



## **2-18 CONTACT WITH INDIVIDUALS WITH DISABILITIES**

### **Related SOP(s):**

2-82 Restraint and Transportation of Prisoners

4-26 Destruction/Capture of Animals

### **2-18-1 Purpose**

The purpose of the Department is to establish procedures in regards to Department personnel having contact with individuals with disabilities.

### **2-18-2 Policy**

It is the policy of the Department that employees shall adhere to the Americans with Disabilities Act (ADA) regarding interaction with persons with disabilities.

### **2-18-3 Definitions**

#### A. American Sign Language

1. A form of sign language developed in the US and used also in English-speaking parts of Canada.

#### B. Auxiliary Aids or Services

1. Any written materials to aid in communication
2. Pencils, pens, note pads
3. An interpreter
4. Any other means for effective communication

#### C. Blind / Visually Impaired

1. Vision loss to such a degree as to qualify for an additional support need.
2. Significant limitation of vision resulting from either disease, trauma, or congenital or degenerative conditions that cannot be corrected.



D. Deaf / Hard of Hearing

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

E. Deaf-Blind

1. 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. ECC

1. Emergency Communications Center

G. Primary Consideration

1. Officer must honor choice of Auxiliary Aids or Services of the individual unless:
  - a. The officer can show through mutual agreement that another equally effective means of communication is available
  - b. Use of the service would result in fundamental alteration in the service, program, or activity, or incur undue financial and administrative burdens

H. Service Animal

1. 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.

I. Sign Language Interpreter

1. A licensed and certified interpreter for sign language



A. Contact with individuals with blindness

1. Officers will verbally identify themselves as a law enforcement officer immediately.
2. Refrain from speaking loudly because most people who are visually impaired hear well.
3. Verbally identify the individual(s) when conversing in a group format.
4. Avoid lapses in conversation without informing the victims.
5. Inform individuals when they are being recorded.
6. Never pet service/guide animals without permission.
7. Verbally assist individual in orienting to surroundings.
8. Officer should obtain explicit permission to physically assist the individual.

B. Contact with Deaf, Hard of Hearing, or Speech Impaired Individuals

1. Consensual Encounters and Reasonable Suspicion Encounters

- a. Officers will ensure that known impaired individuals can see them before trying to contact them.
- b. Officers may utilize Auxiliary Aids when contacting impaired individuals.

2. Arrestable Investigations

- a. Officers will request a Sign Language Interpreter through ECC in order to interview victims and interrogate suspects that are Deaf or if requested by an individual that is hard of hearing.
  - i. Officers will note the Sign Language Interpreter call-out in the report.
  - ii. If a Sign language Interpreter is unable to respond within a reasonable amount of time, the officer must note this in the police report.
  - iii. Officers will not utilize family or friends to interpret for these investigations.
- b. Officers may utilize other Auxiliary Aids for the initial investigation prior to an interpreter's arrival.



- i. This is to be used to assist the officer in determining the extent of the investigation.
- ii. All written correspondence with the interviewee will be tagged into evidence. A copy may be sent to report review to be included with the report.
- c. In addition to using a Sign Language Interpreter for reading the Miranda Warnings, the suspect(s) will be provided a written Miranda Warning for the suspect to sign.
- d. Officers will ,at a minimum, utilize an OBRD to visually/audibly record interviews and interrogations
- e. Officers may handcuff impaired individuals in the front so that they may communicate with their hands, when it is safe to do so.

C. Contact with Individuals with Deaf-blindness

1. Officers will use due regard with individuals with Deaf-blindness.
2. Officers may utilize a Sign Language Interpreter during investigations if the individual knows American Sign Language.

D. Contact with Individuals with Physical Disability

1. Consensual Encounters
  - a. Employees will give due regard to individuals with a physical disability.
2. Criminal Investigations and Arrests
  - a. See Restraint and Transportation of Prisoners SOP.
  - b. If requested and necessary, officers will provide needed resources while on calls.

E. Handling of Service Animals

1. Officers will not interfere with service animals.
2. In the instance when the owner of a service animal is placed under arrest or is deceased the officer shall:
  - a. Attempt to find a family member or other party approved by the owner to take custody of the service animal.



- b. If no one is available to take custody of the service animal, officers will request animal control to come take custody of the animal.
  - i. Officer will advise responding animal control officer that the animal is a service animal.
  - ii. Animal control will then be responsible for holding/returning the animal to the owner or designated party according to their standard procedures.

## ~~2-18 — CONTACT WITH DEAF, HARD OF HEARING, OR SPEECH IMPAIRED PERSONS~~

### ~~2-18-1 — Policy~~

~~The purpose of this section is to establish procedures for handling individuals who are deaf or speech impaired. Persons who are victims, witnesses, or involuntarily detained/arrested, will be accorded the same privileges and rights as any other individual. All personnel will adhere to the Americans with Disabilities Act. (SOURCE)~~

### ~~2-18-2 — Procedure~~

#### ~~Handling Deaf, Hard of Hearing, or Speech Impaired Persons~~

~~This standard operating procedure addresses only those situations where a police officer, after consulting with the deaf/hard of hearing or speech impaired individual, determines that the services of an interpreter, hereafter referred to as a "signer," are necessary to ensure effective communication.~~

#### ~~During an Investigation:~~

~~Suspect: A signer must be provided if the situation is so complex or lengthy that written communication is ineffective. A signer must be provided before the officer makes an arrest. If the officer cannot wait until a signer arrives, the officer has two alternatives:~~

~~If the investigation does not involve a serious offense, the officer can postpone the investigation until he/she can return to the scene with a signer. If the signer is unable to respond or if the officer cannot return to the scene, the officer must document this fact in the report.~~

~~If the investigation involves a significant case, the officer will contact his/her supervisor to determine if a detective will be called to assist. If the supervisor determines that a detective will not be called and if the officer cannot return to the scene, the officer must document this fact in his/her report.~~

~~Victim or Witness: If an officer is unable to communicate effectively with a victim or witness by use of a notepad or by use of some other means of communication, the officer must obtain a signer. If the officer cannot wait for a signer, the officer has three alternatives:~~

~~If the investigation does not involve a serious offense, the officer will have a signer dispatched to the victim's or witness' location and request the signer re-contact the officer via EGC, upon arrival. If a signer is unable to respond or if the officer cannot return to the scene, the officer must document the fact in his/her report.~~



ALBUQUERQUE POLICE DEPARTMENT  
PROCEDURAL ORDERS

SOP 2-18

OPA Draft

- ~~i. If the investigation does not involve a serious offense, the officer can ask the victim or witness to come voluntarily to the substation for a signer, where the officer can continue with the investigation. If a signer is unable to respond or if the officer cannot return to the substation, the officer must document the fact in his/her report.~~
- ~~ii. If the victim or witness information is needed for an arrest in a case or for completing the investigation of a case, the officer, must contact his/her supervisor. The supervisor will determine if a detective will be called to assist. If the supervisor determines a detective will not be called and if the officer cannot return to the scene, then the officer should document the fact in his/her report.~~

~~b. Arrest or Issuance of Traffic and Criminal Citations~~

- ~~i. In those situations where an officer has probable cause to make an arrest or issue a criminal citation without having to interview the deaf/hard of hearing or speech impaired suspect, the officer does not have to provide a signer, except for the following situations:~~

- ~~• If an officer is unable to convey the nature of the criminal charges to the arrestee, the officer must call a signer unless the arrestee waives his/her right for a signer. The arrestee will be transported to an interview room at the main or the area substation where the officer will convey the information through the signer.~~
- ~~• If an officer has stopped a suspect for committing a non-criminal (traffic) infraction and if the officer is unable to convey to the violator the nature of the infraction, the officer has the discretion to call a signer to the scene or issue a warning citation.~~

- ~~ii. Interrogation of an Arrestee~~

- ~~• Subsequent to an arrest, the officer must obtain a signer prior to interrogation. If circumstances do not permit a delay in the interrogation of the arrestee; if a signer cannot be located within a reasonable period of time; and if written communication between the officer and the arrestee is effective, the officer may proceed with the interrogation by using a notepad.~~
- ~~• If written communication is found to be ineffective or because the arrestee chooses to discontinue the interrogation, the officer must postpone the interrogation until a signer is present before continuing the interrogation.~~
- ~~• The officer/detective will document arrival and departure times of the signer, and notify ECC of these times so the signer's time of service to APD can be accurately computed.~~



~~iii. Waiver of Interpreter:~~

- ~~• A deaf/hard of hearing or speech impaired person may not waive his/her right to an interpreter unless given a reasonable opportunity to communicate privately with a qualified interpreter before such waiver. No waiver of the right to an interpreter will be valid unless the deaf/hard of hearing or speech impaired person knowingly and voluntarily signs the Deaf/Hard of Hearing or Speech Impaired Sign Language Interpreter Waiver Form, PD Form #4605.~~
- ~~• An interpreter will be used to read/write the Interpreter Refusal Waiver in the appropriate language for the person requesting a waiver.~~
- ~~• The Interpreter Refusal Waiver will be prepared in duplicate and signed by the officer's immediate supervisor.~~
- ~~• If after signing the waiver, the individual requests a signer, the officer must stop the interview and request that a signer is dispatched in order to continue with the interrogation/interview.~~

~~2. Interpreter Information and Written Evidence~~

- ~~a. Officers will initiate an offense/incident report whenever an interpreter is called out. The report will include the name of the deaf/hard hearing or speech impaired person and all identifying information on the interpreter. The officer will, as soon as possible, send a copy of the report to APD Fiscal Division, in order to verify services were actually rendered.~~
- ~~b. All written questions and responses between and among officers and deaf/hard hearing or speech impaired persons must be treated as evidence and handled accordingly.~~
- ~~c. Original documents containing information from an interview will remain with the original report.~~
- ~~d. A copy of the written questions and responses must be placed into evidence.~~

~~3. Providing Auxiliary Aid or Service of Choice~~

- ~~a. When an auxiliary aid or service is required, the Police Department must provide deaf/hard hearing or speech impaired individuals with the auxiliary aids and services of their choice and will give primary consideration to the choice expressed by the individual.~~
- ~~b. "Primary consideration" means that the Albuquerque Police Department must honor the choice, unless:~~
  - ~~i. The department can show that another equally effective means of communication is available, or:~~
  - ~~ii. Use of the means chosen would result in a fundamental alteration in the service, program, or activity or incur undue financial and administrative burdens.~~



- ~~c. Auxiliary Aids or Services includes:~~
  - ~~i. Any written materials to aid in communication.~~
  - ~~ii. Pencils, pens, and notepads.~~
  - ~~iii. An Interpreter.~~
  - ~~iv. Any other means for effective communication.~~

~~4. On-Call Interpreters~~

- ~~a. Emergency Communications maintains a roster of signers.~~
- ~~b. Officers will request the signers from EGC only.~~
- ~~c. Officers will request the signer on-call only after establishing:~~
  - ~~i. That the deaf/hard hearing or speech impaired individual is the subject of an official police investigation.~~
  - ~~ii. That the subject is the victim or witness of an official police investigation.~~

~~5. Evacuation Procedures~~

- ~~a. When it is necessary to evacuate a deaf/hard hearing or speech impaired on non-English speaking person from a building for any emergency, the following procedures will be used by the affected Floor Warden:~~
  - ~~i. Alert the person of the emergency and direct him/her to the nearest fire exit.~~
  - ~~ii. Ensure that the person understands that an emergency situation exists.~~
  - ~~iii. Escort the person from the building.~~

- ~~6. Should a non-violent deaf/hard hearing or speech impaired person be arrested and transported to a police facility or any other location for questioning/interviewing, officers/detectives may allow, when safety permits, the handcuffing of the person in the front. Personnel are encouraged to utilize two officers during the transport and should never leave a deaf/hard hearing or speech impaired person alone in an interview room.~~