



# Model Policy

## Interactions with Individuals with Intellectual and Developmental Disabilities

Updated: August 2017

### I. PURPOSE

It is the purpose of this policy to provide law enforcement officers with guidelines for appropriately accommodating, interacting, and communicating with individuals with intellectual and developmental disabilities (I/DD).

### II. POLICY

It is the policy of this agency that personnel will be trained to recognize persons with I/DD; treat people with I/DD with dignity and respect; utilize de-escalation protocols when appropriate; and seek alternatives to physical custody whenever possible.<sup>1</sup>

### III. DEFINITIONS

*Intellectual disability (ID):* A group of disorders characterized by limited or diminished intellectual functioning and difficulty with adaptive behaviors, such as managing money, schedules and routines, or social interactions.

*Developmental disability (DD):* A long-term disability attributable to a physical, mental, or combination of impairments that result in functional limitations in major life activities, such as understanding and expressing language, learning, moving, self-direction, self-care, independent living, and economic self-sufficiency. The disability must have originated before the age of 22 and is likely to continue throughout the individual's life. "Developmental disability" is an umbrella term that encompasses intellectual disability, but also covers some physical disabilities. Some DDs might consist of physical

or sensory impairments only, such as blindness from birth. Other DDs involve both physical impairments and diminished intellectual functioning stemming from genetic or other causes, such as Down syndrome.

### IV. PROCEDURES

#### A. Use of De-escalation Techniques

Some people with I/DD might become easily upset and can engage in self-harming behaviors or act in aggressive ways. Fear, including fear of law enforcement, frustration, and changes in their daily routines and surroundings can trigger such behavior. The mere presence of an officer can also be a source of stress. People with I/DD often have impairments that make it difficult for them to process incoming sensory information. Therefore, when interacting with individuals with I/DD, officers should do the following:

1. Speak calmly.
2. Repeat short, direct phrases in a calm voice. Avoid slang or euphemisms.
3. Use nonthreatening body language, soft gestures, and avoid abrupt movements or actions. Keep hands at sides and visible when possible.
4. Whenever reasonable and practical, avoid touching the person unless there is an emergency situation.
5. Maintain a safe distance, providing the person with a zone of comfort that will also serve as a buffer for officer safety.
6. Eliminate, to the degree possible, loud sounds, bright lights, and other sources of overstimulation by turning off sirens and flashing lights; asking others to move away; or, if possible, moving the person to quieter surroundings.
7. Keep canines in the law enforcement vehicle and preferably away from the area. However, be aware that the person might have a service

<sup>1</sup> Countries may have disability rights laws that can directly regulate law enforcement behavior when interacting with persons with disabilities. For example, in the United States, Title II of the Americans with Disabilities Act (ADA) applies to state and local government entities, including law enforcement. The ADA requires reasonable modification to existing policies and procedures to make them accessible to persons with disabilities. For more information on the ADA, visit [www.ADA.gov](http://www.ADA.gov).

animal. Do not separate a person from his or her service animal if at all possible

8. If safe to do so, avoid taking mobility devices, such as canes, scooters, or wheelchairs away from the person. If necessary to move or transport such items, ask the person the best way to do so.
9. Look for medical identification tags on wrists, necks, shoes, belts, or other apparel. Some persons, both verbal and non-verbal, carry wallet cards noting that they have I/DD and that provide a contact name and telephone number of a family member or other information.
10. If desired by the person with a disability, call his or her support person, when such information is available, or a disability advocacy organization for assistance.
11. Be prepared for a potentially long encounter, as dealings with such individuals should not be rushed unless there is an emergency situation. Officers should inform their communications personnel or supervisor if a prolonged encounter is expected.
12. Do not interpret odd behavior as belligerent or aggressive. In a tense or unfamiliar situation, some people with I/DD might shut down and close off unwelcome stimuli (e.g., cover ears or eyes, lie down, shake or rock, repeat questions, sing, hum, make noises, or repeat information in a robotic way). This behavior is a protective mechanism for dealing with troubling or frightening situations.
13. Do not stop the person from repetitive behavior unless it is harmful to him or her or others.
14. Be aware of different forms of communication. Some people with I/DD carry a book of universal communication icons. Pointing to one or more of these icons will allow them to communicate where they live, their family member or support person's name, address, or what they might need. Those with communication difficulties can also demonstrate different speaking capabilities, such as incorrectly using words.

B. Taking Persons with I/DD into Custody

Officers should seek alternatives to physical custody of individuals with I/DD, as it is likely to initiate a severe anxiety response and further escalate a situation. This might include release of the person to his or her family, a support person, or a community-based diversion program. In more serious offense situations or where alternatives to arrest are not permissible, officers shall observe the following guidelines:

1. Contact a supervisor.
2. Employ calming and reassuring language and de-escalation protocols.
3. If possible, contact the person's family member, support person, or other trusted individual to accompany him or her and to assist in the calming and intervention process. If a support person is not readily available, request an individual appropriately trained in crisis intervention, if available.
4. When reasonable and practical, avoid physical restraints. The use of such restraints can injure the person or limit the person's ability to communicate (e.g., a person who uses American Sign Language can no longer sign) or move independently (e.g., someone who uses a wheelchair or scooter can no longer use these devices).
5. When possible, avoid using body weight to restrain the individual. When unavoidable, extreme caution should be exercised.
6. In accordance with this agency's policy on transportation of prisoners, search the individual for weapons prior to transport. Do not remove any assistive devices from the person if at all possible, including canes, communication icons, hearing aids, braces, etc.
7. Prior to giving a *Miranda* warning or rights pertaining to custodial interrogation, consult a detective or investigator and have the person's lawyer present to help protect his or her rights.
8. If possible and practical, do not incarcerate the person in a holding facility. If the person must be detained, ask if the person prefers to be housed alone, with a smaller group of people, or in a larger group, in accordance with agency policy. Some people with I/DD will be greatly harmed by placement in administrative segregation. Note during booking that the person has I/DD and should be classified and assigned to the appropriate housing unit. No person with I/DD should be housed in a medical unit unless treatment is needed.
9. Until alternative arrangements can be made, and when safe to do so, place the individual in a quiet room with a support person if requested, another responsible individual, or an officer who has experience interacting with people with I/DD.
10. Provide the person with any comfort items or assistive devices that might have been in his or her possession at the time of arrest (e.g., toys, canes, reading devices, etc.), in accordance with agency policy.

C. Interviews, Interrogations, and Use of the *Miranda*/Custodial Rights Warnings

1. Officers conducting interviews or interrogations of a person who is suspected of having I/DD should consult with a supervisor, detective, or investigator assigned to the case, or the prosecuting attorney's office to determine how to proceed.
2. A support person or disability advocate should be allowed to be present to help ensure the person's rights are protected.
3. *Miranda* or other custodial rights warnings should not be given to a suspect with I/DD without his or her lawyer present. Many people with I/DD are not able to fully understand their rights, but will agree with the officer in order to hide their disability or to appear cooperative. However, alternative or simpler versions of these warnings may be used. Officers should also ask suspects to repeat their rights in their own words to ensure understanding.
4. Interrogations of suspects with I/DD should be recorded and the person should be notified that the interrogation is being recorded. If the interrogation is not recorded, the reason shall be documented.
5. When interviewing individuals with I/DD, officers should do the following:
  - a. Determine the individual's primary mode of communication and provide necessary accommodations, translation services, or both.
  - b. Not interpret lack of eye contact and seemingly strange actions or responses as indications of deceit, deception, or evasion of questions.
  - c. Use simple, straightforward questions. However, avoid yes or no questions, as the individual might simply choose either yes or no in an effort to please the officer, rather than provide factual information.
  - d. Not suggest answers, attempt to complete thoughts of persons slow to respond, or pose hypothetical conclusions, recognizing that people with I/DD can be more easily manipulated and might also be highly suggestible.

Every effort has been made by the IACP Law Enforcement Policy Center staff and advisory group to ensure that this document incorporates the most current information and contemporary professional judgment on this issue. Readers outside of the United States should note that, while this document promotes procedures reflective of a democratic society, its legal basis follows United States Supreme Court rulings and other federal laws and statutes. Law enforcement administrators should be cautioned that no "model" policy can meet all the needs of any given law enforcement agency. Each law enforcement agency operates in a unique environment of court rulings, state laws, local ordinances, regulations, judicial and administrative decisions and collective bargaining agreements that must be considered, and should therefore consult its legal advisor before implementing any policy. In addition, the formulation of specific agency policies must take into account local political and community perspectives and customs, prerogatives and demands; often divergent law enforcement strategies and philosophies; and the impact of varied agency resource capabilities among other factors. This document is not intended to be a national standard.

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### **Acknowledgment**

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