



## Americans with Disabilities Act

### .01 Policy

It is the policy of the Bladensburg Police Department to provide a consistently high level of police service to all members of the community, including people who may require special consideration in order to access these services.

It is the policy of the Department to afford people with disabilities the same access to programs, services, and employment opportunities that is provided to all citizens. This includes, but is not limited to, services such as first responder recognition of the nature and characteristics of various disabilities and appropriate physical and emotional support for people with disabilities. Examples include, but are not limited to:

- Recognition of symptoms and appropriate medical and emotional support for people experiencing seizures;
- Sensitivity to and appropriate physical support for people who are mobility challenged;
- Rapid access to interpreters for people with hearing and/or speech disabilities who need to communicate with police personnel;
- 24-hour access to professional support systems for people with mental disabilities;
- Access to police information, programs, and publications for people who have impaired vision or hearing;
- Recognition of the difference between characteristics common to certain disabilities (such as epilepsy, diabetes, and deafness) and those associated with antisocial or criminal behavior or reaction to alcohol or drug abuse; and,
- Other accommodations to ensure service and access to all people with visual, mental, emotional or medical disabilities, including "invisible" disabilities such as diabetes, epilepsy, multiple sclerosis, loss of hearing and others.

### .02 Terms

Auxiliary Aids and Services:

- Gestures;

- Visual Aids;
- Notepad and pen or pencil;
- Computer or typewriter;
- Assistive listening system or device to amplify sound;
- Teletypewriter (TTY) or telecommunications devices for deaf (TDD); and,
- Qualified oral or sign language.

**Disability:** Means, with respect to an individual, a physical or mental impairment that substantially limits one or more of the major life activities of such individual; a record of such impairment; or being regarded as having such an impairment.

**Qualified Individual With A Disability:** An individual who, with or without reasonable modifications to rules, policies or practices; the removal of architectural, communication, or transportation barriers; or the provision of auxiliary aids and services; meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by a public entity.

**Reasonable Accommodation:** Includes the modification of existing facilities to make them readily accessible to and usable by individuals with disabilities; job restructuring; part-time or modified work schedules; reassignment of a member to a vacant position; acquisition or modification of equipment; and appropriate alteration of examinations, training materials, or policies.

### .03 Governing Legislation and Reference

Governing Legislation:

Americans with Disabilities Act of 1990 (ADA), 42 U.S.C. § 12101.

ADA Amendments Act of 2008 (ADAAA).

Civil Rights Act of 1964, 42 U.S.C.

28 C.F.R. 35.107.

Forms: N/A

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## .04 Procedure

It is the intent of this directive to guide members in responding to and assisting those people with disabilities with whom they will have the most contact in the performance of their duties and responsibilities. This directive addresses common police interaction with people with disabilities including those who are complainants, victims, witnesses, arrestees, members of the community who desire to participate in department-sponsored programs, people seeking information, and uninvolved bystanders.

Miscommunication during interviews and interrogations can have a substantial impact on the protection of the rights of individuals with disabilities and on the outcome of the criminal cases. When taking formal statements where the suspect's or witnesses' legal rights could be adversely impacted, members should consider other reasonable accommodations. When in doubt, the State Attorney's Office should be consulted to ensure the information received will retain its intended evidentiary value.

In all cases, members must take all steps necessary to assist people with disabilities in accessing the full range of immediate and follow-up services provided by this department. Consideration must be given to those steps that will lead to a positive outcome while, at all times, maintaining employee safety.

### A. Providing Police Service to Persons with Specific Disabilities

It is not possible for this directive to provide detailed information on all disabilities. Members are encouraged to become aware of the characteristics of various disabilities and the needs of people who have them. Members should be aware that many people have multiple disabilities. The following sections provide a brief overview of several disabilities and how the Department and its members should respond to the needs of people with these disabilities.

**Visual Disabilities** – One of the most difficult problems facing people in need who are blind or vision impaired is identifying police officials. Members should offer detailed information in identifying themselves as members of the Department. Whenever possible, if the presence of a visual disability is known, members may have dispatch contact the victim or complainant to verify to him or her that a member of the Department has arrived. If

needed, badges may be offered to the individual to verify the officer's identity.

- Knowing what not to do is as important as knowing what to do to assist a person who is vision impaired. Members do not need to raise their voice when speaking. Members should not grab the person's arm to lead him or her in a particular direction. If needed, the individual will take the officer's arm for guidance.
- Signs and printed information at police facilities should be in large print in order to assist people with vision impairments.

**Mental, Emotional and Psychological Disabilities** – The terms "mental illness," "emotional illness," and "psychological illness" describe varying levels of a group of disabilities causing disturbances in thinking, feeling, and relating.

- Members must ensure that people with mental, emotional, and psychological disabilities are assisted in accessing agency services, which may require time and patience beyond that which is usually provided.
- If an individual with a mental, emotional, or psychological disability is taken into custody, members must make reasonable efforts, while taking precautions, to use the least restraint possible and protect the arrestee from self-injury.
- Frequently, a family member or friend is of great value in calming an individual exhibiting unusual behavior as a result of mental or emotional impairment. If needed, steps should be taken to place the individual in an appropriate emergency medical, health care, or shelter facility.
- Members must become familiar with appropriate government agencies, nonprofit agencies, volunteer organizations, and emergency medical services available to provide assistance to people with mental, emotional and psychological disabilities.
- Members must remain familiar with appropriate emergency commitment or detention procedures to be used when providing shelter care and related support to people with mental, emotional or psychological disabilities.

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**Mental Retardation** – This term encompasses a broad range of developmental disabilities from mild to profound. The largest percentage of people with mental retardation is in the ranges termed "mild" or "moderate."

- Members should recognize that people who have mental retardation have varied degrees of limited intellectual functioning. In all situations, members should ask short questions, be patient when waiting for answers, repeat questions and answers if necessary, have individuals repeat the question in their own words, and provide reassurance. In many situations, and particularly when dealing with someone who is lost or has run away, the employee may gain improved response by accompanying the person through a building or neighborhood to seek visual clues.

In responding to the needs of people with severe or profound mental retardation, the aid of family, friends, and neighbors is invaluable.

**Mobility Impairments** – People with mobility-related impairments include those who have difficulty walking, those who use a wheelchair or other mobility aid, and those who are immobile.

- In a critical or emergency situation, 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.
- In an arrest encounter, once an arrestee with a mobility impairment is secure in a cell and safety concerns are resolved, an effort should be made to return any mobility aids (wheelchair, cane, etc.).
- Department facilities are to be accessible to people with mobility impairments. Entrances, interior routes, stairs, drinking fountains, rest rooms, and telephones should accommodate people with mobility impairments including those who use wheelchairs.

**Invisible Disabilities** – A law enforcement officer's failure to recognize characteristics associated with certain invisible disabilities could have serious consequences for the person with the disability. For example, outward signs of a disability such as epilepsy generally do not exist unless the person with the disability experiences a seizure.

People with diabetes may have reactions from either too little insulin or too much insulin. Low blood sugar reactions are common and are usually treated by ingesting sugar. Detaining a diabetic and preventing them from getting sugar could have serious health implications for the individual and create liability for the officer and Department.

- Officers should realize that involuntary behavior associated with some invisible disabilities may resemble behavior characteristically exhibited by intoxicated or, less frequently, combative individuals.
- An officer's patience and understanding of the characteristics commonly associated with invisible disabilities will lead to a successful outcome. An inaccurate assessment may lead to unnecessary confrontation, injury, and denial of needed medication and/or medical treatment.
- As with all types of disabilities, a member's first obligation is to protect the individual from unnecessary harm. When aiding a person experiencing a seizure, protection from obstacles, a calm reassuring manner, and patience are important responses. Family members and friends should be sought to provide information and assistance.

**Speech and Hearing Disabilities** – Like other invisible disabilities, members may confuse the behavior of individuals with hearing and speech disabilities with those of people who intentionally refuse to cooperate or those who abuse illegal substances. Members should be aware that an individual's failure to comply with or respond to verbal orders does not always constitute defiance, but may be the result of that individual's inability to hear the officer or respond verbally. Before committing themselves to a course of action, members should attempt to identify whether or not they are dealing with a person who has a communication-related disability.

- It is essential that members take extra measures to protect the rights of suspects who are deaf and hard of hearing, as well as others who may not have educational or communications comprehension levels sufficient to fully understand the basic Miranda rights. Simply reading the rights to someone with a hearing disability and having the individual acknowledge that their rights are understood is insufficient.

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- Effective communication with a person who is deaf or hard of hearing involved in an incident, whether as a victim, witness, suspect or arrestee, is essential in ascertaining what actually occurred, the urgency of the matter and the type of situation.
- Various types of communication aids known as auxiliary aids and services are used to communicate with people who are deaf or hard of hearing. These include use of gestures or visual aids to supplement oral communication; use of a notepad and pen or pencil to exchange written notes; use of an assistive listening system or device to amplify sound for persons who are hard of hearing or use of a qualified oral or sign language interpreter. The type of aid that will be required for effective communication will depend on the individual's usual method of communication and the nature, importance and duration of the communication at issue.
- All police facilities should be appropriately posted with clearly visible signs that provide essential information to people with hearing impairments.

### B. Member Responsibility

In providing police service to the public, it is incumbent on every employee to ensure that people with disabilities are afforded the same rights, privileges, and access to the Department that is provided to those without disabilities.

People with disabilities may also be suspects or arrestees and require detention, transport, and processing. Members must familiarize themselves with the proper methods of transport, arrest, and detention to ensure officer safety while providing all reasonable support to an arrestee with a disability.

Members must develop the ability to recognize the characteristics of various disabilities, including symptoms and physical reactions.

Members must recognize that responses of people with certain disabilities may resemble those of people who have abused substances such as alcohol or drugs. At times, such traits may be exhibited by people with diabetes, epilepsy, multiple sclerosis, hearing impairments, and other disabilities.

Members should be able to identify and apply appropriate responses, such as emergency

medical aid, protecting and/or calming the individual, using basic sign language, securing professional medical attention, locating and enlisting support of family and friends, and rendering proper physical support.

Officers should be able to identify and apply appropriate restraint to a person with a disability, if needed to facilitate an arrest. When affecting an arrest of a person with a disability, officers should be able to access the support systems necessary to secure the rights of the individual. This may include use of interpreters, attorneys, and legal guardians.

In all cases, officer safety must prevail. No employee should jeopardize his or her safety or that of others in an attempt to accommodate a person with a disability.

### C. Department Responsibility

The Department will provide training and information to all members on recognition of various disabilities and the provision of appropriate police services to people with disabilities. The Department will provide training to all members on appropriate response to both non-arrest and arrest situations involving people with disabilities.

In order for members to provide the highest level of service or custodial care to people with disabilities, the Department will develop and regularly update a list of agencies available to provide guidance, support, and direct assistance.

The Department will maintain a roster of support agencies and individuals who may be contacted on a 24-hour-per-day basis to provide support in situations involving people with disabilities. The Department will provide reasonable accommodation to all qualified individuals who have disabilities.

Communications personnel will be instrumental in assisting with requests from members to coordinate assistance from services and agencies to provide reasonable accommodation for victims, witnesses and suspects with disabilities.

While not related to disabilities, communications personnel will also assist with coordination of foreign language services when requested by members of the Department for non-English speaking victims, witnesses and suspects.

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### D. Routine and Emergency Interaction

In providing routine and emergency services, equality in response, support and protection will be provided to all people including those with disabilities. Members will make every effort to access appropriate support organizations when needed.

All department services will be made available to people with disabilities. These include:

- Communications accessibility for both emergency and routing situations - All Communication Operators will be trained to recognize characteristics of people whose disabilities may require special communications techniques and methods for providing service. The Department will maintain TDD services for deaf and hard of hearing people and provide direct access to telephone emergency systems for individuals who use TDD's.
- Access to department programs – Crime prevention programs such as target hardening and neighborhood watch, youth programs, in-school programs, and other programs will be made available to people with disabilities through outreach, modified program schedules, use of interpreters or other auxiliary aids and services, and other efforts to accommodate special needs.
- Response to routine calls for service – Department members should be aware that people with disabilities have special needs that may have to be met in order to provide the best possible police response to calls for service.
  - Members should be able to identify specific needs of people with disabilities.
  - Members should be sensitive to the fact that some people with disabilities may be targeted as crime victims as a direct result of their disability.
  - Members should be familiar with techniques they may employ at a scene (during the initial call for service and follow-up) to provide support to people with disabilities. All reasonable steps should be taken to aid people with disabilities in bringing calls for police service to successful completion.
- Response to emergency calls for service - Members should be able to identify characteristics common to specific

disabilities in a crisis or emergency so that appropriate action may be taken to render aid and assistance. If the person with the disability is unable to communicate, members should seek a medical alert bracelet or similar form of ID and input from family, witnesses, and others to aid in identifying the nature of the disability.

- As first responders, all members should be aware of emergency medical techniques applicable to various disabilities.
- All members should be able to utilize emergency signs with people who are deaf in order to obtain information on matters such as nature of the incident, location and extent of injury, name and address, and family member or other person to be contacted.

Response to criminal and disruptive behavior - Some people with disabilities commit crimes. Some people with disabilities also exhibit disruptive behavior. Generally, people with disabilities who commit crimes or engage in disorderly conduct should receive no preferential treatment. However, disorderly conduct should not be treated as a criminal activity when it is the manifestation of a disability.

- Members should be aware that, in such situations, it is common for people with disabilities to seek sympathy as a way to lessen the outcome of the police response.
- In all such situations, members should take reasonable precaution to protect themselves and others.

### E. Arrest and Incarceration

Officers should employ appropriate precautions and safety techniques in arresting and incarcerating all people, whether or not they have a disability. Officers should follow all policies and standard techniques for arrest and incarceration when taking a person with disabilities into custody.

Consideration should be given to the special needs of some people with disabilities in an arrest situation. Response in these situations requires discretion and will be based, in great part, on the officer's knowledge of characteristics and severity of the disability, the level of resistance exhibited by the suspect, and immediacy of the situation. In arrest and

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incarceration situations, officers may encounter the following:

- 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.
- Some people with disabilities require physical aids (canes, wheelchairs, leg braces) to maintain their mobility. Once the immediate presence of danger has diminished and the suspect is safely incarcerated, every effort should be made to return the device. If mobility aids must be withheld, the prisoner must be closely monitored to ensure that his or her needs are met.
- Prescribed medication may be required at regular intervals by people with disabilities (diabetes, epilepsy). Medical personnel (the suspect's physician, on-call medical staff, emergency room medical staff) should be contacted immediately to determine the importance of administering the medication, potential for overdose, etc.
- Some people with disabilities may not have achieved communications comprehension levels sufficient to understand their individual rights in an arrest situation. Officers must take extra care to ensure that the rights of the accused are protected. Auxiliary aids may be used to ensure the suspect understands his/her rights.
- Lack of speech or other speech impairment may make it difficult for a suspect to notify the arresting officer or jailer of an urgent need. Frequent cell checks should be conducted.

### F. Employment Issues

It is not the intent of this section of the directive to set forth all issues dealing with employment. Rather, this section is designed to reinforce the Department's commitment to all components of the Americans with Disabilities Act.

It is the policy of this Department, as required by Titles I and II of the ADA, that qualified individuals with a disability are not discriminated against because of their disability in regard to job application procedures, hiring, advancement, compensation, training, and other terms of employment. To ensure fairness and that discrimination does not occur

in the employment process, members of the Department are prohibited from engaging in the following practices:

- Limiting, segregating, or classifying a job applicant in a way that adversely affects the opportunities of the applicant because of the disability;
- Using standards, criteria or methods of administration that discriminate; or that perpetuate the discrimination of others who are subject to common administrative control;
- Excluding or otherwise denying equal jobs or benefits to a qualified individual because of a disability of an individual with whom the applicant is known to have a relationship or association;
- Failing to provide reasonable accommodation to the known disability of an otherwise qualified individual (applicant or employee), unless the accommodation imposes an undue hardship;
- Using qualification standards, employment tests, or other selection criteria that tend to screen out individuals with disabilities, unless such tests have been shown to be job-related and consistent with business necessity for the position in question; and,
- Selecting and administering tests that measure an individual's impaired sensory, manual or speaking skills as a result of a disability, rather than the knowledge, skills, and abilities required by a specific position.

### Medical Screening

While engaged in pre-employment inquiries of any applicant, prior to an offer of employment, the Department may make inquiries about the ability of an applicant or employee to perform job-related functions "with or without reasonable accommodation". The Department will not conduct a medical examination prior to making an offer of employment or make any specific inquiries regarding any disability or disabilities the applicant may have.

After a conditional offer of employment has been made, the applicant may be required to undergo a medical examination and related inquiry, if such examination and inquiry is required for all entering members in the same job category. This inquiry may include questions about the ability of an applicant or employee to perform job-related functions,

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including the nature of any accommodation needed.

### G. ADA Coordinator

The Officer in Charge of Support Services is the designated ADA Coordinator for the Bladensburg Police Department in accordance with 28 C.F.R. 35.107. This position will be responsible for ensuring that the agency is in compliance with all provisions of the Americans with Disabilities Act. Responsibilities will include the investigation of any complaint communicated alleging noncompliance with the act or any actions that would be prohibited by same. The ADA Coordinator will be responsible for coordinating a prompt and equitable resolution of all ADA complaints.

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HISTORY: Adopted January 1, 2014

This General Order supersedes all other orders and memoranda in conflict therewith.

Authority:



Charles L. Owens  
Chief of Police