Rockville City Police Department
GENERAL ORDER

Subject: RESPONDING TO AND INTERACTING WITH PERSONS WITH PHYSICAL DISABILITIES		Procedure G.O. # 4-59
Authorizing Signature	Effective 05-22-2024	Total Pages 1-4

I. POLICY

A. It is the policy of the Rockville City Police Department to ensure its mission of protecting the rights of all people while providing the highest level of police service to the community. Employees of the Rockville City Police Department shall afford people with physical disabilities the same rights, dignity and access to police, government, and community services as are provided to all other members of the community.

B. The Americans with Disabilities Act (ADA) entitles people with mental health issues or physical disabilities to the same services and protections that law enforcement agencies provide to anyone else. They may not be excluded from services or otherwise be provided with lesser services or protection than are provided to others. The ADA calls for law enforcement agencies to make reasonable adjustments and modifications in their policies, practices, or procedures on a case-by-case basis. Rockville City Police Department Personnel may need to modify routine practices and procedures, take more time or show more sensitivity to extend the services or protections that would be extended to someone else in a similar circumstance.

II. PURPOSE

This General Order is intended to address the varying role Rockville City Police employees play in their encounters with people with physical disabilities. As first responders and providers of public safety, they may encounter victims, witnesses or suspects who have physical disabilities. This General Order is intended to address the most common types of interactions with physically disabled persons and provide guidance to department personnel in corresponding with such individuals.

III. DEFINITIONS

Americans with Disabilities Act (ADA): A civil rights law passed in 1990 that prohibits discrimination against individuals with disabilities in all areas of public life, including jobs, schools, transportation and all public or private places open to the general public. Title II of the ADA covers all activities of state and local governments regardless of receipt of federal funding.

Service Animal – Dogs that are individually trained to do work or perform tasks for people with disabilities.

Deaf Person – Person who is unable to hear or process linguistic information through hearing, with or without amplification.

Auxiliary Aids and Services – include qualified sign language interpreters, written materials, note pads, assisted listening devices and other effective methods of communicating with individuals who are deaf or hard of hearing.

IV. General Guidelines When Interacting with Disabled Persons

A. Personnel shall avoid patronizing and condescending attitudes towards individuals with disabilities. It is also important to keep an open mind and not to dismiss someone as a witness or a suspect simply because they have a disability.

B. Personnel shall be patient when interacting with individuals with disabilities. It may take extra time for someone with a disability to say, do, or show something.

C. Personnel should speak directly to the disabled person, rather than rely on a third party for communication. Conversations should be in a normal tone of voice unless the person is hard of hearing. In that case, one should speak calmly and distinctly. If necessary, notes should be written or the use of an auxiliary aid or service.

D. Personnel shall remember people with disabilities typically have normal intelligence. Some disorders impair more than one function, but usually the ability to think is not affected.

E. Personnel should not automatically give assistance to an individual with a disability without first talking to the person. Help should be offered if the need seems obvious, but it should not be insisted upon or forced upon the individual. If assistance is requested, follow the person's instructions.

F. When a person requires special care and attention to accommodate physical or mental disabilities during the transport process, the transporting officer or a supervisor shall arrange for the required special equipment or any special vehicle to affect the transport in a safe and secure manner. Special vehicles, such as an ambulance or a police transport van, shall be used when safe transportation cannot be accomplished in a City Police vehicle. The transport of arrestees by Montgomery County Fire Rescue vehicles is strictly prohibited unless the person is experiencing a medical emergency.

V. PROCEDURES FOR COMMUNICATING WITH PEOPLE WHO ARE DEAF OR HARD OF HEARING

A. The Rockville City Police Department has specific legal obligations under the Americans with Disabilities Act to communicate effectively with people who are deaf or hard of hearing. As with other physical or mental disabilities, people who are deaf are entitled to a level of service equivalent to that provided to other persons. Effective communication with a person who is deaf is essential to successful investigation and conflict resolution.

B. Various types of communication aids are used to communicate with people with hearing disabilities. Those include:

1. The use of gestures or visual aids to supplement communication.
2. The use of a notepad and pen or pencil to exchange written notes.
3. The use of an assistive listening system or a device that amplifies the sound.
4. The use of a qualified oral or sign language interpreter.

The type of aid that will be required for effective communication will depend on the individual's usual method of communication, and the nature, importance, and duration of the communication at issue. In order to serve each individual effectively, primary consideration should be given to providing the type of communication aid or service requested by the individual. Officers should find out from the person who is deaf what type of auxiliary aid or service he or she needs. Officers should defer to those expressed choices, unless:

1. There is another equally effective way of communicating, given the circumstances, length, complexity, and importance of the communication.

2. Doing so would fundamentally alter the nature of the law enforcement activity in question or would, as determined by the Chief of Police, cause an undue administrative or financial burden.

C. Communications will maintain a list of sign language and oral interpreting services that are available and willing to provide qualified interpreters as needed. Supervisors will request those services when applicable.

D. Communications has the capacity to receive communications by use of a telecommunications device for deaf people. Calls are placed by using a teletypewriter (TTY) and typed correspondence is received by our Communications Section.

VI. SERVICE ANIMALS IN PLACES OF BUSINESS

A. Under the Americans with Disabilities Act (ADA), privately owned businesses that serve the public, such as restaurants, hotels, retail stores, taxicabs, theaters, concert halls, and sports facilities, are prohibited from discriminating against individuals with disabilities. The ADA requires these businesses to allow people with disabilities to bring their service animals onto business premises in whatever areas customers are generally allowed.

B. Service animals perform some of the functions and tasks that the individual with a disability cannot perform for him or herself. Guide dogs are one type of service animal, used by some individuals who are blind. This is the type of service animal with which most people are familiar. But there are service animals that assist persons with other kinds of disabilities in their day-to-day activities.

The service animal must be permitted to accompany the individual with a disability to all areas of the facility where customers are normally allowed to go. An individual with a service animal may not be segregated from other customers.

C. A business may exclude any animal, including a service animal, from their facility when that animal's behavior poses a direct threat to the health or safety of others. For example, any service animal that displays vicious behavior towards other guests or customers may be excluded. You may not make assumptions about how a particular animal is likely to behave based on your experience with other animals. Each situation must be considered individually.

Although a public accommodation may exclude any service animal that is out of control, it should give the individual with a disability who uses the service animal the option of continuing to enjoy its goods and services without having the service animal on the premises.