


LEESBURG POLICE DEPARTMENT REGULATIONS AND GENERAL ORDERS MANUAL		
General Order Number: 139	Section: ADMINISTRATION	Effective Date: FEBRUARY 2021
Title: <div style="text-align: center;"> INTERACTIONS WITH VICTIMS AND SUSPECTS WITH DISABILITIES </div>		
Accreditation Standards: <div style="text-align: center;"> ADM.02.03, OPR.08.01, OPR.08.03, OPR.09.01 </div>		
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I. PURPOSE

It is the purpose of this policy to provide Department personnel with guidelines for interacting with individuals with disabilities, as victims and suspects during the course of police investigations. Depending on the disability, the nature of police services may be different. Officers are reminded to be fair and impartial during the criminal justice process. As an agency, we should continually strive to exceed professional standards in the delivery of quality police services, and always remember our commitment to respecting the rights and human dignity of all.

II. GENERAL POLICY

It is the policy of this agency that personnel will be trained to recognize persons with disabilities and to respond professionally and compassionately, utilizing de-escalation protocols when appropriate, and seek alternatives to physical custody whenever practical. Title II of the Americans with Disabilities Act (ADA) applies to state and local government entities, including law enforcement. The ADA requires reasonable modification to existing policies and procedures to make them accessible to persons with disabilities.

III. SPECIFIC POLICY WITH RESPECT TO VICTIMS WITH DISABILITIES

It is the policy of this agency to treat crimes against people with disabilities as a priority and to respond both professionally and compassionately to victims with disabilities.

IV. DEFINITIONS

Disability: As defined in the Americans with Disabilities Act (ADA), with respect to an individual, a disability is “a physical or mental impairment that substantially limits one or more major life activities of such individual;” “a record of such an impairment;” or “being regarded as having such an impairment.” 42 U.S.C. §12102.

V. PROCEDURES

A. Interactions with Victims with Disabilities

The mere presence of an officer can also be a source of stress. People with disabilities often have impairments that make it difficult for them to process incoming sensory information.

1. Fully investigate reports of crimes against persons with disabilities, regardless of the relationship between the victim and the suspect(s).
2. Reports of domestic violence and sexual assault will be fully investigated whether or not the officer believes the victim is able to testify in court.
3. In an effort to improve response and service delivery, officers should collaborate and coordinate

investigative efforts with other appropriate agencies, including county resources, the Commonwealth Attorney's office, victim services/advocate groups, disability organizations, and other entities as appropriate.

4. Officers should document the type and extent of the victim's disability to help in determining the appropriate charges, as well as possible accommodations and support necessary for equal access to the criminal justice system (investigative and prosecutorial). It is best practice to use the accommodation preferred by the victim when possible.
5. When warranted, immediate, effective action should be taken to protect the victim with disabilities from the alleged offender/suspect(s). Appropriate action should be taken against the offender in a way that does not result in increased risk to the victim, and police action should not exacerbate the situation.
6. Officers shall treat all persons with disabilities with dignity and respect – including the person's right to self-determination. Self-determination is a person's right to make his/her own decisions, including the right to privacy and to refuse well-intended interventions.
7. Within department guidelines, the records section shall expeditiously provide reports to partner agencies when an incident is confirmed as abuse, neglect, or financial exploitation (including non-criminal acts) to the appropriate state reporting entity for people with disabilities.

B. Taking Persons with a Disability into Custody

Different types of disabilities may require different types of procedural adjustments by the officer. In appropriate circumstances, officers should seek alternatives to physical custody of individuals with disabilities, as it is likely to initiate a severe anxiety response and further escalate a situation. This might include the release of the person to his or her family, a support person, or a community-based diversion program. In more serious offense situations or where alternatives to arrest are not permissible, officers shall observe the following guidelines as applicable to a particular situation:

1. Contact a supervisor.
2. Employ calming and reassuring language and de-escalation protocols.
3. If possible, contact the person's family member, support person, or other trusted individual to accompany him or her and to assist in the calming and intervention process. If a support person is not readily available, request an individual appropriately trained in crisis intervention, if available.
4. When reasonable and practical, avoid physical restraints. The use of such restraints can injure the person or limit the person's ability to communicate (e.g., a person who uses American Sign Language can no longer sign) or move independently (e.g., someone who uses a wheelchair or scooter can no longer use these devices).
5. When possible, avoid using bodyweight to restrain the individual. When unavoidable, extreme caution should be exercised.
6. In accordance with this agency's policy on the transportation of prisoners, search the individual for weapons prior to transport. Do not remove any assistive devices from the person if at all possible, including canes, communication icons, hearing aids, braces, etc.
7. Inform the Magistrate and Detention Center staff (ADC or JDC) staff during booking that the person has a disability and should be classified and assigned to the appropriate housing unit.
8. Until alternative arrangements can be made, and when safe to do so, place the individual in a quiet room with a support person if requested, another responsible individual, or an officer who has experience interacting with people with disabilities.
9. Provide the person with any comfort items or assistive devices that might have been in his or her possession at the time of arrest (e.g., toys, canes, reading devices, etc.), in accordance with agency policy.
10. Officers shall ensure that deaf and hearing-impaired persons who are arrested and transported to police headquarters or the detention center (Adult or Juvenile) have their communication devices with them. Such devices shall be kept by arrestees and maintained by booking authorities in good working order.