



ALBUQUERQUE POLICE DEPARTMENT
PROCEDURAL ORDERS

SOP 2-18 (Formerly 2-09)

Effective: 01/23/2023 Review: 01/23/2024 Replaces: 12/16/2019

**2-18 CONTACT WITH INDIVIDUALS WITH HEARING, SPEECH,
AND/OR VISION IMPAIRMENTS/DISABILITIES**

Related SOP(s), Form(s), Other Resource(s), and Rescinded Special Orders(s):

A. Related SOP(s)

[2-8 Use of On-Body Recording Devices \(Formerly 1-39\)](#)
[2-16 Reports \(Formerly 1-05\)](#)

B. Form(s)

None

C. Other Resource(s)

Americans with Disabilities Act of 1990 (ADA)
NMSA 1978, § 61-34-2 Definitions (As Used in the Signed Language Interpreting Practices Act)

D. Rescinded Special Order(s)

None

2-18-1 Purpose

The purpose of this policy is to outline the procedures for Albuquerque Police Department (Department) personnel who interact with individuals and victims who have an impairment and/or disability that affects their hearing, speech, and/or vision.

2-18-2 Policy

It is the policy of the Department for Department personnel to adhere to the requirements of the Americans with Disabilities Act (ADA) and this Standard Operating Procedure (SOP) when interacting with individuals and victims who have an impairment and/or disability that affects their hearing, speech, and/or vision.

N/A 2-18-3 Definitions

A. American Sign Language (ASL)

A visual language that uses the shape, placement, and movement of the hands, and facial expressions and body movements in order to convey information. ASL is used predominantly in the United States and in many parts of Canada.

B. Auxiliary Aid



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1. A tool that is used to help communicate;
2. A Community Signed Language Interpreter; or
3. Any other means that assist with effective communication.

C. Blind or Visually-Impaired

1. An individual with vision loss to such a degree so as to qualify for an additional support need; or
2. An individual with a significant visual impairment that resulted from disease or trauma, or a congenital or degenerative condition that cannot be corrected.

D. Community Signed Language Interpreter

A state licensed and certified professional who practices interpreting and interprets a signed language.

E. Disability

A physical or mental impairment that substantially limits one (1) or more major life activities, including major bodily functions; a record of such an impairment; or regarded as having an impairment, including when the individual does not have an impairment that limits one (1) or more major life activities.

F. Individual Who Is Deaf, Hard-of-Hearing, or Deaf-Blind

A person who has either no hearing or who has significant hearing loss, consistent with NMSA 1978, § 61-34-2.

G. Service Animal

A dog that is individually trained to do work or perform tasks for people with disabilities. Examples of such work or tasks include guiding people who are blind, alerting people who are deaf, pulling a wheelchair, alerting and protecting a person who is having a seizure, reminding a person with mental illness to take prescribed medications, calming a person with Post Traumatic Stress Disorder (PTSD) during an anxiety attack, or performing other duties. Service animals are working animals, not pets. The work or task a dog has been trained to provide must be directly related to the person's disability. Dogs whose sole function is to provide comfort or emotional support do not qualify as service animals under the ADA.

N/A 2-18-4 **Procedures**

A. Blindness and Low Vision



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1. For individuals and victims with blindness or low vision, Department personnel should consider:
 - a. Letting them know when they are approaching them;
 - b. Letting them hold on to their elbow;
 - i. Department personnel shall not take the individual or victim's elbow unless they ask them to do so.
 - c. Letting them know if they are altering their path in any way (e.g., rounding a corner, stepping off a curb, etc.);
 - d. While altering their path, explaining that there are narrowing passages and doorways;
 - e. Ensuring that they know what they are signing if being asked to sign any documents, even if that means reading the document to them in their entirety;
 - f. Refraining from speaking loudly because most people who are visually-impaired hear well;
 - g. Verbally identifying them when conversing in a group format;
 - h. Avoiding lapses in conversation without informing them;
 - i. Verbally assisting them in orienting to the surroundings; and
 - j. Obtaining explicit permission prior to physically assisting them.

B. Deaf-Blindness

1. Department personnel should use consideration with individuals and victims with deaf-blindness.
2. Department personnel may use a Community Signed Language Interpreter during investigations if the individual or victim knows American Sign Language (ASL).

C. Deafness or Hard of Hearing

1. For individuals or victims with deafness or who are hard of hearing, Department personnel should consider:
 - a. Verifying that they can see them before trying to contact them;
 - b. Speaking to them, not their Community Signed Language Interpreter;
 - c. Being aware of facial expressions and should consider body language as important;
 - d. Avoiding the tendency to speak louder;
 - e. Speaking normally;
 - f. Avoiding approaching them from behind;
 - g. Always providing effective communication (e.g., Community Signed Language Interpreters, note writing, placards, etc.);
 - h. Using auxiliary aids;
 - i. Asking them their preferred means of communication; and



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- j. Ask the individual what type of auxiliary aid or service they need and should defer to those expressed choices, unless:
 - i. There is another equally effective way of communicating, given the circumstances, length, complexity, and importance of the communication, as well as the communication skills of the person who is deaf or hard of hearing; or
 - ii. Doing so would fundamentally alter the nature of the law enforcement activity in question or would cause an undue administrative or financial burden
 1. The Chief of Police or their designee may make this determination.

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2. Use of Community Signed Language Interpreter

- a. Sworn personnel shall request a Community Signed Language Interpreter through the Emergency Communications Center (ECC) in order to interview victims and interrogate individuals who are deaf or if requested by an individual or victim who is hard of hearing.
 - i. Sworn personnel shall notate in their Uniform Incident Report that a Community Signed Language Interpreter was called to the scene to interpret for the individual or victim.
 - ii. If a Community Signed Language Interpreter is unable to respond within a reasonable amount of time, sworn personnel must note this in their Uniform Incident Report.
 - iii. Sworn personnel shall not use family or friends to interpret during investigations.
- b. Sworn personnel may use other auxiliary aids for the initial investigation prior to when the Community Signed Language Interpreter arrives to assist sworn personnel in determining the extent of the investigation.
 - i. Sworn personnel shall tag into evidence all written correspondence with the individual who was interrogated or the victim who was interviewed.
 - ii. Sworn personnel may send a copy of all written correspondence to the Records Division to be included with their Uniform Incident Report, consistent with SOP Reports (refer to SOP Reports for sanction classifications and additional duties).

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3. Arrest Investigations

- a. Sworn personnel shall provide the individual their *Miranda* rights in writing for them to sign and shall rely on a Community Signed Language Interpreter to read the individual their *Miranda* rights.
- b. At a minimum, sworn personnel shall use their on-body recording device (OBRD) to visually and audibly record interviews and interrogations, consistent with SOP Use of On-Body Recording Devices (refer to SOP Use of On-Body Recording Devices for sanction classifications and additional duties).



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- c. When it is safe to do so, sworn personnel may handcuff individuals in the front to enable them to communicate with their hands.

D. Speech Impairment

1. For individuals or victims with a speech impairment, Department personnel should consider:
 - a. Allowing them the time they need to speak;
 - i. Department personnel shall not get impatient or try to finish sentences for them.
 - b. Paying attention to their body language and facial expressions;
 - c. Remembering that they may have difficulty speaking, but that does not mean they struggle to understand;
 - i. Department personnel shall not change their vocabulary or way of speaking.
 - d. Making eye contact;
 - e. Using auxiliary aids when contacting them;
 - f. Using the same tone and volume of speech they normally would unless they are asked to speak louder, slower, etc.; and
 - g. Listening to their words, not the mechanics of their speech.

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E. Cognitive or Developmental Disability

1. For individuals or victims with a cognitive or developmental disability, Department personnel should consider:
 - a. Giving them extra time to process information or presenting information in a different way (e.g., written, pictures, etc.);
 - b. Using clear language and examples;
 - c. Being prepared to show them how to complete a task; and

F. Physical Disability

1. Consensual Encounters

- a. Department personnel should take an individual or victim's physical disability into consideration during a consensual encounter to accommodate their needs.

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2. Criminal Investigations and Arrests

- a. Department personnel shall abide by the procedures outlined in SOP Restraint and Transportation of Individuals (refer to SOP Restraint and Transportation of Individuals for sanction classifications and additional duties).
- b. If requested and necessary, sworn personnel shall provide needed resources while on calls for service.



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G. Service Animals

1. Department personnel shall not interfere with an individual or victim's service animal.
2. When the owner of a service animal is arrested or deceased, sworn personnel shall:
 - a. Attempt to find a family member or other party approved by the owner to take custody of the service animal; or
 - b. If no one is available to take custody of the service animal, request for a City of Albuquerque Animal Welfare Department officer to take custody of the service animal.
 - i. Sworn personnel shall advise the responding Animal Welfare Department officer that the animal is a service animal.
 - ii. The Animal Welfare Department officer holds or returns the service animal to the owner or designated party in accordance with Animal Welfare Department policies and procedures.
3. Department personnel shall never pet service animals without permission from the owner.

N/A