

Appendix 3A

Training Memo—Law Enforcement Response to Persons with Disabilities

Adapted from *First Response to Victims of Crimes Who Have a Disability*, U.S. Department of Justice, Office of Justice Programs, Office for Victims of Crime, 2002

Two federal laws, the Americans with Disabilities Act or 1990 (ADA) and Section 504 of the Rehabilitation Act of 1973 prohibit discrimination on the basis of a disability. These laws define a person with a disability as someone with a physical or mental impairment that substantially limits one or more major life activities, who has a record of such impairment, or is regarded as having such impairment.

Both the ADA and Section 504 require law enforcement to offer to victims of crimes with disabilities an equal opportunity to benefit from and participate in all programs and services provided by the law enforcement agency. Officers must also provide for equal communication with people with disabilities and must make reasonable modifications to policy, practice and procedure to accommodate crime victims with disabilities unless doing so would fundamentally alter the service or program.

Officers also have a responsibility to respond to suspects and arrested persons with disabilities according to the ADA and Section 504.

The following are general guidelines for responding to people with disabilities:

1. Do not describe the person by his or her impairment. Say, “person with a disability” rather than “disabled person.” Similarly, saying, “the victim has schizophrenia” rather than “the victim is schizophrenic” or “the victim is mentally ill” demonstrates an understanding that the disability is something the person *has*, not something the person *is*.
2. Ask how the person wants to be characterized and how to communicate with him or her most effectively. The presence of family members or others with knowledge of the disability may be helpful in helping the officer communicate appropriately, but be mindful that family members or service providers could be the offenders.
3. Avoid expressions of pity by using phrases such as “suffering from” a disability.
4. Be aware that some disabilities might not be immediately obvious to officers. Unusual behaviors, speech patterns, inappropriate emotional responses or lack of responsiveness to officers’ questions and directives could be an indication of a disability.
5. Speak directly to the person with a disability, even if they are accompanied by another person.
6. Be aware that people who are Deaf do not necessarily regard themselves as having a disability, but rather as a cultural group with a specific identity, language (American Sign Language, or ASL) and culture. Understand that the individual who is Deaf may or may not be fluent in ASL and may or not be proficient in reading or writing English. Be prepared to

use a range of techniques to ensure that the officer is able to communicate effectively, including the use of visual aids or gestures, written communication, or ASL interpreters.

7. In general, speak slowly and clearly, not necessarily loudly. Remain calm, even if the individual is agitated. Limit distractions in the room if possible.
8. Document the person's disability in your report, including their individualized communication, transportation, medication, or other accommodation needs.
9. If the person to be arrested is a caregiver of the victim or another person with a disability in the residence, ask who can be called to arrange for that person's continued care. Do not leave the scene until arrangements are made.
10. Never assume that victims of crimes with disabilities suffer less physical, emotional, or psychological trauma than other victims.

For more information about law enforcement response to persons with disabilities, see the following resources:

First Response to Victims of Crimes Who Have a Disability, U.S. Department of Justice, Office of Justice Programs, Office for Victims of Crime, 2002

<http://www.ojp.usdoj.gov/ovc/publications/infores/vicdis.htm>

Americans with Disabilities Act, Information for Law Enforcement, U.S. Department of Justice, Civil Rights Division, Disability Rights Section, 2006

<http://www.ada.gov/policeinfo.htm>