voice when speaking.
 2. Officers should not grab the person's arm to lead the individual in a particular direction.
 - a. If needed, the individual will take the officer's hand for guidance.
- iii. Signs at police facilities should be in large print to assist people with vision impairments. Identification signs and directional and elevator information, where appropriate, should be in Braille in those facilities where people may proceed unaccompanied.
 1. Public facilities must comply with the ADA accessibility guidelines.
- iv. Legally blind persons have varying degrees of visual acuity.
 1. Officers should routinely ask what assistance is required.
- v. If required, visually impaired persons have the right to be accompanied by dog guides in establishments serving the general public.
 1. Additionally, visually impaired persons carrying a white cane have certain pedestrian right-of-way privileges.
- vi. In arresting visually impaired individuals, officers should follow all standard procedures.
 1. Officers should pre-brief subjects with severe visual impairments about the post-arrest search and that canes and personal items will be confiscated.
 2. Subjects who are severely visually impaired shall not be placed in holding cells with other prisoners.
- vii. Through their senses of hearing and touch or other means, even severely impaired victims and bystanders may be able to provide descriptions of crime suspects.
 1. Visually impaired victims should be reassured of an officer's presence, assistance, and the condition of their surroundings.
 2. ECOs and officers need to ensure that visually impaired callers are kept informed of an officer's progress since the caller may be armed and fearful of an unannounced presence.

b. Mental, Emotional, and Psychological Disabilities:

The terms mental, emotional, and psychological illnesses describe varying levels of disability relating to disturbances in thinking, feeling, and relating.

- i. Providing accessibility to police services for people with mental, emotional, and psychological disabilities usually involves providing only general assistance.
 1. At times, however, exceptional police service and safe custodial care may be required.
 - ii. Members shall ensure that people with mental, emotional, and psychological disabilities are assisted in accessing agency services, which may require time and patience beyond that usually provided.
 1. For example, time spent on a call for service may have to be extended in order to reassure the individual, sort facts, interact with family members and others, and bring the call to successful resolution.
 - iii. If taking persons with mental disabilities into custody, officers shall make reasonable efforts, while taking precautions, to use the least restraint possible and protect the arrestee from self-injury.
 - iv. Frequently, a family member or friend is of great value in calming a mentally disturbed individual exhibiting unusual behavior.
 1. If needed, steps should be taken to gain placement for the individual in an appropriate emergency medical, health care, or shelter facility.
 - v. Officers will be informed of appropriate government agencies, non-profit agencies, volunteer organizations, and emergency medical services available to provide assistance to people with mental, emotional, and psychological disabilities.
 - vi. Officers must also be familiar with appropriate emergency commitment and detention procedures to be used when providing shelter care and related support to people with mental, emotional, or psychological disabilities.
 - vii. The behavior of chronically mentally disturbed individuals is often marked by an inability to contain their emotions, and the sight of a police uniform may create reactions ranging from anxiety to terror.
 - viii. On calls for service involving chronically mentally disturbed clients, the ECO must elicit a location for officers to meet the complainant out of view of the subject, when possible, to avoid escalating the problem.
 - ix. Officers should inquire about any treatment history when mental illness characteristics become obvious in order to obtain contact information for the health facility receiving the individual.
 1. Officers who obtain information that a mentally ill individual is a patient at one of the seven Palm Beach County community health centers are requested to inform the case manager concerning the incident.
 - x. Officers should be aware that restraint may exacerbate fear or terror in the mentally ill.
 1. Officers shall, however, use proper restraining methods for their own and others' safety should the situation dictate.
- c. Mentally Challenged:

Mentally challenged encompasses a broad range of developmental disabilities from mild to profound. Mentally challenged and mental illnesses are distinctly different conditions. The largest percentages of mentally challenged people have only mild or moderate conditions.

- i. Members should recognize that people who are mentally challenged have varying degrees of intellectual functioning.
 - ii. In all situations, members should ask short questions, be patient when waiting for answers, repeat questions and answers if necessary, and provide reassurance.
 1. In many situations, and particularly when dealing with someone who is lost or has run away, the member may gain improved response by accompanying the person through a building or neighborhood to seek visual clues.
 - a. Officers should attempt to verify, through other sources, important responses made by mentally challenged individuals.
 - iii. In responding to the needs of people with severe or profound mental disabilities, the aid of family, friends, and neighborhoods is invaluable.
 - iv. Persons with a mental disability may be taking one or more medications, including those for seizure disorders and to induce calming.
- d. Mobility Impairments:
- Mobility impairments are among the most easily identified disabilities. People with mobility impairments are those who have difficulty walking, use a wheelchair or other mobility aid, as well as the totally immobile.
- i. In critical or emergency situations, members should be aware of the safest and most rapid methods for assisting people with mobility impairments to avoid causing them unnecessary strain or injury.
 - ii. When responding to an emergency call for service, members should afford disabled persons who are victims or injured the option of having wheelchairs and prosthetic devices transported to the emergency medical facility.
 - iii. Handicapped persons with collapsible wheelchairs, including prisoners, may be transported in one or two-man police vehicles provided that supervisory approval is obtained and the following conditions are present:
 1. The person must be able to transfer independently into the front passenger side without handcuffs.
 2. The person must have an across-the-chest seat belt.
 3. The person must have the wheelchair at the destination.
 - iv. If the person cannot transfer independently, or the wheelchair will not collapse, a lift equipped vehicle or an ambulance must be used.
 - v. It may be necessary to transport medicine, insulin, and other special items for certain prisoners.
 - vi. In custody situations, a disabled prisoner should be allowed to maintain the use of his/her wheelchair and prosthetic devices.
 1. Incapacitation creates special problems, i.e., use of toilet facilities, fear of physical violence, and the possibility of falling from a chair to the floor.
 - vii. Wheelchair prisoners shall be isolated from other detainees.
 1. They may be restrained in their wheelchairs by handcuffs or other authorized devices.

viii. Department facilities should be accessible to people with mobility impairments.

1. Entrances, interior routes, stairs, drinking fountains, rest rooms, and telephones should accommodate people with mobility impairments including those who use wheelchairs.

e. Non-Apparent Disabilities:

In accordance with the guidelines established by the ADA, Palm Beach Gardens Police Department recognizes that certain chronic conditions exhibit no readily discernible outward appearances. These afflictions, which for simplicity have been designated as non-apparent disabilities, include diabetes, cardio-pulmonary disorders, and neurological diseases; i.e., epilepsy and multiple sclerosis.

- i. Police officers may encounter people with these disabilities, in some cases as subjects, in others as victims, witnesses, or distressed persons in need of assistance.
 1. It is unreasonable to expect officers to diagnose these disabilities.
 2. It is prudent for an officer to have some frame of reference when the disabled person complains of the ailment, or to be able to recognize attacks, seizures, and symptoms.
- ii. The department shall make every reasonable effort to familiarize applicable members, through continuing training programs, with common chronic non-apparent disabilities.
 1. The tools and techniques for such training will be acquired from subject matter experts on the conditions.
- iii. Such awareness on the part of the officer is important for the following reasons:
 1. The disabled person's life or physical well-being may depend on it if the officer is administering first responder treatment.
 2. If the disabled person is a subject, the officer may take him/her into custody without jeopardizing his/her health and safety.
 3. During an arrest or interview, the officer will not misinterpret certain uncontrollable physical responses as resistance; for example, an intoxicated or drugged condition.

f. Speech and Hearing Disabilities:

Hearing and speech disabilities may be non-apparent.

- i. Officers may confuse the behavior of individuals with hearing and speech disabilities to be intentionally refusing to cooperate or abusing illegal substances.
 1. Officer should be aware that an individual's failure to comply with or respond to verbal orders does not always constitute a defiant situation, but may be the result of that individual's inability to hear the officer or to respond verbally.
 2. Before committing themselves to a course of action, officers should attempt to determine if they are dealing with a person who has a communication related disability.
- ii. It is essential that officers take extra measures to protect the rights of suspects who are deaf, speech or hearing impaired, or who may not have mental or communication abilities sufficient to fully understand the basic Miranda warnings.
 1. Perfunctorily reading someone with a hearing disability his/her rights and having the individual acknowledge understanding may be insufficient.
- iii. When it appears that a hearing impaired individual can communicate satisfactorily by writing and reading short messages, then writing may be suitable for obtaining information.

1. However, where thorough communication is critical for informing the individual of his/her situation, to protect his/her rights, establish fault in an accident, or solve a crime, then a qualified interpreter should be used, if the individual knows sign language.
 2. Similarly, if the communication is too lengthy or complex to be effectively accomplished in writing, a qualified interpreter should be used.
- iv. Officers shall advise communications and their Sergeant when they encounter an individual who must be interviewed but is, or is suspected to be, speech or hearing impaired.
 - v. When taking a person into custody who has been identified as having a speech or hearing impairment, the arresting officer shall indicate the individual's impairment in bold upper case letters in the upper left corner of the complaint/arrest affidavit.
 - vi. All police facilities shall be appropriately posted with clearly visible signs that provide essential information to people with hearing and other impairments.
 - vii. The Communications Center is equipped with a variable-volume telephone and a TDD, also known as a text telephone in order to provide telephone access to people who are hearing impaired who desire to call the police facility from an external location and those at the facility who desire to make a call.
 - viii. TDD numbers must be published with other telephone access listings. Members with responsibility for answering calls on public-access lines will be trained to recognize incoming TDD calls and how to properly use the devices.
 - ix. Conversations on a TDD should be treated to confidentiality in the same manner as regular telephone conversations. A deaf subject who is also illiterate may have an interpreter make a confidential call for him/her in private.

7. GLOSSARY

APPROPRIATE MEMBERS - Department members whose job classification entails duties likely to require their providing emergency or routine services to individuals with disabilities.

PERSON WITH A DISABILITY - A person who has a physical or mental impairment that substantially limits one or more major life activities, has a history of a disability, or is regarded as having such impairment.

QUALIFIED INDIVIDUAL - An adult or child, with or without a disability, who meets the essential eligibility requirements for employment opportunities, or receipt of services, or participation in programs, or activities, provided by a public entity.

QUALIFIED INTERPRETER - A professional who facilitates communication between deaf and hearing individuals. A qualified interpreter is able to interpret effectively, accurately and impartially both receptively and expressively, using any necessary specialized vocabulary.

REASONABLE ACCOMMODATION - Includes making existing facilities readily accessible to, and usable by, disabled members; job restructuring, such as part-time or modified work schedules; reassignment to a vacant position; acquisition or modification of equipment; appropriate modification of

examinations, training materials, or policies; providing sign language interpreters; and other similar accommodations.

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APPROVED:

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