
	LEXINGTON POLICE DEPARTMENT POLICY AND PROCEDURE GENERAL ORDER	Distribution	General Order Number
		ALL PERSONNEL	5.13
		Original Issue Date	Reissue/Effective Date
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Order Title: AMERICANS WITH DISABILITIES	CALEA Accreditation Standard:	Section	
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		Rescinds:	
Section Title PATROL FUNCTIONS	 Angela M. Greene, Chief of Police		

This General Order is for departmental use only and does not apply in any criminal or civil proceeding. This General Order should not be construed as creation of a higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this General Order will only form the basis for departmental administrative sanctions. Violations of law will form the basis for civil and criminal sanctions in a recognized judicial setting

I. PURPOSE

The purpose of the Americans with Disabilities Act (ADA) is to eliminate discrimination against millions of Americans with disabilities. The ADA is civil rights legislation for people with disabilities. It affects all services provided to the public by the City of Lexington. The purpose of this policy is to provide guidelines and procedures for Lexington Police Department (“Department”) employees when interacting with individuals with disabilities.

II. POLICY

Individuals who suffer from deafness, hearing impairment, blindness, impaired vision, mental, or other 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.

People with disabilities cannot be excluded from participation in or be denied the benefits of services, programs, communications, or activities that the departments provide. This means that if an individual with a disability requests service, the Department may need to make special arrangements in order for them to participate in a program or receive the service in a way that is usable to them.

To ensure that the Department is operating in a non-discriminatory manner, employees with public contact shall be sensitive to the special needs of people with disabilities. As such, Department

members must take notice of individuals who appear to require assistance, should ask the individuals if they need any special assistance, and should provide the assistance requested to ensure that the person with a disability receives service that is equivalent to that provided to others.

III. DEFINITIONS

Disability: As determined by the U.S. Equal Employment Opportunity Commission, means, with respect to an individual: (1) A physical or mental impairment that substantially limits one or more of the major life activities of such individual, (2) A record of such an impairment, or (3) Being regarded as having such an impairment.

TDD Device: A telecommunications device used by individuals with hearing or speech disabilities to communicate on the telephone. A TDD is a keyboard display for receiving typed text that can be attached to a telephone. The individual using the TDD types a message that is received by another TDD at the other end of the line.

IV. PROCEDURE

A. General Information

1. Because the nature of any law enforcement contact may vary substantially from one situation to the next, Department employees should consider all information reasonably available to them when determining how to communicate with an individual suffering from any 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. impairment.)
 - c. The nature of the law enforcement contact (e.g., emergency vs. non-emergency, custodial vs. consensual contact, etc.)
 - d. Availability of resources to aid in communication
2. When considering these factors and all other available information, the involved employee(s) should carefully balance all factors in an effort to reasonably ensure meaningful access by individuals suffering from apparent disabilities to critical services while not imposing undue burdens on the Department or its officers.

B. Hearing Impaired

1. General

The ADA requires that police officers ensure effective communication with individuals who are deaf or hard of hearing. Whether a qualified sign language interpreter or other communication aid is required will depend on the nature of the communication and the needs of the requesting individual.

2. Use of Interpreter

- a. During a simple encounter, such as checking a driver's license or giving street directions, the officer's use of a notepad and pencil is typically sufficient.
- b. If an individual is arrested and/or interrogated, the Department should provide a sign language interpreter to effectively communicate with an individual who uses sign language.
- c. When issuing specific guidelines or rights where the legality of a conversation may become an issue in court, such as the issuance of *Miranda* warnings, the Department should provide a sign language interpreter.
- d. The Department will provide a list of available interpreters/translators for use by Department personnel. The list shall be posted in the roll call room, the Sergeant's Office, and the processing area.

3. TTY Device

- a. Arrestees who are deaf or hard of hearing, or have speech disabilities, may require a TTY device for making outgoing telephone calls.
- b. A TTY must be made available to inmates with disabilities under the same terms and conditions as telephone privileges are offered to all inmates, and information indicating the availability of a TTY should be provided.
- c. In the event a TTY is not available, Department employees should contact the Virginia Relay Service (711) which provides a telephone relay service.

C. Visual Impairments

1. Individuals with visual impairments may request information in large print. This service is easily accomplished by using a copier that can enlarge a document, or if the material is done using a personal computer it can be printed with a larger font size.

2. If information is requested in Braille, arrangements can be made through the Library of the Blind and Physically Handicapped. Requests require at least one week notice.
3. Department employees may also volunteer to read the information to the person with the visual impairment.
4. Department employees may be able to offer accommodations by assisting in the completion of forms, giving clear and concise instructions, and providing additional information in a step-by-step format.

D. Receiving and Responding to Requests for Assistance

1. 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 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.
2. While 911 calls shall 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.

E. Custodial Interrogations and Bookings

1. Department personnel shall provide communication assistance during custodial interrogations and bookings and will make every reasonable effort to accurately and effectively communicate with disabled or impaired individuals. Employees providing such assistance shall 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.
2. 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.
3. Individuals who require communication aids (e.g., hearing aids) should be permitted to retain such devices while in custody.
4. While it may present officer safety or other logistical problems to allow a

physically disabled individual to retain devices such as a wheel chair 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.

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

F. Field Enforcement and Investigations

1. 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; therefore 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.
2. Although not every situation can be addressed within this policy, it is important that employees are able to effectively communicate the reason for 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.
3. Officers shall ensure equitable treatment of individuals with disabilities during traffic stops or other field enforcement or investigation situations. Officers should be aware of the following:
 - a. When approaching a car with visible signs that the driver may be an individual with a disability (i.e. a handicapped license plate), the officer should be aware that the driver may reach for a mobility device.
 - b. When interacting with hearing impaired individuals, officers should use hand signals or, for example, request a person in a crowd to signal for a person to stop.
 - c. Officers should speak slowly and enunciate clearly to ensure that individuals understand what is being said.
 - d. Officer should be aware that typical tests for intoxication, such as walking a straight line or balancing on one leg, will be ineffective tool

with individuals whose disability cause an unsteady gate. Under such circumstances, officer should utilize the breathalyzer to obtain accurate results and reduce instances of a potential false arrest.

G. Arrest or Transportation of Persons in a Wheelchair

1. Officers should use caution when transporting an individual with mobility disabilities.
2. Officers must use caution not to harm an individual or damage a wheelchair during transportation.
3. If officers are unable to safely transport an individual in a wheelchair, the officer shall utilize a lift-equipped van or bus and may utilize other community resources.
4. An arrestee with a mobility disability must have access to toilet facilities and other amenities provided at the Department.

H. Accommodations – General Public

1. Public Meetings and Public Information Materials:
 - a. Employees who are responsible for scheduling public meetings, must ensure that the meetings are held in accessible locations.
 - b. Public meeting notices must include statements that accommodations for persons with disabilities will be made upon request.
2. Request information:
 - a. The most critical aspect when interacting with persons with disabilities is to make no assumptions.
 - b. Ask what the person with the disability needs.
 - c. ADA specifically requires that assistance be offered on a case-by-case basis.
 - d. Persons with disabilities are as diversified as any other group and different people experience their disabilities in different ways.
 - e. A decision on how to assist a person with a disability must be based on the facts about that individual and not on generalizations about what a class of individuals with a disability can or cannot do.

3. If employees are unsure as to what type of accommodation to make or how to follow through with a request, they shall contact the Department's ADA Representative. If employees require assistance during weekends or evenings, they shall contact the shift supervisor.

I. Training

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

1. Employee awareness of related policies, procedures, forms and available resources
2. Employees having contact with the public (or those in our custody) are trained to work effectively with in-person and telephone interpreters and related equipment
3. 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.