

**POLICY  
370**

**EFFECTIVE  
DATE  
6-15-09**

**Eugene  
Police Department**



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## **Communication with Persons with Disabilities**

### **370.1 PURPOSE AND SCOPE**

Individuals with disabilities (e.g., hearing or sight impairment, autism, developmental or physical disabilities) may encounter difficulties in gaining meaningful access to, or an understanding of, important rights, obligations, and services. In accordance with the Americans with Disabilities Act (ADA), it is therefore the policy of this department to take all reasonable steps to accommodate such individuals in any law enforcement contact.

### **370.2 FACTORS TO CONSIDER**

Because the nature of any law enforcement contact may vary substantially from one situation to the next, employees of this department should consider all information reasonably available to them when determining how to communicate with an individual with a disability. These factors may include, but are not limited to:

- (a) The extent to which a disability is obvious or otherwise made known to the involved employee. Impaired or disabled individuals may be reluctant to acknowledge their condition and may even feign a complete understanding of a communication despite actual confusion.
- (b) The nature of the disability (e.g., total deafness or blindness vs. partial impairment.)
- (c) The nature of the law enforcement contact (e.g., emergency vs. non emergency, custodial vs. consensual contact.)
- (d) Availability of resources to aid in communication.

When considering these factors and other available information, the involved employee(s) should carefully balance all factors in an effort to reasonably ensure meaningful access by individuals with apparent disabilities to critical services while not imposing undue burdens on the Department or its employees.

#### **370.2.1 INITIAL AND IMMEDIATE CONSIDERATIONS**

Recognizing that various law enforcement encounters may be potentially volatile and/or emotionally charged, department employees should remain alert to the possibility of communication problems and exercise special care in the use of all gestures, body language, and verbal and written communication in an effort to minimize initial confusion and misunderstanding when dealing with any individual(s) with known or suspected

disabilities or communication impairments. If an individual may not know why s/he is being contacted, the involved employee should normally identify his/her position and the purpose of the contact (e.g., telling a sight-impaired person that the employee is a police officer). To set an appropriate environment for effective communication, the factors outlined in *Policy 418 Mental Health Crisis Response* section 3.3 should be considered. Remember that some behaviors (e.g., not looking a person in the eyes) may be a function of a disability.

### **370.3 TYPES OF ASSISTANCE AVAILABLE**

Depending on the balance of the factors available for consideration at the time, this department will make every reasonable effort to provide meaningful and timely assistance to disabled individuals through a variety of services, where available. Disabled individuals may elect to accept such assistance at no cost, choose to provide their own communication services at their own expense, or any combination thereof. In any situation, the individual's expressed choice of communication method will be given primary consideration and honored unless the employee can adequately demonstrate that another effective method of communication exists under the circumstances. Officers should document the type of communication utilized in any related report and whether a disabled or impaired individual elected to use services provided by the Department or some other identified source. Department-provided services may include, but are not limited to, the following:

#### **370.3.1 FIELD RESOURCES**

Individual officers and employees are encouraged to utilize resources immediately available to them in any contact with a known or suspected disabled or impaired person. Alternate methods of communication may be useful if the person seems unable to communicate verbally. Examples of this would include such simple methods as:

- (a) Hand gestures, sign language, or written communications exchanged between the employee and a deaf or hearing-impaired individual or a person who cannot speak.
- (b) Facing an individual who utilizes lip reading and speaking slowly and clearly.
- (c) Slowly and clearly speaking or reading simple terms to any visually or mentally impaired individual, and attempting to ensure that you were understood.

#### **370.3.2 AUDIO RECORDINGS AND ENLARGED PRINT**

From time to time, the Department may develop audio recordings of important information needed by blind or visually impaired individuals. In the absence of such audio recordings, employees may elect to read aloud a Department form or document such as a citizen complaint form to a visually impaired individual or utilize a photocopier to enlarge printed forms for a visually impaired individual.

#### **370.3.3 TELEPHONE INTERPRETER SERVICES**

Central Lane Communications will maintain a list of qualified interpreter services to be contacted at department expense to assist deaf or hearing-impaired individuals upon approval of a supervisor. When utilized, notification to such interpreters will be made at the earliest reasonable opportunity and the interpreter should be available to respond within a reasonable time (generally not to exceed three hours). For additional information

on interpreters, refer to Policy 368.

#### **370.3.4 TTY AND RELAY SERVICES**

Individuals who are deaf or hearing-impaired must be given the opportunity to use available text telephones (TTY or TDD). All calls placed by such individuals through such services will be accepted by this department.

#### **370.3.5 COMMUNITY VOLUNTEERS**

Depending on the circumstances, location, and availability, responsible members of the community may be available to provide qualified interpreter services, such as those who are proficient in American Sign Language (ASL). Sources for these individuals may include local businesses, banks, churches, neighborhood leaders, and school officials. In addition to such sources, the Department will attempt to maintain and update a list of qualified community volunteers who may be available to respond within a reasonable time.

#### **370.3.6 FAMILY AND FRIENDS OF DISABLED OR IMPAIRED INDIVIDUAL**

While family and friends of a disabled or impaired individual may frequently offer to assist with interpretation, employees should carefully consider the circumstances before relying on such individuals. For example, children should not be relied upon except in emergency or critical situations. Further, the nature of the contact and relationship between the disabled individual and the individual offering services must be carefully considered (e.g., victim/suspect).

#### **370.3.7 PERSONAL ADVOCATES AND ADVOCACY ORGANIZATIONS**

Some individuals have personal advocates who may be able to assist in communicating with, and providing assistance to, persons with disabilities. In addition, community resource databases (e.g., [www.211lane.org](http://www.211lane.org)) may help to locate advocacy and other organizations which could assist.

### **370.4 CONTACT SITUATIONS AND REPORTING**

While all contacts, services, and individual rights are important, this department will carefully consider reasonably available information in an effort to prioritize services to disabled and impaired individuals so that such services and resources may be targeted where most needed because of the nature and importance of the particular law enforcement activity involved.

Whenever any member of this department is otherwise required to complete a report or other documentation, and communication assistance is provided to any involved disabled or impaired individual(s), such services should be noted in the related report. If an interpreter is used, contact information for that person should be included in the report.

#### **370.4.1 RECEIVING AND RESPONDING TO REQUESTS FOR ASSISTANCE**

In order to provide disabled and impaired individuals with meaningful access to law enforcement services when they are victims of, or witnesses to, alleged criminal activity or other emergencies, this department has designated emergency calls to its 911 lines as its top priority for assistance with such services. Department personnel will make every reasonable effort to promptly accommodate such disabled and impaired individuals utilizing 911 lines through any or all of the above resources.

While 911 calls will receive top priority, it is also important that reasonable efforts be made to accommodate disabled and impaired individuals seeking more routine access to services and information from this department.

#### **370.4.2 CUSTODIAL INTERROGATIONS AND BOOKINGS**

In an effort to ensure the rights of all disabled and impaired individuals are protected during arrest and custodial interrogation, this department places a high priority on providing reasonable communication assistance during such situations. It is further recognized that miscommunication during custodial interrogations may have a substantial impact on the evidence presented in any related criminal prosecution. As such, department personnel providing communication assistance in these situations will make every reasonable effort to accurately and effectively communicate with disabled or impaired individuals.

Whenever a deaf or hearing impaired individual is detained or arrested and placed in handcuffs, officers should consider, if safety permits, handcuffing the person in front of the body in order to allow the individual to sign or write notes.

Employees providing such assistance will also be aware of the inherent communication impediments to gathering information from disabled or impaired individuals throughout the booking process or any other situation in which a disabled or impaired individual is within the control of department personnel. Medical screening questions are commonly used to elicit information on individual's medical needs, suicidal inclinations, presence of contagious diseases, potential illness, resulting symptoms upon withdrawal from certain medications, or the need to segregate the arrestee from other prisoners. Therefore it is important for this department to make every reasonable effort to provide effective communication assistance in these situations.

- (a) Individuals who require communication aids (e.g., hearing aids, automated speaking device) should be permitted to retain such devices while in custody whenever possible consistent with officer safety requirements.
- (b) While it may present officer safety or other logistical problems to allow a physically disabled individual to retain devices such as a wheel chair, cane(s), or crutches during a custodial situation, the removal of such items will require that other reasonable accommodations be made to assist such individuals with access to all necessary services.

#### **370.4.3 FIELD ENFORCEMENT AND INVESTIGATIONS**

Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control, and other routine field contacts which may involve disabled or impaired individuals. The scope and nature of these activities and contacts will inevitably vary, and the Department recognizes that it would be virtually impossible to provide immediate access to complete communication services to every officer in the field. Each officer and/or supervisor must, however, assess each such situation to determine the need and availability for communication assistance to any and all involved disabled or impaired individuals.

Although not every situation can be addressed within this policy, it is important that employees are able to effectively communicate the reason for a contact, the need for information, and the meaning or consequences of any enforcement action taken with a disabled or impaired individual. For example, it would be meaningless to verbally request consent to search if the officer is unable to effectively communicate with a deaf individual. When ending the contact, the employee should ensure that the person is oriented and not left in a potentially confusing or hazardous situation.

#### **370.4.4 COMMUNITY OUTREACH**

Community outreach programs and other such services offered by this department have become increasingly recognized as important to the ultimate success of more traditional law enforcement duties. As such, this department will continue to work with community groups, local businesses, and neighborhoods to provide equal access to such programs and services to disabled individuals and groups.

### **370.5 TRAINING**

In an effort to ensure that all employees in public contact positions (or having contact with persons in custody) are properly trained, this department will provide periodic training in the following areas:

- (a) Employee awareness of related policies, procedures, forms, and available resources
- (b) Training for employees having contact with the public (or those in our custody) to help them work effectively with persons with disabilities through the use of such resources as in-person and telephone interpreters and other persons or specialized equipment
- (c) Training for management staff, even if they may not interact regularly with disabled individuals, in order that they remain fully aware of and understand this policy, so they can reinforce its importance and ensure its implementation by staff.