



2-18 CONTACT WITH PERSONS WITH DISABILITIES

Related SOP(s), Form(s), Other Resource(s), and Rescinded Special Orders(s):

A. Related SOP(s)

- 2-8 Use of On-Body Recording Devices
- 2-16 Reports

B. Form(s)

None

C. Other Resource(s)

Americans with Disabilities Act of 1990 (ADA)
NMSA 1978, § 61-34-2 Definitions (As Used in the Signed Language Interpreting Practices Act)

D. Rescinded Special Order(s)

None

2-18-1 Purpose

The purpose of this policy is to outline the procedures for Albuquerque Police Department (Department) personnel who interact with persons with disabilities.

2-18-2 Policy

It is the policy of the Department for personnel to adhere to the requirements of the Americans with Disabilities Act (ADA) when interacting with persons with disabilities.

2-18-3 Definitions

A. American Sign Language (ASL)

A visual language that uses the shape, placement, and movement of the hands, as well as facial expressions and body movements in order to convey information. ASL is used predominantly in the United States and in many parts of Canada.

B. Auxiliary Aid or Service

1. A tool that is used to help communicate;
2. A Signed Language Interpreter; or



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3. Any other means that assists with effective communication.

C. Blind or Visually-Impaired

1. An individual with vision loss to such a degree so as to qualify for an additional support need; or
2. An individual with a significant visual impairment that resulted from disease or trauma, or a congenital or degenerative condition that cannot be corrected.

D. Individual Who Is Deaf, Hard of Hearing, or Deaf-Blind

A person who has either no hearing or who has significant hearing loss, consistent with NMSA 1978, § 61-34-2.

E. Service Animal

Any animal that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability.

F. Signed Language Interpreter

A state licensed and certified professional who practices interpreting and interprets a signed language.

7 2-18-4 **Procedures**

A. Interacting with Persons Who are Blind or Visually-Impaired

1. Sworn personnel shall:
 - a. Immediately verbally identify themselves as a law enforcement officer;
 - b. Refrain from speaking loudly because most people who are visually-impaired hear well;
 - c. Verbally identify the individual(s) when conversing in a group format;
 - d. Avoid lapses in conversation without informing the victims;
 - e. Inform individuals when they are being recorded;
 - f. Verbally assist the individual in orienting to the surroundings; and
 - g. Obtain explicit permission prior to physically assisting the individual.
2. Sworn personnel shall never pet service/guide animals without permission from the owner.

B. Interacting with Individuals Who Are Deaf, Hard of Hearing, or Speech Impaired



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1. Consensual Encounters and Reasonable Suspicion Encounters

- a. Department personnel shall ensure that individuals who are deaf, hard of hearing, or speech impaired can see them before trying to contact them.
- b. Department personnel may use auxiliary aids when contacting individuals who are deaf, hard of hearing, or speech impaired.

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2. Use of an Interpreter

- a. Sworn personnel shall request a Sign Language Interpreter through the Emergency Communications Center (ECC) in order to interview victims and interrogate individuals who are deaf or if requested by an individual who is hard of hearing.
 - i. Sworn personnel shall note the Sign Language Interpreter call-out in their Uniform Incident Report.
 - ii. If a Sign Language Interpreter is unable to respond within a reasonable amount of time, sworn personnel must note this in their Uniform Incident Report.
 - iii. Sworn personnel shall not use family or friends to interpret during investigations.
- b. Sworn personnel may use other Auxiliary Aids for the initial investigation prior to when the Sign Language Interpreter arrives to assist sworn personnel in determining the extent of the investigation.
 - i. Sworn personnel shall tag all written correspondence with the interviewee into evidence.
 - ii. Sworn personnel may send a copy to the Records Division to be included with their Uniform Incident Report, consistent with SOP Reports (refer to SOP Reports for sanction classifications and additional duties).

N/A

3. Arrest Investigations

- a. Sworn personnel shall provide a written *Miranda* warning for the individual to sign, in addition to using a Sign Language Interpreter for reading the *Miranda* warnings.
- b. At a minimum, sworn personnel shall use their on-body recording device (OBRD) to visually and audibly record interviews and interrogations, consistent with SOP Use of On-Body Recording Devices (refer to SOP Use of On-Body Recording Devices for sanction classifications and additional duties).
- c. When it is safe to do so, sworn personnel may handcuff individuals who are deaf, hard of hearing, or speech-impaired in the front to enable them to communicate with their hands.

N/A

C. Interacting with Individuals with Deaf-Blindness

- 1. Sworn personnel shall use due regard with individuals with deaf-blindness.



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2. Sworn personnel may use a Sign Language Interpreter during investigations if the individual knows American Sign Language (ASL).

D. Interacting with Individuals with Physical Disability(s)

1. Consensual Encounters

Department personnel shall give due regard to individuals with a physical disability.

2. Criminal Investigations and Arrests

- a. Department personnel shall abide by the procedures outlined in SOP Restraint and Transportation of Individuals (refer to SOP Restraint and Transportation of Individuals for sanction classifications and additional duties).
- b. If requested and necessary, sworn personnel shall provide needed resources while on calls for service.

E. Handling of Service Animals

1. Sworn personnel shall not interfere with an individual's service animal.
2. When the owner of a service animal is placed under arrest or is deceased, sworn personnel shall:
 - a. Attempt to find a family member or other party approved by the owner to take custody of the service animal; or
 - b. If no one is available to take custody of the service animal, request for City of Albuquerque Animal Welfare Department personnel to take custody of the service animal.
 - i. Sworn personnel shall advise the responding Animal Welfare Department officer that the animal is a service animal.
 - ii. The Animal Welfare Department officer holds or returns the service animal to the owner or designated party in accordance with Animal Welfare Department policies and procedures.



**2-18 CONTACT WITH ~~DEAF, HARD OF HEARING OR SPEECH~~
~~IMPAIRED PERSONS~~ WITH DISABILITIES**

Related SOP(s), Form(s), Other Resource(s), and Rescinded Special Orders(s):

A. Related SOP(s)

- 2-8 Use of On-Body Recording Devices
- 2-16 ~~Records~~ Reports
- ~~2-82 Restraints and Transportation of Individuals~~
- ~~2-105 Destruction/Capture of Animals~~

B. Form(s)

None

C. Other Resource(s)

- Americans with Disabilities Act of 1990 (ADA)
- NMSA 1978, § 61-34-2 Definitions (As Used in the Signed Language Interpreting Practices Act)

D. Rescinded Special Order(s)

None

- ~~2-82 Restraint and Transportation of Prisoners~~
- ~~4-26 Destruction/Capture of Animals~~

2-18-1 Purpose

The purpose of this policy is to ~~establish~~ outline the procedures in regards to for Albuquerque Police Department (Department) personnel who interact with ~~having contact with individuals persons with disabilities~~ with disabilities.

2-18-2 Policy

It is the policy of the ~~Albuquerque Police Department (Department) that~~ for personnel ~~to~~ shall adhere to the requirements of the Americans with Disabilities Act (ADA) regarding when interacting on with persons ~~with disabilities who are deaf, hard of hearing, or speech impaired~~ with disabilities.

2-18-3 Definitions

- A. American Sign Language (ASL)



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~~1.~~

~~2.~~ A visual language that uses the shape, placement, and movement of the hands, as well as facial expressions and body movements in order to convey information. ASL is used predominantly form of sign language developed in the United States and used also in English speaking in many parts of Canada.

B. Auxiliary Aids or Services

1. ~~Any tool that is used to help communicate written materials to aid in communication; such as pencils, pens, note pads.~~
2. A Signed Language ~~an interpreter~~ Interpreter; or
3. Any other means that assists with ~~for~~ effective communication.

C. Blind ~~or~~ Visually ~~Impaired~~

1. An individual with vision loss to such a degree so as to qualify for an additional support need; or
2. An individual with a significant limitation of vision ~~visual impairment that resulted~~ ing from ~~either~~ disease or trauma, or a congenital or degenerative conditions that cannot be corrected.

D. Individual Who Is Deaf, Hard ~~of~~ Hearing, or Deaf-Blind ~~Person~~

A person who has either no hearing or who has significant hearing loss ~~Deaf-Blind~~

An individual with the combination of hearing and visual losses.

Many deaf-blind have enough vision to be able to move about in their environments, recognize familiar people, see sign language at close distances, and perhaps read large print. Others have sufficient hearing to recognize familiar sounds, understand some speech, or develop speech themselves. The range of sensory impairments included in the term "deaf-blindness" is great.

~~D.~~ Deaf or / Hard of Hearing

~~1.~~ A partial or total lack of hearing that may be present at birth (congenital) or may be acquired at any age thereafter.

~~E.~~ Deaf-Blind



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~~1. An individual with the combination of hearing and visual losses.~~

~~2. Many deaf blind have enough vision to be able to move about in their environments, recognize familiar people, see sign language at close distances, and perhaps read large print. Others have sufficient hearing to recognize familiar sounds, understand some speech, or develop speech themselves. The range of sensory impairments included in the term "deaf blindness" is great.~~

~~F. ECG~~

~~1. Emergency Communications Center
, consistent with NMSA 1978, § 61-34-2.~~

~~G. Primary Consideration~~

~~1. An accommodation sworn personnel Occurs when the officer must honor based on a person's choice to use an of a Auxiliary a Aids or s Services of the individual unless:~~

- ~~a. The officer can show through mutual agreement that another equally effective means of communication is available; or~~
- ~~b. The use of an auxiliary aid or the service would result in fundamental alteration in the service, program, or activity, or incur undue financial and administrative burdens.~~

~~H.E. Service Animal~~

~~4. Any animal that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability.~~

~~H.F. Signed Language Interpreter~~

~~4. A state licensed and certified professional who practices interpreting and interpreting for a signed language.~~

7 2-18-4 ~~2-18-4~~ Rules and Responsibilities Procedures

~~A. Personnel Who Come into Interacting w Contact Wwith Persons Who are Blind or Visually-Impaired Individuals Wwith Blindness Shall:~~

~~A.~~

~~1. Department Sworn personnel shall:~~

~~1-a. Immediately Sworn Officers personnel shall v verbally identify themselves as a law enforcement officer immediately.~~



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~~2.b. Personnel should Refrain from speaking loudly because most people who are visually-impaired hear well.~~

~~4.c. Personnel should Verbally identify the individual(s) when conversing in a group format.~~

~~6.d. Personnel should Avoid lapses in conversation without informing the victims.~~

~~7. Personnel shall Inform individuals when they are being recorded.~~

~~e.~~

~~8. Personnel shall never pet service/guide animals without permission.~~

~~10.f. Personnel should Verbally assist the individual in orienting to the surroundings; and~~

~~g. Personnel should Obtain explicit permission prior to physically assisting the individual.~~

Sworn personnel shall

~~12.2. Never pet service/guide animals without permission from the owner.~~

B. Interacting with Individuals Who Are Contact with-Deaf, Hard of Hearing, or Speech Impaired-Individuals

1. Consensual Encounters and Reasonable Suspicion Encounters

a. Department Officers Personnel shall will ensure that individuals who are deaf, hard of hearing, hearing and/or speech known-impaired individuals can see them before trying to contact them.

b. Department Officers Personnel may utilize Ause auxiliary Aids-aids when contacting impaired individuals who are deaf, hard of hearing, and/or speech impaired.

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2. Utilization-Use of an Interpreter

a. Sworn Officers Sworn p-personnel shall will request a Sign Language Interpreter through the Emergency Communications Center (ECC) in order to interview victims and interrogate suspects that individuals who are d-Deaf or if requested by an individual that who is hard of hearing.

i. Officers Sworn personnel shall will note the Sign Language Interpreter call-out in their Uniform Incident r-Report.

ii. If a Sign Language Interpreter is unable to respond within a reasonable amount of time, the officer S-sworn personnel must note this in their Uniform Incident R-police report.

iii. Officers Sworn P-personnel shall will not utilize use family or friends to interpret for these-during investigations.



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- ~~a. Officers Sworn Personnel may use other Auxiliary Aids for the initial investigation prior to when an the Sign Language Interpreter arrives's arrival.~~
- ~~ii. This is to be used to assist the officer sworn personnel in determining the extent of the investigation.~~
 - ~~i. Sworn personnel shall tag All written correspondence with the interviewee shall be tagged into evidence.~~
 - ~~iii. ii. Sworn personnel may send A copy may be sent to report review the Records Division to be included with their Uniform Incident report Report. The copies shall be consistent with SOP Records Reports (refer to SOP Reports for sanction classifications and additional duties).~~

N/A

3. Arrest Investigations

- a. Sworn personnel shall provide a written Miranda Warning for the individual to sign, in addition ~~In addition~~ to using a Sign Language Interpreter for reading the Miranda Warningswarnings, ~~the suspect(s) individual shall be provided a written Miranda Warning for the suspect individual to sign.~~
- b. At a minimum, Officers Sworn personnel shall, at a minimum, use an their On-Body Recording recording Devices device (OBRD) to visually and audibly record interviews and interrogations, consistent with SOP Use of On-Body Recording Devices (refer to SOP Use of On-Body Recording Devices for sanction classifications and additional duties).
- c. When it is safe to do so, Officers Sworn personnel may handcuff individuals who are deaf, hard of hearing, or speech-impaired individuals in the front so that they may enable them to communicate with their hands, ~~when it is safe to do so.~~

N/A

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C. Interacting with ~~Contact with~~ Individuals with Deaf-blindness Blindness

- 1. ~~Officers Sworn personnel shall~~ use due regard with individuals with ~~Deaf~~ deaf-blindness.
- 2. ~~Officers Sworn personnel may utilize~~ use a ~~Sign~~ Sign Language ~~Language Interpreter~~ Interpreter during investigations if the individual knows American Sign Language (ASL).

D. Interacting ~~Contact~~ with Individuals with Physical Disability(s)

- 1. Consensual Encounters
 - ~~a. Department Personnel personnel shall~~ give due regard to individuals with a physical disability.
- 2. Criminal Investigations and Arrests
 - a. Department personnel shall abide by the procedures outlined in SOP Restraint and Transportation of Individuals (See ~~Refer to~~ SOP ~~Restraint and~~



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Transportation of ~~Prisoners~~ Individuals for sanction classifications and additional duties).

- b. If requested and necessary, ~~officers~~ sworn personnel ~~wi~~ shall provide needed resources while on calls for service.

E. Handling of Service Animals

- 1. ~~Officers~~ Sworn personnel ~~wi~~ shall not interfere with an individual's service animals.

- 2. ~~In the instance w~~ When the owner of a service animal is placed under arrest or is deceased, the officer sworn personnel shall:

- a. Attempt to find a family member or other party approved by the owner to take custody of the service animal; or
- b. If no one is available to take custody of the service animal, ~~officers~~ sworn personnel ~~wi~~ shall request for City of Albuquerque Animal Welfare Department personnel animal control to ~~come~~ take custody of the service animal.
 - i. ~~Officer~~ Sworn personnel ~~wi~~ shall advise the responding ~~animal control~~ Animal Welfare Department officer that the animal is a service animal.
 - ii. ~~The Animal control~~ Welfare Department officer ~~will then be responsible for~~ holding or returning the service animal to the owner or designated party in accordance with ~~ing to their~~ Animal Welfare Department policies and standard procedures.

ii.