
	PARADISE VALLEY POLICE GENERAL ORDER Providing Services to Individuals with Disabilities	Order Number
		41.13
		Date
		01-12-17

41.13 Providing Services to Individuals with Disabilities

- A. The *Department* is committed to providing accessible services to all persons, including those with physical disabilities as well as those who are hearing/speaking impaired.
- B. Individuals with a hearing/speaking impairment have the right to choose the auxiliary aid of the person's choice, unless the *Department* can demonstrate that another equally effective means of communication is available, or that use of the means chosen would result either in a fundamental alteration in the service, program or activity, or in undue financial burden to the *Department*.
- C. *Officers* encountering persons with physical disabilities *should* consider all of the circumstances – the nature of the person's disability, the nature of the situation (is the person seeking police services, or is the person a suspect or witness in a criminal investigation, for example), and the availability of resources to enhance the communication. Alternatives and resources available to assist *officers* and those needing assistance include:
 1. Alternate communication through writing, hand gestures, or lip reading.
 2. Use of text telephones (*TTY* or *TDD*).
 3. Allowing a person to maintain control of assistive devices, such as hearing aids or wheelchairs.
 4. Use of qualified *interpreters* or available *Department* employees who are fluent in American Sign Language.
- D. *Department* employees *should* use family, friends or bystanders only for *interpreting* in very informal, non-confrontational contexts, and only to obtain basic information at the request of the hearing/speaking impaired individual. A "qualified *interpreter*" is one who is able to *interpret* effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary. Accordingly, a qualified *interpreter* *must* be able both to sign to the individual who is deaf what is being said by the hearing person and to voice to the hearing person what is being signed by the individual who is deaf. Because a qualified *interpreter* *must* be able to *interpret* impartially, a family employee or friend *may* not be qualified to render the necessary *interpretation* because of factors such as emotional or personal involvement or

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considerations of confidentiality. Barring exigent circumstances, *Department employees should not use minor children to provide interpreter services.*

- E. If necessary to communicate the nature of the criminal charges for which a person is to be *arrested*, or to complete an interview to determine whether a person is to be *arrested*, a qualified *interpreter shall* be provided. Exceptions to this policy *must* be approved by a *supervisor* and thoroughly documented in a *DR*.
- F. If an *officer* cannot effectively inform the subject of the *Miranda Rights* without the use of an *interpreter*, then the *officer must* secure the services of a qualified *interpreter* or forego the interrogation. The *officer may* proceed with the interrogation of a hearing/speaking impaired person by using a notepad if:
 1. Exigent circumstances do not permit a delay in the interrogation of the subject;
 2. An *interpreter* cannot be located within a reasonable period of time;
 3. Written communication between the *officer* and the subject was effective in conveying an understanding of the *Miranda Rights*; and
 4. The subject specifically declines the opportunity to communicate through an *interpreter*.
- G. Whenever an alternative method of communication is used, the *DR shall* include that information. For example, if an *interpreter* is used, the name, address, and telephone number of the *interpreter shall* be included in the *report*. If an *officer* uses written questions and responses between the *officer* and persons with hearing impairments to communicate, those documents *must* be treated and handled as *evidence*. Copies *should* be forwarded with the *report* and the originals placed into Evidence.
- H. The *Department shall* have available *TDD (Telecommunications Device for the Deaf; formerly known as a TTY)* communications devices at *Department* facilities for use by prisoners who are allowed to make telephone calls. *Officers shall* be trained in the use of the *TDD* devices.
- I. Those with mobility devices are entitled to reasonable accommodation of their disability. For example, Persons with physical impairments necessitating the use of a wheelchair *should* generally be allowed to maintain control of that device during the police contact, unless doing so creates an issue of *officer* safety. See *G.O. #70.1.C*.



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41.13.1 Service Animals

- A. Under the *Americans with Disabilities Act (ADA)* and *Arizona law (A.R.S. § 11-1024)*, a service animal is defined as either a dog or miniature horse that is individually trained to do work or perform tasks for the benefit of an individual with a disability. The work or tasks performed *must* be directly related to the owner's disability. An individual with a disability *may* have physical sensory, psychiatric, intellectual or other mental disabilities.
1. A service animal is not required to be certified or professionally trained, nor is it required to have any type of certification nor required to wear any specific badge or insignia. Service animals in training are to be treated as service animals.
 2. Many people with disabilities use a service animal in order to fully participate in everyday life. Such animals *may* be trained to provide important tasks for people with disabilities, including providing stability, picking up items, preventing a child from wandering away, or alerting those with hearing loss to the presence of others.
- B. *Officers* are expected to treat individuals with service animals with the same courtesy and respect afforded all members of the public.
- C. The *ADA* and *Arizona law* require that *state* and local government agencies and businesses and non-profit organizations that are open to the public to reasonably accommodate persons with disabilities and their service animals. This means that, in almost all situations, service animals that are assisting individuals with disabilities are permitted to enter facilities that are open to the public.
- D. If it is apparent that the animal is a service animal, *officers should* ask the individual no questions regarding the status of the animal. If it is unclear, *officers may* ask only two questions:
1. Is the animal required because of a disability?
 2. What task or service has the animal been trained to perform?



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- E. Individuals with disabilities with service animals that pose a direct threat to the health of others or unreasonably disrupt normal business operation *may* be asked to leave the premises. This exception is very narrowly applied and *will* affect only a small number of locations or situations. For example, dogs and miniature horse are permitted in restaurants, including those with open buffets and salad bars. On the other hand, a dog which barks continuously and is aggressive towards others need not be allowed to remain.
- F. When responding to a complaint regarding a service animal, *officers should* remain neutral and be prepared to explain the requirements of State and federal law. Unless there is a violation of the law independent of the ADA or State law on service animals, *officers should* take no immediate enforcement action beyond keeping the peace. If the *officer* has *probable cause* to believe there has been a violation of A.R.S. § 11-1024 (it is a class 2 misdemeanor to discriminate against a person with a disability who uses a service animal), the *officer shall* complete a *DR* and submit it to the misdemeanor prosecutor for issuance. The *officer may* also advise a person who believes they have been discriminated against to file a complaint with the *Civil Rights Division of the Department of Justice*.