



**BURLINGTON POLICE DEPARTMENT  
DEPARTMENT DIRECTIVE  
DD13.02 –Interacting with Persons with Disabilities**

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**POLICY:** It is the policy of this department to provide police services in an equal and impartial manner. This policy includes providing police services to those who have disabilities that officers either observe or become aware of based upon the circumstances presented or information obtained.

**PURPOSE:** To ensure that disabilities do not exclude persons from receiving services from the Burlington Police Department or prohibit personnel from performing their jobs effectively, while maintaining compliance with Federal law. Per the Americans with Disabilities Act of 1990, Title II, the Rehabilitation Act, the Civil Rights Act of 1964, the Omnibus Crime Control and Safe Streets Act of 1968, and the Vermont Public Accommodations Act, officers are required by state and federal law to ensure adequate and appropriate communication and services that will not discriminate against persons with disabilities.

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## **I. OFFICER RESPONSE**

- A. Successful police contact with citizens is characterized by effective communication between the officer and the citizen, whether the citizen is a suspect, victim, witness or complainant. Officers encountering a person with a disability that affects the individual's ability to communicate must take additional steps to ensure that the communication is effective and that the individual has meaningful access to critical services.
- B. Officers shall be cognizant that cognitive and language barriers can inhibit individuals from accessing police services or understanding important rights, obligations or available services. Officers shall strive to communicate effectively and accurately with all citizens in order to best serve the interests of the department and the community.
- C. Officers shall take steps to protect persons with disabilities from inequitable treatment based on their disability and to avoid furthering any injury or disability based on the police contact where such accommodation can occur without jeopardizing the safety of all persons involved in the event.

## **II. PROCEDURES – Disabilities**

- A. ***Deaf or Hearing Impaired:*** BPD employees interacting with persons who are deaf or hearing impaired will ensure that they are able to effectively communicate pertinent information whether in person or by phone. For individuals who normally rely on sign language or speech reading, interpreter services are not required for simple transactions such as checking a license, or for urgent situations, such as responding to violent crimes, but may be required for interviews or formal statements, particularly if the individual requests assistance. Reasonable attempts will be made to provide whatever aid or service the disabled individual requests, unless provision of such service will cause an undue burden or will impede the ability to provide law enforcement services. Such decisions will be made by the Officer in Charge or Duty Chief. The employee should make reasonable efforts to minimize confusion with the

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disabled individual and still be able to accommodate the individual's needs. If a traffic or ordinance ticket is issued, the officer will ensure that the violator sees the written explanation of the violation

- B. **Arrest – Minor Crimes:** When dealing with a person who suffers from a known disability officers should consider whether the suspected conduct is a manifestation of the person's disability. In cases where the conduct is a manifestation of the disability, officers should consider a medical or mental health referral as opposed to arrest.
- C. **Use of Force:** In determining the appropriate level of force to be used to control a situation involving a person with a known disability, officers should consider whether the particular control or restraint tactic is more dangerous or unreasonable in light of the particular person's disability.
  - a. In cases where an officer becomes aware, through information or observations, of a disability, officers should take steps to accommodate that disability where they are able to do so without jeopardizing the subject, the officer or any other person's safety. For instance, where handcuffing or other restraints may cause further injury of an existing disability and there is no imminent threat, officers should seek assistance from a supervisor to determine if there is an appropriate method of restraint that will accommodate the disability without jeopardizing safety.
- D. **Mobility:** Standard transport procedures may be dangerous for many people with mobility disabilities. Officers should use caution not to injure the person or damage their wheelchair or other mobility device. The best approach when possible is to ask the person what type of transportation he or she can use, and how to lift or assist him or her in transferring him or her in or out of the vehicle. [See also Transportation of In Custody Subjects Directive]
- E. **Visually Impaired:** When dealing with a person who is visually impaired, it is important for officers to identify themselves verbally and state clearly and completely any directions or instructions, including any information that is posted visually which cannot be seen by the person who is visually impaired.
  - a. Officers should read out loud and fully any document that a visually impaired person is required to sign as the result of a law enforcement action. If a traffic or municipal ticket is issued the officer should ensure that the process to respond to the ticket is explained clearly to the violator.
  - b. Before taking photos or fingerprints of a visually impaired person, law enforcement personnel shall describe the activity to the visually impaired person so that they know what to expect.

**III. DEPARTMENT RESOURCES:**

- A. The Howard Center should be contacted as a first resource for individuals with mental health related disabilities, intellectual disabilities and Autism Spectrum Disorders.
- B. Officers may consider the assistance of either BFD Rescue or other appropriate agency for transportation of persons with physical disabilities.
- C. **Vermont Telecommunications Relay Service:**
  - 1. If an officer/employee needs to make telephone contact with a Deaf/HOH individual, he/she can use the TTY in the dispatch center or use the Vermont Telecommunications Relay Service (VTRS). VTRS is a 24-hour service that assists Vermonters who are deaf,

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hard of hearing, or speech impaired by providing toll-free telephone numbers to enable people who use TTY to communicate with people with a voice phone only, and vice-versa.

2. To use VTRS, Dial 711 (use 1-800-235-0195 if the phone system does not accommodate the 711 number). Give the Communication Assistant ("CA") the number of the person you are trying to reach and begin communication.

*Reviewed and adopted by the Burlington Police Commission on February 26, 2013.*



Michael E. Schirling, Chief of Police

15 March 2013

Effective Date