

	<b>MARICOPA COUNTY SHERIFF'S OFFICE</b> <b>POLICY AND PROCEDURES</b>	
	<b>Subject</b> <b>COMMITMENT TO THE</b> <b>AMERICANS WITH DISABILITIES</b> <b>ACT</b>	<b>Policy Number</b> <b>GD-18</b> <b>Effective Date</b> <b>01-31-97</b>
<b>Related Information</b>	<b>Supersedes</b>	

## INTRODUCTION

This Policy provides guidance to Office personnel to assist in providing quality services to individuals with disabilities. It does not address employment recruitment, screening, and hiring, or promotions, which are addressed in detail in Policy SMR-1, *Sheriff's Office Personnel Hire/Promotion Procedure*.

## POLICY AND PROCEDURE

1. It is the intent of the Office to afford all individuals access to programs and services, regardless of disabilities. This includes complainants, victims, witnesses, arrestees, inmates, members of the community who desire to participate in Office sponsored programs, and individuals seeking information. In all cases, employees shall take all reasonable steps necessary to assist individuals with disabilities in accessing the full range of immediate and follow-up services provided by this Office.
2. The Office shall maintain a Telephone Device for the Deaf (TDD) in Communications, in accordance with Policy GI-4, *Calls for Service*, and in an appropriate inmate housing area, in accordance with Policy DK-2, *Inmate Access to Telephone*.
3. All Office programs shall be made available to individuals with disabilities. Accommodations shall be made through modified program schedules, the use of interpreters, structural modifications, and other efforts to accommodate special needs.
4. The following is a brief overview of several disabilities, and how employees should respond to the needs of individuals with these disabilities:
  - A. **Visual Disabilities:** Employees should offer detailed information when identifying themselves as members of the Office. Employees should not raise their voices when speaking. Employees should not grab the person's arm to lead him in a particular direction. If needed, the individual will take the employee's arm for guidance. However, to maintain a safe distance, employees dealing with suspects, prisoners, or inmates may physically guide the individual in a particular direction.
  - B. **Mental, Emotional, and Psychological Disabilities:** Assisting individuals with mental, emotional, or psychological disabilities may require time and patience beyond that usually provided. For example, time spent on a call for service may have to be extended in order to reassure the individual, sort facts, interact with family members and others, and bring the call to a successful resolution.
  - C. **Mental Retardation:** Employees should ask short questions, be patient when waiting for answers, repeat questions and answers if necessary, and provide reassurance. In many situations, and particularly when dealing with someone who is lost or has run away, the employee may gain improved response by accompanying the person through a building or

## Policy GD-18, *Commitment to the Americans with Disabilities Act*

neighborhood to seek visual clues. In responding to the needs of individuals with severe or profound mental retardation, the aid of family, friends, and neighbors may prove invaluable.

- D. **Mobility Impairments:** Individuals with mobility-related impairments include those who have difficulty walking, use a wheelchair or other mobility aid, or are immobile. In a critical or emergency situation, employees should be aware of the safest and most rapid methods for assisting individuals with mobility impairments to avoid causing them unnecessary strain or injury.
- E. **Invisible Disabilities:** Employees should realize that involuntary behavior associated with some invisible disabilities may resemble behavior characteristically exhibited by intoxicated or, less frequently, combative individuals. For example, a person experiencing a mild seizure may appear incoherent and physically imbalanced. Employees should look for a medical alert bracelet, or similar form of identification. Employees should exhibit patience and understanding when dealing with individuals displaying characteristics commonly associated with invisible disabilities. An inaccurate assessment may lead to an unnecessary confrontation, injury, or denial of needed medication or medical treatment.
- F. **Speech and Hearing Disabilities:**
  - 1. Employees should be aware that an individual's failure to comply with, or respond to, verbal orders may be the result of that individual's inability to hear or to respond verbally. Before committing themselves to a course of action, employees should attempt to identify whether or not they are dealing with a person who has a communication-related disability.
  - 2. It is essential that employees take extra measures to protect the rights of suspects who are deaf or hearing-impaired.
  - 3. An inmate who states he is hearing-impaired, and/or who appears to be unable to effectively communicate as a result of a hearing-impairment, shall be provided with a nationally certified interpreter at the time he is classified, and in emergency situations, as specified in Policy DF-1, *Inmate Classification*, and Policy DQ-1, *Inmate Medical Services*. The inmate shall also have his rights under the ADA explained to him. In addition, at the request of the hearing-impaired inmate, an interpreter shall be provided in such areas as inmate programs, disciplinary and grievance procedures, and religious and medical services.
- 5. In enforcing the law, officers should follow all relevant Office Policies and standard techniques when taking an individual with disabilities into custody. However, consideration should be given to the special needs of some individuals with disabilities in an arrest situation. Response in these situations requires discretion, and will be based, in great part, on the officer's knowledge of the characteristics and severity of the disability, the level of resistance exhibited by the suspect, and the immediacy of the situation. In all cases, employee safety must prevail. Employees shall not jeopardize their safety, or that of others, in an attempt to accommodate an individual with a disability. Situations which employees may encounter include, but are not limited to, the following:
  - A. An individual whose disability affects the muscular or skeletal system may not be able to be restrained using handcuffs or other standard techniques. Alternative methods should be implemented.
  - B. Some individuals with disabilities who require physical aids, such as canes, wheelchairs, or leg braces to maintain their mobility, may have them temporarily seized during arrest procedures.

- C. Some individuals with disabilities may not have achieved communication comprehension levels sufficient to understand their individual rights in an arrest situation. Officers must ensure that the rights of the accused are protected. Only Office-approved certified interpreters are to be used for legal matters, such as mirandizing and questioning.
  - D. Lack of speech or other speech impairment may make it difficult for a suspect or inmate to notify the arresting or detention officer of an urgent need. Officers should look for, and respond to, other signs that the suspect or inmate may be exhibiting.
6. After an individual with disabilities is safely incarcerated in jail, additional concerns shall include, but not be limited to, the following:
- A. Medical personnel should evaluate the inmate's need for return of any physical aids or prosthetic devices. If they determine that the inmate needs a physical aid, the one taken from him shall be returned or one will be provided for him. If the inmate's aid or prosthesis, such as a cane, is inappropriate for jail use due to safety and security reasons, medical personnel will provide the inmate with an appropriate type of aid, such as a walker or a wheelchair.
  - B. Prescribed medication may be required at regular intervals by individuals with disabilities, such as diabetes or epilepsy. Medical personnel should be contacted immediately to determine the importance of administering the medication.
- 7. Each commander shall be responsible for a quarterly memorandum documenting the ADA accommodations that have been implemented within his component.
- A. The memorandum shall be forwarded through the chain of command to the Sheriff's Office ADA Coordinator in the Office of Administration.
  - B. Information in the memorandum shall include, but not be limited to, the name, and serial number if applicable, of the person for whom an accommodation was made, the type of disability, and the type of accommodation that was provided.
  - C. Memorandums shall be retained by the Office of Administration in accordance with State and federal law, County policies, and Sheriff's Office retention schedules.