

Office of the Sheriff
Somerset County, Maryland

General Order: 01-15-02

Effective Date: July 1, 2015

Revised Date: N/A

Chapter 34
Section 1
Developmentally Disabled Persons

1. Purpose

It is the purpose of this policy to provide officers with information on the symptoms and effects of developmental disabilities so that officers may better recognize and deal with such persons in enforcement and related capacities.

2. Policy

Persons afflicted with developmental disabilities are limited in their ability to effectively communicate, interact with others, and make reasoned decisions on their own. This can make interactions with such persons difficult in enforcement and other encounters and may result in inappropriate or counterproductive police actions if officers are not prepared to recognize and deal with symptomatic behaviors and reactions of such persons. The number of persons afflicted with such disabilities is increasing dramatically in the United States. Therefore, it is the policy of SCSO that officers understand the symptomatic behavior of such persons and be prepared to follow guidelines relative to dealing with them in a manner that will best serve their needs and SCSO's law enforcement mission.

3. Definition

Developmental Disability: A potentially severe, chronic disability attributable to a physical or mental impairment or combination of impairments, resulting in substantial functional limitations to major life activities such as understanding and expression of language, learning, mobility, self-direction, self-care, capacity for independent living, and economic self-sufficiency. Developmental disabilities, (such as those experienced by persons who have developmental delays, Autism, or Tourette's syndrome) are not the same as and should not be confused with forms of mental illness such as schizophrenia or the more common mood disorders.

4. Procedures

A. Common Symptoms

There are numerous forms of developmental disabilities. Many of the persons who have such disabilities have other related but distinct disorders as well, such as, for example, Autism, Asperger syndrome, Fragile X syndrome, and Rett syndrome.

Although officers are not in a position to diagnose persons with such disabilities, officers shall be alert to the symptoms that are suggestive of such disorders. These include but are not limited to the following symptoms in various combinations and degrees of severity:

- i. Difficulty communicating and expressing oneself;
- ii. Communication by pointing or gestures rather than words;
- iii. Repetition of phrases or words;
- iv. Repetitive body movements – may be harmful to themselves (movements may include, but are not limited to, swaying, spinning, clapping hands, flailing arms, snapping fingers, biting wrists, or banging the head);
- v. Little or no eye contact;
- vi. Tendency to show distress, laugh, or cry for no apparent reason;
- vii. Uneven gross or fine motor skills;
- viii. Unresponsiveness to verbal commands; appearance of being deaf even though hearing is normal;
- ix. Aversion to touch, loud noise, bright lights, and commotion;
- x. No real fear of danger;
- xi. Oversensitivity or under sensitivity to pain; and
- xii. Self-injurious behavior.

B. Common Encounters

Officers may encounter persons who have developmental disabilities in a variety of situations commonly involving persons without such disabilities. However, due to the nature of developmental disabilities, the following are some of the most common situations in which such persons may be encountered:

- i. Wandering;
Developmentally delayed, Autistic, or other developmentally disabled persons sometimes evade their parents, supervisor, caregiver, or institutional setting and may be found wandering aimlessly or engaged in repetitive or bizarre behavior in public places or stores.
- ii. Seizures;
Some developmentally disabled persons, such as those suffering from Autism, are more subject to seizures and may be encountered by police in response to a medical emergency.

- iii. Disturbances;
Disturbances may develop and a caregiver may be unable to maintain control of the disabled person who is engaging in self-destructive behavior or a tantrum.
- iv. Strange and Bizarre Behaviors; and
Strange or bizarre behavior may take innumerable forms prompting calls for service, such as picking up items in stores (e.g., perceived shoplifting), repetitive and seemingly nonsensical motions and actions in public places, inappropriate laughing or crying, and personal endangerment.
- v. Offensive or Suspicious Persons.
Socially inappropriate or unacceptable acts, such as ignorance of personal space, annoyance of others, or inappropriate touching of others or oneself, are sometimes associated with the developmentally disabled who often are not conscious of acceptable social behavior.

C. Handling and Deescalating Encounters

Some persons with developmental disabilities can be easily upset and may engage in tantrums or self-destructive behavior or may become aggressive. Fear, frustration, and minor changes in their daily routines and surroundings may trigger such behavior. Therefore, officers should reasonably attempt to take measures to prevent such reactions and deescalate situations involving such persons, as compared to similar circumstances involved non-developmentally disabled individuals, in the course of taking enforcement and related actions. Guidelines relative to an officer's response include the following:

- i. Speak calmly; use nonthreatening body language;
Using a stern, loud, command tone to gain compliance will have either no effect or a negative effect on a developmentally disabled person. When reasonable based upon the circumstances, an officer should use nonthreatening body language; keep your voice calm and your hands to your sides. Be aware that such persons may not understand the Miranda warning even if they say they do.
- ii. Keep the commotion down;
Eliminate, to the degree possible based upon the circumstances and the safety of the officer and others, loud sounds, bright lights, and other sources of overstimulation. Turn off sirens and flashers, ask others to move away, or, if possible, move the developmentally disabled person to more peaceful surroundings.

- iii. Keep animals away;
To the extent possible based upon the circumstances, an officer should keep canines in the police vehicle and preferably away from the area, and ensure that other dogs are removed.
- iv. Look for personal identification;
To the extent possible under the circumstances, an officer should look for medical ID tags on wrists, neck, shoes, belt, or other apparel. Some persons carry a card noting that they are developmentally disabled and possibly nonverbal. That card should also provide a contact name and telephone number.
- v. Call the contact person or caregiver;
The person's caregiver or institutional or group home worker is often an officer's best resource for specific advice on calming the person and ensuring the safety of the person and the officer until the contact person arrives on the scene.
- vi. Prepare for a potentially long encounter;
Dealings with such a person should not be rushed unless there is an emergency situation or the officer deems for handling of the situation otherwise.
De-escalation of the situation using calming communication techniques can take time, and officers should inform their dispatcher or supervisor or both that this might be the case if circumstances dictate.
- vii. Repeat short, direct phrases in a calm voice;
When possible based upon the circumstances an officer should use the following approaches to communicating verbally with the developmentally disabled subject: For example, rather than saying "Let's go over to my car where we can talk," simply repeat "Come here," while pointing until the person's attention and compliance is obtained. Gaining eye contact in this and related situations is essential. An office should attempt to direct the developmentally disabled person by repeating, "Look at me," while pointing to the person's eyes and yours.

- viii. Be attentive to sensory impairments;
Many persons who have Autism have sensory impairments that make it difficult for them to process incoming sensory information properly. For example, some may experience buzzing or humming in their ears that makes it difficult for them to hear. Should an officer identify a sensory impairment, he or she should take precautions to the extent possible under the circumstances to avoid exacerbating the situation:
- 1) To the extent possible, avoid touching the person;
Unless the person is in an emergency situation (e.g., has been seriously injured or is in imminent peril) or the officer determines that the circumstances dictate otherwise, speak with the person quietly and in a nonthreatening manner to gain compliance.
 - 2) Use soft gestures;
When asking the person to do something, such as look at you, an officer should attempt to speak to and gesture softly towards the developmentally disabled individual. An officer should attempt to avoid abrupt movements or actions when possible.
 - 3) Use direct and simple language;
Slang and expressions (e.g., “spread ‘em”) have little or no meaning to such persons. Normally, they will understand only the simplest and most direct language (e.g., come, sit, stand).
 - 4) An officer should have heightened sensitivities to interpreting odd behavior of developmentally disabled individuals as belligerent; and
 - 5) In a tense or even unfamiliar situation, developmentally disabled individuals tend to 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. When possible as dictated by the circumstances, an officer should try not to stop the person from repetitive behavior unless it is harmful to him or her or others.
- ix. Be aware of different forms of communication;
Some developmentally disabled persons carry a book of universal communication icons. Pointing to one or more of these icons will allow these persons to communicate where they live, their mother’s or father’s name, address, or what he or she may want. Those with communication difficulties may also demonstrate limited speaking capabilities, at times incorrectly using words such as “You” when they mean “I.” An officer should be aware of these different forms of communication and respond accordingly to their applicability to the given situation.

- x. Don't get angry at antisocial behaviors; and
For example, when asked a simple question like "Are you all right?" the person may scream, "I'm fine!" Many such persons don't understand that this is not appropriate.
- xi. Maintain a safe distance.
Provide the person with a zone of comfort that will also serve as a buffer for officer safety.

D. Taking Persons into Custody

Taking custody of a developmentally disabled person should be avoided if possible as it commonly initiates a severe anxiety response and escalation of the situation.

Therefore, in minor offense situations where determined by the officer to be practical, officers shall explain the circumstances to the complainant and request that alternative means be taken to remedy the situation. This normally will involve release of the person to an authorized caregiver.

In more serious offense situations or where alternatives to arrest are not permissible, officers should observe and consider the following guidelines:

- i. Contact a supervisor for advice;
- ii. Avoid the use of handcuffs and other restraints unless unavoidable. Use of restraints will invariably escalate panic and resistance;
- iii. Summon the person's caregiver to accompany the person and to assist in the calming and intervention process. If a caregiver is not readily available, summon a mental health crisis intervention worker if available;
- iv. Employ calming and reassuring language and de-escalation protocols provided in this policy;
- v. Do not incarcerate the person in a lockup or other holding cell if possible. Do not incarcerate the person with others;
- vi. Until alternative arrangements can be made, put the person in a quiet room with subdued lighting with a caregiver or other responsible individual or another officer who has experience in dealing with such persons; and
- vii. Provide the person with any comfort items that may have been in his or her possession at the time of arrest (e.g., toys, blankets, foam rubber objects).

In the event that it becomes necessary for an officer to take a developmentally disabled person into custody, based on the unique circumstances of the case and the potential threat faced by the officer or others at the scene, the officer's use of force shall be applied in the same basic way that an objectively reasonable officer would in the same circumstances.

E. Interviews and Interrogations

Officers conducting interviews or interrogations of a person who is, or who is suspected of being, developmentally disabled should consult with a mental health professional and the prosecuting attorney's office to determine whether the person is competent to understand his or her rights to remain silent and to have an attorney present. If police interview such persons as suspects, victims, or witnesses, officers should observe and consider the following guidelines in order to obtain valid information:

- i. Do not interpret lack of eye contact and strange actions or responses as indications of deceit, deception, or evasion of questions;
- ii. Use simple, straightforward questions; and
- iii. Do not employ common interrogation techniques, suggest answers, attempt to complete thoughts of persons slow to respond, or pose hypothetical conclusions, recognizing that developmentally disabled persons are easily manipulated and may be highly suggestible.

Ronald Howard

Sheriff
Somerset County

