

INSTRUCTIONAL ORDER

April 2016

Immediately

V.5:16

Distribution: All Employees

Subject: **PROVIDING SERVICES TO PEOPLE WITH DISABILITIES**

Index as:	American Sign Language	Disability
	Asperger's Syndrome	Hearing Impaired
	Autism	Interpreters for Hearing Impaired
	Autism Spectrum Disorder	Professional
	Auxiliary Aids and Services	Qualified Interpreter
	Certified Interpreter	Reasonable Accommodation
	Deaf Persons	Service Animal
	Developmentally Disabled	TDD/TTY
	Disabled Persons	Telecommunication Device for the Deaf (TDD/TTY)

Accreditation Standards: 71.3.2, 81.2.1 and CFA 15.18

Cross Reference: G.O. III-10, Transporting and Booking Prisoners
 Legal Notice 2017-008, Interviews with people with autism or an autism spectrum disorder
 §393.063(3), §413.08(1)(d), §627.6686(2)(b), §641.31098(2), §901.215, §901.245 and
 §925.245, §943.0439, §943.1727, F.S.S.
 Americans With Disabilities Act of 1990, (Title II)

Replaces: I.O. V.5:16, Providing Services to People with Disabilities (March 12, 2019)

This Order consists of the following sections:

- I. Purpose
- II. Policy
- III. Definitions
- IV. Specific Disabilities
- V. Effective Communications
- VI. Procedures
- VII. Report Requirements

I. PURPOSE

This Order 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 Order, 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.

II. POLICY

It is the policy of the St. Petersburg Police Department to ensure the delivery of quality services to all members of the community, including people who may require special consideration due to a disability which may impair major life activities.

III. DEFINITIONS

A. American Sign Language – A complete, complex language that employs signs made with the hands and other movements, including facial expressions and postures of the body.

B. Autism – a pervasive, neurologically based developmental disability of extended duration which causes severe learning, communication, and behavior disorders with age of onset during infancy or childhood. Individuals with autism exhibit impairment in reciprocal social interaction, impairment in verbal and nonverbal communication and imaginative ability, and a markedly restricted repertoire of activities and interests. §393.063(3), F.S.S.

C. Autism Spectrum Disorder – is any of the following disorders as defined in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders of the American Psychiatric Association:

1. Autistic disorder;
2. Asperger's syndrome; and
3. Pervasive developmental disorder not otherwise specified, §627.6686(2)(b) and §641.31098(2), F.S.S.

D. Auxiliary Aids and Services – Any service, aid or equipment used to accommodate or assist in the accommodation of a disabled person, to include:

1. 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/TTY's), videotext displays, or other effective methods of making aurally delivered materials available to individuals with hearing impairments;

2. 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;

3. Acquisition or modification of equipment, computers, or devices; and

4. Other similar services and actions.

E. Certified Interpreter – A qualified interpreter certified by the National or Florida Registry of Interpreters for the Deaf.

F. Disability – A physical or mental impairment that substantially limits one or more of the major life activities of an individual.

G. Major Life Activities – Activities which may include: walking, speaking, breathing, performing manual tasks, seeing, hearing, learning, caring for oneself and working.

H. Non-Qualified Interpreter – An interpreter for the deaf not certified by the National or Florida Registry of Interpreters for the Deaf.

I. Professional – is defined as psychiatrist, psychologist, mental health counselor, special education instructor, clinical social worker, or related professional. The professional must have experience treating, teaching, or assisting patients or clients who have been diagnosed with autism or an autism spectrum disorder or related developmental disability or must be certified in special education with a concentration focused on persons with autism or an autism spectrum disorder. §943.043, F.S.S.

J. Qualified Interpreter – A qualified sign language or oral interpreter who is able to effectively, accurately, and impartially interpret, both receptively and expressively, using any necessary specialized vocabulary. Accordingly, an interpreter must be able to sign to the individual who uses sign language or interpret orally to the person who does not use sign language, what is being said by the hearing person and to voice to the hearing person what is being signed or said by the individual who is deaf. The interpreter must be able to interpret in the sign language the person uses (e.g.; American Sign Language or Contact Language) and must be familiar with law enforcement terms and phrases.

K. 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.

L. Service Animal – §413.08(1)(d), F.S.S., Any animal that is trained to perform tasks for an individual with a disability.

1. The tasks may include, but are not limited to:
 - a. Guiding a person who is visually impaired or blind;
 - b. Alerting a person who is deaf or hard of hearing;
 - c. Pulling a wheelchair, assisting with mobility or balance;
 - d. Alerting and protecting a person who is having a seizure;
 - e. Retrieving objects, or performing other special tasks;
 - f. Reminding a person suffering from mental illness to take prescribed medications;
 - g. Calming a person with Post Traumatic Stress Disorder (PTSD) during an anxiety attack; or
 - h. Performing other duties.

2. Service animals are working animals, not pets.

3. The work or task a dog has been trained to provide must be directly related to the person's disability.

4. Dogs, whose sole function is to provide comfort or emotional support, do not qualify as service animals under the ADA.

M. Telecommunication Device for the Deaf (TDD/TTY) – A keypad device used to provide communication for the hearing impaired that utilizes basic telephone lines for transmitting and receiving. This equipment may also be referred to as a "text telephone" by the Federal Communications Commission.

IV. SPECIFIC DISABILITIES

It is not the intent of this policy to provide detailed information on all disabilities, nor in any way limit 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.

A. Visual Disabilities

1. One of the most difficult issues facing individuals who are blind or visually 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 Emergency 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 Emergency Communications Center, or encourage the individual to do so, to aid in the Officer's identification.

2. 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 may take the Officer's arm for guidance.

B. Mental, Emotional and Psychological Disabilities

These disabilities include those causing disturbances in thinking, feeling and relating. Employees should ensure that people who present with mental, emotional and/or 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, to sort out the facts, to interact with family members and others, to bring the call to a successful conclusion.

C. Developmentally Disabled

1. Developmentally Disabled encompasses a broad range of developmental disabilities from mild to profound. People who are developmentally disabled may have varying degrees of limited intellectual and emotional functioning. In all situations, employees should ask questions that are brief in nature, be patient when waiting for answers, repeat questions and answers if necessary, have individuals repeat the question in their own words, and provide reassurance.

2. When responding to the needs of people who are severely or profoundly developmentally disabled, 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.

D. Mobility Impairments

1. People with mobility impairments include those who have difficulty walking, use a wheelchair or other mobility aid, and those who are immobile.

2. In an emergency situation or during an arrest, extra attention may be required to ensure the safe movement of the individual and the security and transport of any mobility aid; i.e., cane, wheelchair, etc.

E. Non-Visible Disabilities

1. Some disabilities are difficult to notice; epilepsy, diabetes, dyslexia, etc. Failure to recognize characteristics associated with certain non-visible disabilities could have serious consequences for the person with the disability.

2. 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.

3. 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 and, if necessary, examine the individual as required by §901.215, F.S.S. to ascertain whether or not 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.

4. Demonstrating patience, understanding, and compassion, during interactions with a person presenting with the characteristics commonly associated with non-visible disabilities, will be helpful in facilitating and leading discussions, which in turn will result in having a positive outcome.

F. 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 whether or not they are dealing with a person who has a communication-related disability.

V. EFFECTIVE COMMUNICATIONS

A. No situation may be successfully resolved without effective communication between the Officer and the disabled person. Officers should make an extra effort to ensure 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.

B. If interpreter services are required, the Emergency Communications Center can obtain the services of a qualified or non-qualified interpreter by contacting the Human Services 24-Hour Hotline.

1. On-duty Officers proficient at interpreting may serve as non-qualified interpreters.

2. A supervisor shall be notified as soon as possible when an interpreter is requested.

3. The requesting Officer shall be provided with an estimated time of arrival and the name of the responding interpreter or agency.

4. When utilized, different certification levels are required of persons providing interpretation services, depending on the status of the individual.

STATUS	INTERPRETER
Victim / Witness	Non-qualified
Traffic / Non-Criminal	Non-qualified
Misdemeanor Suspect	Qualified
Felony Suspect	Qualified

C. Victim/Witness

1. 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.

2. When interviewing a disabled victim or witness and effective communication can be established, the interview may proceed without the use of a qualified interpreter.

3. 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.

a. 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.

b. If an interpreter is unable to respond, or if the Officer cannot complete the interview, these efforts should be reflected in the investigation report.

D. Non-Criminal Violator

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

E. Criminal Violator

1. In the event a deaf person is arrested or taken into custody for an alleged violation of a criminal law of this state, the services of a qualified interpreter shall be sought prior to interrogating such deaf person.

2. If the services of a qualified interpreter cannot be obtained, the arresting Officer may interrogate or take a statement from such person, provided the interrogation and the answers shall be in writing.

3. The interrogation and the answers shall be preserved and turned over to the Court in the event such person is tried for the alleged offense (§925.245, F.S.S.).

F. Miranda

1. 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.

2. When dealing with individuals with disabilities, the Officer must ensure that effective communication has taken place and the method is properly documented.

VI. PROCEDURES

A. Provision of Services

1. When providing routine or emergency police service to, or interviewing 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.

2. Officers shall be mindful of the special needs of victims, suspects or defendants with developmental disabilities and ensure their rights guaranteed by Florida Statute and the United States Constitution are protected.

3. When an Officer is assisting a person with a disability, being calm, reassuring and patient is important.

4. Every effort will be made to protect the individual from unnecessary harm.

5. 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.

6. If needed, steps should be taken to gain placement for the individual in an appropriate emergency medical, health care, or shelter facility.

7. Appropriate service providers, including government agencies, non-profit agencies, and volunteer organizations, are available through the 24-Hour hotline number.

B. Service Animals

1. The following provides guidelines for Officers when they come in contact with an individual with a disability who is using a service animal.

a. Under the ADA, State and local governments, businesses, and nonprofit organizations that serve the public generally must allow a service animal to accompany the individual with a disability in all areas of a facility where the public is normally allowed to go.

b. The service animal must be harnessed, leashed or tethered, unless these devices interfere with the service animal's work or the individual's disability prevents using these devices. In that case, the individual must maintain control of the animal through voice, signal, or other effective controls.

c. When it is not obvious what service an animal provides, only limited inquiries are allowed. Officers may ask two questions:

1) Is the dog a service animal required because of a disability?

2) What work or task has the dog been trained to perform?

d. Officers cannot ask about the person's disability, require medical documentation, require a special identification card or training documentation for the dog, or ask that the dog demonstrate its ability to perform the work or task.

e. Allergies and fear of dogs are not valid reasons for denying access or refusing service to an individual using a service animal. When a person who is allergic to dog dander, and an individual who uses a service animal must spend time in the same room or facility, (for example, in a school classroom or at a homeless shelter), they both should be accommodated by assigning them, if possible, to different locations within the room or different rooms in the facility.

- f. An individual with a disability cannot be asked to remove their service animal from the premises unless:
 - 1) The dog is out of control and the handler does not take effective action to control it, or
 - 2) The dog is not housebroken. When there is a legitimate reason to ask that a service animal be removed, the Officer will work with the establishment to offer the person with the disability the opportunity to obtain goods or services without the animal's presence.
- g. Establishments that sell or prepare food must allow service animals in public areas even if state or local health codes prohibit animals on the premises.
- h. People with disabilities who use service animals cannot be isolated from other patrons, treated less favorably than other patrons, or charged fees that are not charged to other patrons without animals. In addition, if a business requires a deposit or fee to be paid by patrons with pets, it must waive the charge for service animals.
- i. If a business, such as a hotel, normally charges guests for damage that they cause, a customer with a disability may also be charged for damage caused by themselves or their service animal.
- j. A business is not required to provide care or food for a service animal.

C. Interviews of Victims, Suspects and Defendants with Autism or Autism Spectrum Disorder

1. Officers shall, upon the request of a victim, suspect, or defendant diagnosed with autism or an autism spectrum disorder (or their parent or legal guardian), make a good faith effort to ensure that a psychiatrist, psychologist, mental health counselor, special education instructor, clinical social worker, or related professional (hereinafter referred to as "a Professional") is present at all interviews with the person.

2. When a victim, suspect or defendant, diagnosed with autism or an autism spectrum disorder, or their parent or guardian, request a professional to be present during interviews, the interviewing Officer, or other individual designated by the interviewing Officer, shall take the following steps:

a. Advise the individual making the request for a professional to be present, that all expenses related to the attendance of the professional shall be borne by the requesting individual. If the individual making the request for a professional is a victim, upon conviction of the offense in which the individual is a victim, the defendant shall reimburse the victim for all expenses related to the attendance of the professional at the interview as part of restitution.

b. Ask the individual making the request for a professional, if they have a particular professional they would like to request or knows of a professional who may be requested. If so, obtain the professional's contact information and contact the professional for assistance. The individual making the request for a professional, may contact the professional directly if that is their preference.

c. If the individual making the request, does not have or know of a particular professional to contact, the interviewing Officer, or designee may contact agencies/organizations for assistance and guidance in obtaining a professional. Those include but are not limited to:

- 1) Florida Autism Center, 850-391-6060;
- 2) Center for Autism & Related Disabilities, 1-800-9-AUTISM;
- 3) Other organization, medical facility or private counseling center.

d. The interviewing Officer, or designee shall document all attempts to obtain a professional for the interview.

e. If after all known sources for a professional have been exhausted and a good faith effort has been made to locate a professional and all attempts were unsuccessful, the interviewing Officer may begin the interview without a professional present.

3. The interviewing Officer should be aware that a professional may not be available on weekends and/or after normal business hours; and in order to have a professional present during all interviews, advance arrangements may need to be made. The determination to delay an interview should be on a case-by-case basis and at the Officer's or Supervisor's discretion.

4. Training

A. All personnel shall receive initial training and thereafter **periodic** training on Autism Awareness and the Department's policies and procedures for Interviews of Victims, Suspects, and Defendants with Autism or Autism Spectrum Disorder.

D. Emergency Communications Center

1. A disabled person using TDD/TTY equipment may contact the Department on either the administrative number or, when necessary, through "911." Upon receipt, either line may be routed to TDD/TTY devices maintained in the Emergency Communications Center.

2. Information on services to the disabled, accessed via the County Hotline, shall be available in the Emergency Communications Center via ECHO Channel.

E. Access to Department Programs

1. Reasonable accommodation shall be made at the request of the disabled person to afford access to Department programs, services or activities.

2. Crime prevention programs such as Neighborhood Watch, youth programs, or in-school programs, for example, will be modified to reasonably accommodate people with disabilities. These accommodations may be, but are not limited to, outreach, modified program schedules, or other auxiliary aids and services.

F. Calls for Service

1. 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, so as to bring calls for police service to a successful conclusion.

2. Contact with the disabled may occur in an emergency situation. 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 ID, 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.

G. Disruptive or Criminal Behavior

1. People with disabilities commit crimes and exhibit disruptive behavior just as people do 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.

2. People with certain disabilities may respond in a manner resembling someone who has abused alcohol or drugs. Such traits may be exhibited by, but are not limited to, a person with diabetes, epilepsy, Parkinson's disease, cerebral palsy, multiple sclerosis, or a hearing impairment.

H. Transportation and Incarceration

1. 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.

2. Disabled prisoners shall be searched and transported in accordance with this Order and <J:\Research\GeneralOrders\III Operational General Orders\III-10 Transporting and Booking Detainees.pdf>.

3. 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.

4. In arrest and incarceration situations, employees may encounter the following:
 - a. 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 (e.g., transport vans, seat belts) should be sought.
 - b. A disabled person may require physical aids (cane, walker, crutches, wheelchair, 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 ensure that their essential needs are met.
 - c. 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.
5. Transporting Officers shall notify booking personnel when a disabled person is brought to the County Jail.

VII. REPORT REQUIREMENTS

- A. Written reports involving a disabled person shall reflect the manner of communication, the provision of aids and services, and other accommodations utilized to reasonably meet their needs.
- B. If communication with a disabled person is in writing, all documents produced shall be submitted as evidence.

Anthony Holloway
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