

Arkansas Law Enforcement Training Academy

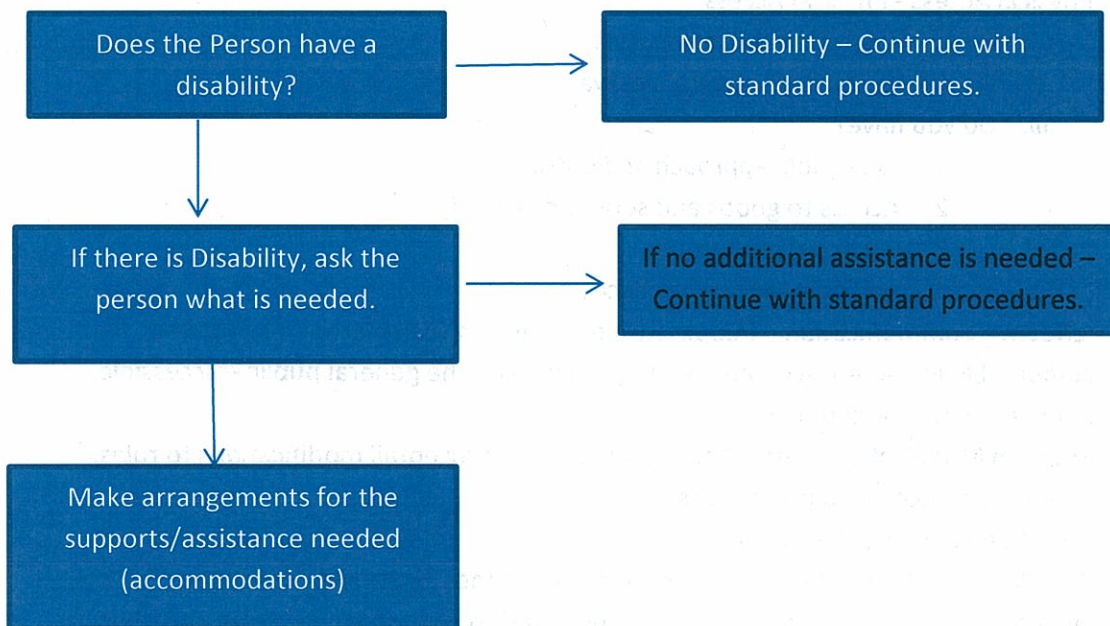
HANDOUT 1

For the Legislative Criminal Justice Oversight task Force:

Law Enforcement Review

The standard or usual Law Enforcement contact with individuals with disabilities include: Public Episodes, "Walk Off", medical emergencies, and victimization (often repeatedly victimized by the same offender). The less usual contact with Law Enforcement is the criminal act, where we must remember that disability does not exclude a person from being a suspect in a criminal act.

We begin Policing People with Disabilities with the following questions:



Does this person have a disability?

1. Typically there are three ways to learn that a person has a disability:
 - a. Observing that the person has a disability
 - b. Learning about the disability from the individual
 - c. Asking about the need for supports and or assistance and the individual makes a request

- i. During Intake, visits, or phone calls you can say: We provide support and or accommodate for people with disabilities as required by the Americans with Disabilities Act. If you need any support or need to receive services from our agency you can ask now or when you talk with
- ii. Remember: If a person with a disability seeks domestic violence or sexual assault services, does the disability become the main focus? Many times it does. Remember a victim of violence needs support services.

1. TIP: Keep your focus on your usual process and then adapt your process based on what is needed due to the disability.

2. What does equal access mean? **AMERICANS WITH DISABILITIES ACT:** Federal civil rights laws require equal access for, and prohibit discrimination against, people with disabilities.

To comply here are some key nondiscrimination concepts

- a. **Self Determination** – People with disabilities are the most knowledgeable about their own needs.
- b. No “One size fits all” – People don’t all require the same assistance or have the same needs.
- c. Equal Opportunity and Access – People with disabilities must have the same opportunities to access and benefit from victim services and activities.
- d. Inclusion – must have the opportunities to participate in programs equally, typically integrated with people without disabilities
- e. Physical Access - Physical Access
 - i. Do you have an accessible building?
 - ii. Do you have a curb cut in a sidewalk?
 - iii. Do you have?
 - 1. Accessible approach and entrance
 - 2. Access to goods and service provided
 - 3. Access to rest rooms
 - 4. Any other measures necessary
- f. Effective Communication – People with disabilities must be given information comparable in content with and detail to that given the general public – accessible, understandable, and timely.
- g. Program Modifications – equal access to services may entail modifications to rules, policies, practices, and procedures.

3. Information Sharing and Confidentiality

- a. Keep in mind others who have information that generally provide service to individuals with disabilities are more accustomed to advocating for services rather than serving victims. Remind them that any information is confidential.

4. Useful Resources

- a. DHS website: www.arkansas.gov/dhs/homepage.html , 501-682-1001
- b. Disabilities Rights Center: www.arkdisabilityrights.org , 501-296-1775
- c. Adult Protective Services : www.aradultprotection.com ,800-482-8049
- d. Child Abuse Hotline: 800-482-5964 or TDD 800-843-6349
- e. Mental Health Council of Arkansas: www.mhca.org , 501-372-7062
- f. Arkansas Commission on Child Abuse, Rape, and Domestic Violence: www.accadv.uams.edu , 501-661-7975

General Guidelines for Law Enforcement Contact include:

General Procedures:

1. REMEMBER: a person with a disability is still a person.
2. Avoid patronizing or condescending.
3. Keep an open mind.
4. Be patient.
5. Speak directly to the disabled person and not to a third party.
6. Speak in a normal tone unless asked to speak louder.
7. Remember most disabled persons have at least average intelligence.
8. Don't give assistance without talking to the individual.
9. Your professionalism and demeanor are a visible example to others.
10. Treat others the same way you would treat anyone else in the same situation.
11. Consider that a person with substantial disability may be healthier than you.
12. Don't label them by their impairment.
13. Do not act on your curiosity about the victim's disability. Keep questions to those necessary to accommodate the victim's needs.
14. Do not express admiration for the abilities or accomplishments of victims in light of their disability.

Response to known(by the officer) Disabilities:

Alzheimer's:

The Person may: Use nonsensical words, be disoriented or have no sense of time and place, be wandering or lost, have blank facial expressions. The person may exhibit poor judgement, wrong clothing for place or seasons, rapid mood swings, and have walking characterized by slow sliding of the feet. Most people with Alzheimer's are over 65.

Response: Approach from the front. Make eye contact. Be patient. Ask for identification. Look for SAFE RETURN IDENTIFICATION. Remove the individual from crowds and noisy environments; turn down your radio and off you lights. Establish a one on one conversation, include the individual. Explain your actions BEFORE you take them. Never Argue. Do not leave the individual alone.

Expect: difficulties being understood, having to give simple step by step instructions over and over, and ask questions multiple times.

Mental Illness (schizophrenia, bipolar disorder, major depression, obsessive-compulsive disorder...)

Symptoms:

The Person may: have accelerated speaking or hyper activity, be delusional or paranoid, have hallucinations, depression, have an inappropriate emotional response to stimuli, have unintelligible conversations, have loss of memory, catatonia, unfounded anxiety, panic or fright, and confusion.

Response: Approach in a calm manner, determine if the individual is receiving help from a caregiver in their daily life and contact that person. Contact mental health services if the person is

extremely agitated or displays inappropriate emotional responses. Ask if they are taking medication. Keep the interview simple and brief. Be honest.

Expect: Four of the top ten causes of disability in the U.S. are schizophrenia, bipolar disorder, major depression, and obsessive-compulsive disorder. The person may be very antisocial and not function well in a social environment. The person may be deceitful for personal gain. Expect the person to be aggressive, irritable, impulsive, and have a reckless disregard for others. The person may have drug or alcohol abuse issues.

27-47-210: Immediate Confinement – when it appears the person is a danger to himself/herself or others the person may be transported by LE to a hospital or facility, a petition must be filed within 72 hours, and a hearing held within 3 work days. The judge will conduct an ex parte hearing. The Prosecutor's Office is generally responsible for the paperwork.

Mental Retardation:

The person: Mental retardation tends to manifest prior to 18 years of age with below average intellectual functioning. Social adaptation and life skills may be limited.

Response: Be respectful. Introduce yourself as an officer. Do not assume that the individual is incapable of understanding or communicating. Limit the number of distractions. Explain written information to the person. Ask the individual if there is someone you can call. Treat adults as adults. Be patient. Speak slowly and directly to the person. Remember they may be eager to please and say what they think you want to hear.

Expect: to repeat what is said to be sure that you are understood.

Autism:

Autism, ASD (Autism Spectrum Disorder), Asperger's Syndrome or NVLD, and PDD (pervasive Developmental Delay)

The Person:

1. To understand autism is to recognize how they perceive the world.
 - a. A person with autism has an imbalanced set of senses – some turned too high others too low.
 - i. Ex. Normal person walks into room and sees who is in it and figures out how he fits in.
 - ii. Autistic walks into room and notices things that aren't relevant: sound outside window, pattern of the carpet, light bulbs... He is missing out on details that would help him understand the situation.
 - b. A person with autism is desperately trying to make sense of this chaos.

Response: If the person is lost, time is of the essence as they don't recognize danger as a normal person would. Speak in short clear phrases. Do not put with general prison population. 50% of individuals with autism are nonverbal throughout their life span and another 20% may present as nonverbal when highly stressed. 40% develop epilepsy or some other seizure disorder by the end of adolescence. Whenever possible, avoid touching these individuals. ID is generally through medic alert bracelets (not jewelry) look at shoes, belt, or in a pocket, collars of shirts, or temporary tattoos (upper shoulder recommended). The most common contacts are early June to late August, and end of December (because of special education school calendar)

Expect: The person may not be identified by appearance - they are identified by behavior. The individual with ASD tends to have underdeveloped trunk and are at risk for positional asphyxiation. Some individuals don't have the normal range of sensations (like feeling cold). They may take longer to respond to directives because they don't understand what is being demanded, they are scared, or they are unable to process the phrasing. They may engage in self-stimulatory behavior like hand flapping, finger flicking, eye blinking, rocking, pacing, repetitive noises, or phrases; this is calming to the individual and if they are not a danger to themselves or others do NOT interfere with it. Trying to stop the repetitive behavior may result in aggressive behavior. They generally have a weak understanding of cause and effect. Most individuals with ASD are strongly attracted to water.

Mobility Impaired:

Response: Never dismiss the individual as a suspect. Chairs and artificial limbs could be used to conceal items. Do an effective search. Treat the person with respect. Don't assume the person needs help. Maintain good eye contact. If help is requested follow their directions. Don't hold on to or lean on the wheel chair or walker. Do not disable a power wheel chair. If handcuffing a person in a wheel chair, place the handcuffs to the front to keep the person from falling.

Consider: You may not be able to transport a person in a wheel chair, you may have to use theirs, Medical and personal hygiene issues.

Visual Impairment:

Response: Introduce yourself immediately as an officer. Let the individual know if anyone else is present. DO NOT speak loudly. Tell the individual if you are speaking to someone other than them. Avoid lapses in conversation without telling them why. Never distract or PET the guide dog. Offer your arm instead of holding theirs. When guiding someone give them clues to what is ahead.

Deaf:

Response: signal your presence by a wave of your hand. Try not to startle them. Determine how the individual wishes to communicate. They may not read but may know sign language. Do not assume hearing aids are working. Not all can lip read and if they can assume they are only catching 20% of the words. Face the individual directly. Make questions and answers short.

1. When and How to use a sign language interpreter.
 - a. The best way to know if a person needs a sign language interpreter is to ask the deaf person if one is needed. Simply speak, write a note, or fingerspell, or sign directly to the person. If someone requests the interpreter on behalf of the deaf person, always ask the deaf person to confirm the need. The deaf person also may have a preference for who will interpret for them, especially in sensitive situations.
 - i. DO NOT USE FAMILY MEMBERS TO INTERPRET. Use a qualified interpreter.
 - ii. The interpreter will stand as close as possible so the deaf person can pick up on facial expressions.
 - iii. Relax and speak naturally.
 - iv. Speak to the deaf person and the interpreter will interpret your inquiry
 - v. Everything you say or others say will be interpreted, even if you are not speaking to the person, so avoid private conversations.

- vi. Maintain eye contact with the Deaf person NOT the interpreter.
- vii. The Arkansas Administrative Office of the Courts at 501-682-9400 arranges for sign language interpreters for court proceedings. Deaf Access maintains a list of interpreters in the state who have been state screened and their level of certification 501-686-9680.
- b. How can you phone a person who is deaf?
 - i. A TTY (or TDD) is a device for the deaf that does text communication via telephone. Arkansas Relay provides standard telephone interpreting for deaf, deaf-blind, hard of hearing or speech disabled. Arkansas Relay <http://www.arkansasrelay.com/>
 - 1. Making a call using the relay service
 - a. Dial the voice phone number.711.
 - b. Tell the assistant what you want and give the phone number.
 - c. The assistant will act as a relay
 - d. Talk slow. When you are finished say "GA" – go ahead. This lets the assistant know you have completed what you are saying.
 - e. Talk directly to the person; don't say "tell him..."