

# Greer Police Department

## General Order 120.3

### Persons with Disabilities or Diminished Capacity

This order consists of the following numbered sections:

- I. Purpose
- II. Policy
- III. Definitions
- IV. Procedures for persons with disabilities
- V. Procedures for persons with diminished capacity
- VI. Training
- VII. Crisis Intervention Team

By Order of: *Matt Hamby*  
Chief of Police

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Persons with Disabilities or Diminished Capacity

- I. **Purpose:** The purpose of this policy is to outline Department mandates with respect to contacts with persons who have disabilities or have diminished capacities.
- II. **Policy:** It is the policy of this Department to provide police services in an equal and impartial manner. This policy includes providing police services to those who have disabilities or a diminished capacity that officers either observe or become aware of based upon the circumstances presented or information obtained. This Department shall take steps to protect persons with disabilities from inequitable treatment based on their disability and to avoid furthering any injury or disability based on the police contact where such accommodation can occur without jeopardizing the safety of all persons involved in the event.

Persons of diminished capacities may display conduct that is bizarre, irrational, unpredictable and threatening. They may not receive or comprehend commands or other forms of communication in the manner that the officer would expect. They often do not respond to authoritative persons or the display of force. It is the primary task of the field officers confronting these special needs persons to resolve the encounter in the safest manner. It is the officers' task to bring these types of persons to professional resources, when necessary. It is not the mission of the field officer to diagnose the root cause for the person's behavior. Every officer can expect to encounter these types of special needs persons while performing their official duties. Officers are expected to control the incident. Proper tactical and intervention techniques can assist in resolving the immediate field implications of the encounter and hasten the intervention by professional resource persons.

**III. Definitions:**

- A. **Persons of diminished capacity:** This refers to a segment of the community officers will be expected to deal with. It encompasses all persons encountered in the field who exhibit unusual behaviors commonly referred to as irrational, bizarre, unpredictable or weird. These outward observable symptoms could be the result of intoxication, drug use, suicidal indications, mental illness or medical complications.
- B. **Mental Illness:** This policy does not require officers to make a diagnosis of whether the subject is mentally ill or what form of mental illness the subject may have but rather to use reasonable judgment to recognize behavior which is outside the norm in which a person poses a danger to themselves or others.

- C. "Mentally Ill Person" means a person with substantially impaired capacity to use self-control, judgment, or discretion in the conduct of the person's affairs and social relations , associated with maladaptive behavior or recognized emotional symptoms where impaired capacity, maladaptive behavior, or emotional symptoms can be related to physiological, psychological or social factors.
- D. "Chemical dependency" means a chronic disorder manifested by repeated use of alcohol or other drugs to an extent that it interferes with a person's health, social, or economic functioning; some degree of habituation, dependence, or addiction may be implied.
- E. Professional resources: These sources are those available to the police agency such as mental health professionals, emergency medical facilities, and detoxification centers.
- F. Voluntary and involuntary commitments: These are the provisions within the State in which the agency can use for the civil commitment of persons requiring professional psychological intervention.
- G. Americans with Disabilities Act: Federal Civil Rights Law protecting individuals with disability. Recognized Disability/Protected Person under ADA: Any person who has a physical or mental impairment that substantially limits one or more major life activities such as walking, seeing, hearing, speaking, breathing, learning and working. A person who associates with a disabled person is also protected under the act. Other disabilities: Injury, Illness, Mental or Emotional state that would render a person more vulnerable to police actions such as use of force, incarceration or restraint.
- H. De-escalation- Tactics, techniques, actions, verbal, or non-verbal communication exercised by officers during a potential use of control encounter to reduce the imminence of a physical threat to officers or others. These tactics should be used when time, distance, communication, available resources and circumstances permit.

#### **IV. Procedures for person with disability:**

- A. Arrest-Minor Crimes: When dealing with a person who suffers from a recognized disability officers should consider whether the suspected conduct is a manifestation of the person's disability. In cases where the conduct is a manifestation of the disability officers should consider a medical or mental health referral as opposed to arrest.
- B. Use of Control Techniques: In determining the appropriate level of control to be used to control a situation involving a person with a

recognized or other disability, officers should consider whether the particular control or restraint tactic is more dangerous or unreasonable in light of the particular person's disability.

- C. In cases where an officer becomes aware, through information or observations, of a disability, officers should take steps to accommodate that disability where they are able to do so without jeopardizing the subject, the officer or any other person present.
- D. Handcuffing or other restraints-where handcuffing or other restraints may cause further injury of an existing disability and there is no imminent threat, officers should seek assistance from a supervisor to determine if there is an appropriate method of restraint that will accommodate the disability without jeopardizing safety.
- E. Detention: In cases where a person indicates that they have some recognized or other disability, officers shall call for a supervisor in order that steps may be taken to verify the disability and determine whether the subject should remain in the Detention Facility, be transported to the appropriate County Facility, or Courtesy Summons. Due to our limitations, some disabilities prevent persons from remaining in our Detention Facility.
  - 1. Communicable Diseases
  - 2. Illness requiring medication, i.e. Diabetic, Heart Disease
  - 3. Persons with mental illness
  - 4. Hearing/Visual impaired
  - 5. Persons reliant on devices for mobility, wheelchair, crutches
  - 6. Persons under Doctor's care for long term illnesses
- F. Mobility: Standard transport procedures may be dangerous for many people with mobility disabilities. Officers should use caution not to injure the person or damage their wheelchair or other mobility device. The best approach when possible is to ask the person what type of transportation he or she can use, and how to lift or assist him or her in transferring them in or out of the vehicle.
- G. Visually Impaired: When dealing with a person who is visually impaired it is important for officers to identify themselves verbally and state clearly

and completely any directions or instructions including any information that is posted visually which cannot be seen by the person who is visually impaired.

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

H. Hearing Impaired: The input of people who are deaf or hard of hearing who are involved in incidents is just as important to the law enforcement process as the input of others. Officers must not draw conclusions about incidents unless they fully understand -- and are understood by -- all those involved, including people who are deaf or hard of hearing. The Department has specific legal obligations under the Americans with Disabilities Act and the Rehabilitation Act] to communicate effectively with people who are deaf or hard of hearing. To carry out these policies and legal obligations, the Department instructs its officers and employees as follows:

1. People who are deaf or hard of hearing are entitled to a level of service equivalent to that provided to other persons.
2. The Department will make every effort to ensure that its officers and employees communicate effectively with people who are deaf or hard of hearing.
3. 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 type of situation.
4. Communication Aids
  - a) 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.

- b. 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.
- c. 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. 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. The more lengthy, complex, and important the communication, the more likely it is that a qualified interpreter will be required for effective communication. For example:
  - 1. If there has been an incident and the officer is conducting witness interviews, a qualified sign language interpreter may be required to communicate effectively with someone whose primary means of communication is sign language. A qualified oral interpreter may be required to communicate effectively with someone who has been trained to speech read (read lips).
  - 2. If a person is asking an officer for directions to a location, gestures or an exchange of written notes will likely be sufficient to communicate effectively.
  - 3. To serve each individual effectively, primary consideration should be given to providing the type of communication aid or service requested by the individual. Officers should find out from the person who is deaf or hard of hearing what type of auxiliary aid or service he or she needs. Officers should defer to those expressed choices, unless: Persons with Disabilities or Diminished Capacity
    - a. There is another equally effective way of communicating, given the circumstance length, complexity, and importance of the communication, as well as the communication skills of the person who is deaf or hard of hearing; or

- b. Doing so would fundamentally alter the nature of the law enforcement activity in question or would cause an undue administrative or financial burden; only the Chief of Police or his designee may make this determination.
- c. People who are deaf or hard of hearing must not be charged for the cost of an auxiliary aid or service needed for effective communication.
- d. On call interpretive services
  - 1, Communications will maintain a list of sign language and oral interpreting services that are available (on-call 24 hours per day) and willing to provide qualified interpreters as needed.
  - 2. A qualified sign language or oral interpreter is one who is able to interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary. Accordingly, an interpreter must be able to sign to the deaf individual (or interpret orally to the person who speech reads) what is being said by the officer and be able to voice to the officer what is being signed or said by the deaf individual. The interpreter must be able to interpret in the language the deaf person uses (e.g., American Sign Language or Signed English) and must be familiar with law enforcement terms and phrases
  - 3. Because a qualified interpreter must be able to interpret impartially, a family member, child, or friend of the individual who is deaf may not be used.
- f. TTY and RELAY services

In situations when a nondisabled person would have access to a telephone, officers must provide persons who are deaf or hard of hearing the opportunity to place calls using a TTY. Officers must also accept telephone calls placed by persons who are deaf or hard of hearing through the TTY.

5. Techniques for Officers to communicate effectively

Officers may utilize the following auxiliary aids, when available, to communicate effectively:

Use of gestures;  
Use of visual aids;  
Use of a notepad and pen or pencil;  
Use of a computer  
Use of an assistive listening system or device;  
Use of a teletypewriter (TTY);  
Use of a qualified oral or sign language interpreter.

6. Officers will receive annual in service training on this policy and the ADA Guide for Law Enforcement Officer publication "Communicating with People Who Are Deaf or Hard of Hearing".

- I. Other Disability: In any case where an officer becomes aware of an injury, illness or disability which may render the activity, tactic or restraint to be undertaken more dangerous to the individual, the officer shall notify a supervisor and in conjunction with supervisory support take reasonable steps to accommodate the injury or disability.

**V. Procedures for dealing with persons of diminished capacity:**

- A. Prosecution guidelines: It is the policy of this agency to evaluate the necessity for and method of prosecution when dealing with a person of diminished capacity. Normally misdemeanor violations by the person committed during the police control of the incident will not subject the person to a physical arrest. The decision to cite or request a filing by the prosecutor will be determined by the field supervisor. A field supervisor will evaluate felony and/or other crimes committed upon non-agency personnel to determine whether a physical arrest is warranted. The ultimate mission of the agency is to encourage professional resource intervention for the person of diminished capacity. Physical arrest should be considered a last resort. Under South Carolina Law, an officer may refer a subject to an appropriate facility for evaluation in lieu of a misdemeanor arrest where the criminal conduct is such that a private citizen would not be able to seek their own warrant.
- B. Field control tactics: The ultimate mission of law enforcement when encountering a person of diminished capacity is to control the encounter and then determine the best course of action for the subject person. This



field tactical response can be segmented into four (4) distinct tactical responses: Containment, Coordination, Communication and Time.

1. **Containment:** Before any reasonable control and defusing techniques can be used, the subject must be contained:
  - a. Two (2) officers shall be dispatched to an incident involving a person of diminished capacity. Should an officer find him/herself in a situation with such a person, the officer shall request a back-up before attempting to intercede.
  - b. Responding officers should avoid the use of emergency lights and siren when responding to this type of call for service. Experience has demonstrated that this may agitate the response by the subject of the call or encounter.
  - c. The officers shall devise a plan that separates the subject from other civilians. This containment should respect the comfort zone of the subject in order to reduce any unnecessary agitation. Officers should convince the subject that they do not have to move. Officers should continuously evaluate this comfort zone and not compress it, unless absolutely necessary.
  - d. It is important for officers to ensure that on-lookers and family members are not in a position to become involved either verbally or physically in the control methods.
  - e. Effective containment reduces the elements of agitation, such as large groupings of persons/officers, emergency vehicle equipment, loud police radio transmissions, and multiple persons directing communications to the subject. Containment is meant to reduce outside influences and sources of agitation.
  - f. Officers should move slowly.
  - g. Officers should utilize all available tactics to de-escalate the situation where possible, however if an officer is faced with a dynamic and violent situation which poses a threat to the officer or other persons present, then officers should utilize their law enforcement control tactics outlined under the Use of Control Techniques policy to gain control.
2. **Coordination:** This is essential for control of the encounter and is the foundation for the development of an effective plan and use of personnel and resources:
  - a. One officer at the scene shall be designated or assume the position of being the lead officer. This may not be the most senior officer on the scene.

- b. A perimeter shall be determined to ensure that outside persons and/or family members don't become involved.
  - c. Officers shall limit observable indications of force. If firearms are drawn, they should be maintained in the low ready position and not displayed by officers who are attempting to establish communications with the subject.
  - d. The lead officer shall designate an officer to gather intelligence regarding the subject being encountered. This type of information can come from persons at the scene, neighbors and/or family. This information can become important in determining the further tactical approaches to the subject and the most appropriate form of referral.
  - c. The lead officer is responsible for determining what resources should be requested including additional police personnel, specialized weapons, professional resources and staged medical personnel.
  - d. When warranted, the lead person will designate the location for a command post and staging area. This should be out of sight of the location of the subject encounter.
3. **Communication** with the person of diminished capacity should be planned and controlled:
- a. Prior to engaging the subject in communication, the initial responder should await the arrival of a cover officer. When dealing with edged weapons officers should, where possible, maintain a zone of safety which allows for reaction should the subject decide to attack.
  - b. One officer shall be designated as the command voice and other officers shall refrain from becoming involved.
  - c. Verbal communication should be non-threatening. Whenever possible, use open-ended questions designed to facilitate the subject's participation. If the subject does not respond, use other communication techniques. It may be necessary to change the person designated as the command voice and determine whether that might be beneficial.
  - d. Sharp, authoritative commands should be avoided. Officer should use calming communicative attempts.
  - e. It has been found that threats to arrest or use force are not productive when dealing with persons with diminished capacities. Reassure the subject that the police are there to help them.

- f. Be truthful at all times.
  - g. Officers must constantly analyze what affect, if any, their efforts are having on the subject. This is essential to identify areas that appear to agitate the subject that should then be avoided.
  - h. Normally, family members should not be used in an attempt to establish communications. This frequently exacerbates the situation.
- 4. **Time** is the concept of elongating the encounter, rather than hastening it:
  - a. History has shown that the longer the encounter is allowed to occur, the better the chance for a successful and safe resolution.
  - b. Increasing the time of the encounter and using defusing techniques allows the subject to reflect upon his/her predicament.
  - c. Creating time also allows for the field units to be supported by the deployment of additional police personnel, specialized equipment and medical support personnel.
  - d. Time encourages the ability to communicate and create a relationship between the subject and the command voice.
- C. Commitment procedures: The primary purpose for police response to an incident involving a person of diminished capacities is to control the situation and ensure that the person receives the most appropriate for of professional resources.
  - 1. In determining the most appropriate form of professional resource and referral officers should consider the information provided by professional resources persons and family members.
  - 2. It is important for the officers on the scene to determine what, if any, on-going threat potential the subject poses to him or herself, family, community and the officers. This threat potential may necessitate an involuntary commitment procedure rather than simply hand off the subject to the family for a voluntary commitment.
  - 3. Officers shall use the resources of local crisis intervention personnel, if available, when making this commitment decision. Contact information for resources such as the Department of Mental Health's Community Crisis Response and Intervention team (CCRI), Greer Mental Health, and the Phoenix Center are maintained with Communications.

4. Any peace officer who has reasonable grounds to believe that the individual is mentally ill and presents a danger or threat of danger to self, family or others if not restrained shall take the individual into custody and transport the individual without unnecessary delay to a hospital or designated psychiatric facility and provide written documentation to the facility as to the behavior of the subject that led to the officer taking custody.
  5. Officers shall not use a jail as a holding facility for meeting the criteria of this policy unless the person also has criminal charges pending.
  6. No officer shall place criminal charges against a person who is mentally ill and need of hospitalization for the purpose of avoiding transporting the person to an appropriate medical or psychiatric facility.
- D. Use of restraints when dealing with persons of diminished capacities: These types of persons may present officers with conflicting considerations in determining the best means for restraint and transportation. The ultimate mission is to safeguard the interests of the subject and transporting officers. In some cases an ambulance may be required.
- E. Reporting requirements: Officers shall prepare all required reports whether the subject of the call is arrested, committed or released. This can provide valuable information for future contacts and, when available, allows the agency to provide information to the statewide data system.

## **VI. Training**

- . New hires will receive training on dealing with persons with disabilities or diminished capacity during the new hire General Orders Training. All employees will receive a refresher course in dealing with persons with disabilities and mentally ill persons during their annual In-Service Training.

## **VII. Crisis intervention Team**

- A. Purpose- The Greer Police Department intends to incorporate a Crisis Intervention Team (CIT) into the standard function of the department. The CIT will serve as the preferred method of response to specific incidents involving mentally ill persons in crisis.

## B. Objectives

1. Pre-arrest diversion of the mentally ill from the criminal justice system as appropriate.
2. Providing law enforcement with the tools needed to handle encounters with mentally ill persons.

## C. Definitions:

1. Crisis Intervention Team- The CIT will consist of a group of officers trained to respond to the mentally ill in crisis. Required minimum training for all CIT officers will consist of a CIT course presented by the National Alliance on Mental Illness (NAMI).
2. Crisis- A crisis may consist of a person having delusions, refusing to take prescribed medications, erratic behavior, causing a disturbance, talking to themselves, or other activity or behavior that causes a reasonable person to be alarmed.
3. Crisis Intervention Officer- An officer that has completed the minimum CIT training provided by NAMI.
4. Order of Detention- An order issued by a Probate Court Judge requiring detainment of a person for mental health evaluation.

## D. Procedures for CIT Calls

A CIT officer will respond to the following type calls and maintain responsibility until relieved by a supervisor:

1. Any incident where mental illness or disorder requires officers to be dispatched or respond.
2. Any call serving Orders of Detention
3. Any incident where the subject voluntarily accompanies an officer and there is reason to believe the safety of the public and the subject are best served by a CIT officer transporting the subject to a facility for voluntary commitment.
4. Any call where the subject is acting erratically, displaying abnormal behavior, delusional, etc.

5. Officers will consult with and make use of the services of the CCRI team when at all possible and, particularly, when a person is threatening physical harm to themselves or others. CCRI may be reached 24 hours a day at 883-364-2274.

E. Dispatch Protocol

1. The call taker will ascertain as much information as possible with regards to weapons, violent tendencies, types of mental illness, co-occurring disorders such as alcohol and drug abuse, name of person in crisis, names of any prescribed medications, local doctor/psychiatrist name, history of suicide attempts, and any other information as available.
2. If the initial call to communications indicates that the person involved suffers from a mental illness an on duty CIT officer will be dispatched automatically to the call for service. Communications will indicate in the initial broadcast the possibility of this type call.
3. In the event that no area or patrol team CIT officer is available, communications will check the CIT officer list in CAD and dispatch CIT officers from other divisions. If no CIT officer is available, Communications will refer to General Order 120.3 V, B,1,a that states; "Two officers shall be dispatched to an incident involving a person of diminished capacity. Should an officer find himself in a situation with such a person, the officer shall request back-up before attempting to intercede."
4. A CIT officer may volunteer to handle a call that he/she believes to be CIT related. The CIT officer may know the person to be mentally ill or know the location to be a residence/outpatient home of the mentally ill.
5. If an officer is on-scene and recognizes the call will require a CIT officer, the officer will request communications to call the closest CIT officer available to be dispatched to the scene.