

**FREDERICK POLICE DEPARTMENT  
GENERAL ORDER**

**Section 5:** Special Populations **Order Number:** 500  
**Topic:** THE "AMERICANS WITH DISABILITIES ACT (ADA)" **Issued by:** Chief of Police  
**Approved:** 12/01/06  
**Review:** Annually in February by Professional Services Commander  
**Supersedes:** G.O. 500 dated 02/01/02. **Changes in Sections .01, .70 and .80- other grammatical changes throughout.**  
**Updated to Professional Services Division 1/09**  
**Section .80 Training Division changed to Training Unit 08/12**

**.01 PURPOSE:**

To provide members with direction as they respond to the needs of the disabled community, ensuring that all individuals with a disability, as defined by the "Americans with Disabilities Act" ("the ADA") (42 U.S.C. 12181, Public Law 101-336) are afforded the opportunities and services as provided by law. It is NOT the intent of this order to provide personnel with detailed medical information regarding every disability nor can this order address an officer's response to a disabled individual in every situation. This order is to be used as an overview to advise personnel of the need to examine the Department's programs and procedures to ensure that they do not discriminate against the disabled.

**.02 CROSS-REF:**

G.O. [550](#), "Deaf or Hearing Impaired Persons"  
G.O. [770](#), "Prisoner Transport"  
G.O. [773](#), "Sick or Injured Prisoners"  
G.O. [780](#), "Temporary Detention Facilities"

**.03 DISCUSSION:**

The goal of the ADA is to provide individuals with disabilities access to employment opportunities, programs, services, activities, and buildings available to the public that may have been inaccessible because of their physical limitations. With the passage of the ADA, law enforcement officials must now evaluate their agency's employment practices, the accessibility of their programs and activities and the ways in which they provide service to the community and to the disabled.

**.04 POLICY:**

It is the policy of the Department to afford **ALL** people, including those with disabilities, the same level of police service and equal access to the programs, services, activities and employment opportunities offered by the Department. The Department is committed to offering "reasonable" accommodations to individuals with a disability, as defined by law. The Department recognizes this commitment also extends to individuals who have been arrested by members of the Department.

**.05 DEFINITIONS:**

**DISABILITY:** A mental or physical impairment that substantially limits a major life activity; a record of such an impairment; or being regarded as having such an impairment.

**REASONABLE ACCOMMODATION:** May include a change in the application process, work environment, or job descriptions or the use of modified or auxiliary devices that enable a person with a disability to perform the essential functions of the job without causing an undue hardship or

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direct threat to the health and safety of them or others.

UNDUE HARDSHIP: Significant difficulty or expense relative to the size and overall financial resources of the employer.

**.10 EXPLANATION OF A DISABILITY:**

1. An individual has a disability under the law if he or she has a “*mental or physical impairment that substantially limits a major life activity*” such as walking, talking, breathing, sitting, standing, learning, working, etc. The ADA also specifies that individuals who have had a record of such impairment or are perceived or regarded by others as having an impairment are also protected under the Law.
2. An impairment may be a physiological disorder or condition, a cosmetic disfigurement, an anatomical loss, or a mental disorder such as mental retardation, mental illness or a learning disability that substantially limits a major life activity.
3. *Current* drug usage is not protected under the ADA; however, an individual who has “successfully completed a supervised drug rehabilitation program or has otherwise been rehabilitated successfully” AND is not engaging in the current, illegal use of drugs is protected.
4. Persons who have a “temporary” condition, even though severe, such as a broken leg, are not afforded protection under ADA.

**.15 EMPLOYMENT ISSUES:**

1. Recruitment, selection, hiring, promotion and retention issues are addressed in detail in other orders/procedures established by the Department or through the laws of the City of Frederick or the State of Maryland.
2. The ADA states in part, “No qualified individual with a disability shall, on the basis of disability, be subjected to discrimination in employment under any service, program or activity conducted by a public entity.” As stated on its employment application, the Department does not discriminate in the hiring of employees, or any terms and conditions of employment. The Department is committed to employment practices that adhere to the provisions of the ADA and will hire qualified disabled individuals who are able to perform the essential functions of the job, with or without a reasonable accommodation.
3. The ADA does not automatically guarantee an individual with a disability a job, nor does it require preference or protection be given to an individual. Employers are entitled to hire the “most qualified” applicant who can perform the essential functions of that particular job.

**.20 ACCESS TO FACILITIES:**

As required by law, the Department has examined each of the facilities that it uses and determined that they are in compliance with ADA regarding accessibility to the disabled. The Department must also insure that any off-site location used by the Department to conduct any Departmental program, activity and/or service is also accessible to the disabled. Therefore, personnel who plan, schedule, conduct and/or promote programs or activities on behalf of the Department that are open to the public, are required to insure that the site of the activity is accessible to the disabled.

**.25 PROVIDING SERVICE TO THE DISABLED:**

All personnel will ensure that individuals with disabilities are afforded the same rights, privileges, and access to departmental programs and activities as provided to those without disabilities. Individuals with disabilities may have special needs that have to be met in order to provide the best possible police response; therefore all personnel need to be familiar with the basic techniques they may need to employ in order to provide support/ service to these individuals.

**.30 VISUAL DISABILITIES:**

People who are blind or vision impaired may have difficulty identifying law enforcement officials. Responding officers need to be aware of this problem and take appropriate measures to establish their identity. Suggested responses are to have the dispatcher call the individual to announce the officer's presence or broadcast a radio transmission to the responding officer on the scene so the individual can verify their presence.

**.35 MENTAL, EMOTIONAL AND PSYCHOLOGICAL DISABILITIES:**

1. Providing accessibility to police services to these individuals may require not only general assistance or information to the individual or his family, but also may include care of the individual while in custody. Responding officers should attempt to ensure that these individuals receive assistance in obtaining information about available agency services. The Communications Section will maintain a copy of the "Guide to Mental Health and Community Support Services in Frederick County" for ready reference should an officer need it.
2. Officers must remain familiar with established laws dealing with emergency commitment procedures to assist those who cannot assist themselves and are a threat to themselves or others.

**.40 MENTALLY RETARDED DISABILITIES:**

Mental retardation encompasses a broad range of developmental disabilities from mild to profound. In all situations, the responding officer should ask short questions, be patient when waiting for answers, repeat questions and answers if necessary and provide reassurance. Officers may call upon the Frederick County Mental Health Association, Inc. for assistance in referring clients to various agencies.

**.45 MOBILITY IMPAIRMENTS:**

In a critical or emergency situation, personnel need to be aware of the safest and most rapid methods for assisting people with mobility impairments to avoid causing them unnecessary strain or injury.

**.50 "INVISIBLE" DISABILITIES:**

A number of disabilities are not readily apparent to the casual observer, such as epilepsy, diabetes, etc. The disability becomes apparent to others when an individual's outward behavior is affected. While police officers are obviously not expected to diagnose an individual's medical condition, they have been trained to recognize that "strange or unusual" behavior may be symptomatic of a hidden medical condition. Understanding of the characteristics commonly associated with an "invisible" disability will lead to a successful outcome in these situations while an inaccurate assessment may lead to an unnecessary confrontation with the person, injury to the officer or the subject, and/or the failure to obtain needed medication and/or treatment for the individual.

**.55 SPEECH AND HEARING DISABILITIES:**

Officers 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 the officer or respond verbally. Officers should attempt to identify whether or not they are dealing with a person who has a communication-related disability.

Refer to G.O. [550](#) entitled "Deaf or Hearing Impaired Persons" for further information.

**.60 THE ARREST/DETENTION/INCARCERATION OF DISABLED INDIVIDUALS:**

1. Refer to G.O. [770](#) entitled "Prisoner Transport," G.O. [773](#) entitled "'Sick or Injured Prisoners," and G.O. [780](#) entitled "Temporary Detention Facilities" for additional information.
2. In all custodial situations, the Department and the officer assume responsibility for the welfare and safety of an arrestee. Prisoners will be processed as expeditiously as possible.

**.65 PARTICIPATION BY DISABLED INDIVIDUALS IN PROGRAMS AND ACTIVITIES:**

1. The ADA provides all disabled individuals with the same opportunity to participate in any activity or program that is open to the public. The Law requires the sponsoring agency to provide "reasonable" accommodation to meet the needs of the disabled participant and to advertise the fact that accommodations will be arranged if requested by a disabled subject who wishes to participate in the activity.
2. Examples of programs and activities sponsored by the Department are the Explorer Scout Program; the Ride-Along Program; Neighborhood Watch Programs; tours of headquarters, etc.
3. In order to ensure that all departmentally sponsored programs and activities comply with the requirements of the ADA, the following notation will be included on all printed notices/advertisements announcing any departmental program/activity in which the public is invited to participate:  
  
"The Frederick Police Department welcomes the participation of all members of the community. In the event that an individual with a disability requires accommodation to participate in this program/activity, please notify the Department at (301) 600-2100 at least seven (7) days prior to the announced event."
4. Any requests for accommodations will be referred to the commander of the division holding the event. If the request for the accommodation cannot be met because of "undue hardship" as defined by the ADA, or the accommodation "fundamentally alters the nature of the service, program or activity," the commander will notify the Chief of Police who will make a determination concerning the program.

**.70 COMPLAINTS REGARDING NON-COMPLIANCE WITH ADA:**

1. The ADA requires that each public entity develop a "grievance" procedure to address any complaints alleging non-compliance with the requirements of ADA. The City of Frederick, in its Implementation Plan for the ADA, has established a grievance/investigation procedure to deal with such complaints:

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2. Anyone within the Department may receive a complaint alleging that the Department is not complying with a particular requirement of the ADA. When a member receives a complaint, they will notify their supervisor who will document the complaint as follows:
  - A. Facility Complaints- Any complaints regarding access to municipal facilities will be documented on a City of Frederick "Municipal Facilities ADA Complaint Form" which is located in the Forms folder of the shared computer "R" drive and forward it, via chain of command, to the Office of the Chief of Police. The Office of the Chief will forward the completed form to the City of Frederick Facilities Administrator, who has been designated as the City's "ADA Contact Person" of record.
  - B. Other ADA Complaints- Complaints received that are not physical facility related will be documented in an administrative report and forwarded to the Professional Services Division.
3. If the administrative investigation indicates that an existing procedure must be modified to ensure compliance with the Law, the Chief of Police will direct the appropriate personnel to make the change/amendment to existing procedures, and to train or notify all personnel of the changes made. The Chief of Police, in compliance with the City's Implementation Plan, will forward a copy of the completed investigation to the Facilities Administrator.
4. In the event an administrative investigation requires disciplinary action because of a violation of an established departmental procedure, the investigation will be handled in accordance with established internal investigation procedures.

**.75 RETENTION OF RECORDS AND STATISTICAL DATA:**

The Professional Services Division will be responsible for ensuring that records of all ADA non-compliance administrative investigations are maintained, statistical data on complaints received and adjudicated is updated, and the Chief of Police is provided with any requested information as directed. The records will be stored in the Professional Services Division.

**.80 TRAINING:**

The Training Unit will provide recruit and in-service training when appropriate. Since the ADA is continually being interpreted by the courts, the City Legal Department will be asked to review this order each year and to notify the Chief of Police whenever decisions are made which impact upon the Department in this area.

**.85 SUPERVISORY ASSISTANCE:**

Due to the various types of disabilities, there cannot be set procedures that cover every disability or accommodation. Officers will consult with their supervisor whenever they are unaware of how to accommodate a disabled individual or encounter difficulty in accomplishing the accommodation. The chain of command will be utilized until the accommodation is accomplished.