

Connecticut General Assembly

Police Transparency & Accountability Task Force

Jon Slifka, Chairperson



c/o Judiciary Committee, Room 2500
Legislative Office Building
300 Capitol Avenue
Hartford, Ct 06106

Improving Police Interactions with The Disability Community Subcommittee

(1-5-21 Annotated working document)

Recommendations for consideration in 12/31/20 report:

I. 911/ Emergency Response

- Uniform statewide registry for disability community w/local law enforcement
 - *Is this indicated on State ID? Voluntary? How do we do it in a manner that protects the privacy/stigma issues of those involved? Is access just to the residence town, or across borders as well? Can a best practice policy for PDs be developed? Is info subject to FOI? HIPAA? Survey local police for current standards/practice? National best practices?*

Current-day instances of registry for disability community

Special Needs Registry in Burlingame, CA

https://www.burlingame.org/departments/police_department/special_needs_registry.php

- voluntary
- provides police officers “quick access to information” such as the person’s photo, disability, and even location of a hidden key to reduce prospect of emergency personnel forcing entry
- a tool particularly relevant within **context of officers responding to a call at the individual’s residence**

Burlingame, CA Police Department

- ADA Coordinator
- Community Outreach
- “Periodic” Training (time interval not specified)
- Specific responses to persons within the disability community include: providing qualified interpreters “as soon as reasonably practicable” during arrests and/or bookings; *Miranda*

warnings provided in written format or via “qualified interpreter”; “usage of hand gestures or visual aids/exchange of written notes/communications/use of computer, word processing/verbal communication with an individual who can speechread by facing the individual and speaking slowly & clearly” (p. 237, Burlingame, CA Police Department Policy Manual, September 2020)
- Recruitment & selection strategy centers on targeting qualified, diverse pool of candidates.
Excerpt from p. 558 of the manual is below:

“The strategy should include:

- (a) Identification of racially and culturally diverse target markets.*
 - (b) Use of marketing strategies to target diverse applicant pools.*
 - (c) Expanded use of technology and maintenance of a strong internet presence. This may include an interactive department website and the use of department-managed social networking sites, if resources permit.*
 - (d) Expanded outreach through partnerships with media, community groups, citizen academies, local colleges, universities and the military.*
 - (e) Employee referral and recruitment incentive programs.*
 - (f) Consideration of shared or collaborative regional testing processes.*
- The Department shall avoid advertising, recruiting and screening practices that tend to stereotype, focus on homogeneous applicant pools or screen applicants in a discriminatory manner.”*

Source: <https://www.burlingame.org/Burlingame%20PD%20Policy%20Manual%2009-28-2020.pdf>

“Take Me Home” program in San Diego County, CA

<https://www.sdsheriff.net/tmh/index.html>

- Relatives can register loved ones voluntarily in the event individual(s) go missing; local police have “quick access to critical information about a registered person with disabilities in case of an emergency” (e.g., dementia, autism, all members of a community with a cognitive or other impairment that impacts communication skills)
- a tool particularly relevant within **context of officers responding to a call about the individual’s whereabouts**

Special Needs Registry in Santa Clarita, CA

<https://www.santa-clarita.com/city-hall/departments/recreation-community-services-and-open-space/emergency-management/special-needs-registry>

- “secure information database that helps Santa Clarita Deputies recognize and respond to individuals with special needs”
- voluntary
- served by the Santa Clarita Sheriff Station
- recognized by Department of Homeland Security/FEMA as a model for the nation in 2011
- individuals of any age with any type of medical condition or disability can be registered
- police deputies can access information including photo, description and contact info for person with disability; information about accommodations that may be required during interaction with the person
- CLEAR: Community & Law Enforcement Aware Response, <http://clearscv.org>

Special Needs Registry Program in South Windsor, CT

<https://www.southwindsor-ct.gov/police/special-services/pages/special-needs-registry-program>

South Windsor, CT Police Department

- recently shared information on its website about implicit bias talk and discussion (December 1, 2020)

- now hiring for full-time dispatcher

“ABOUT OUR DEPARTMENT:

The South Windsor Police Department is a proactive and progressive law enforcement agency with a focus on community policing and problem solving. The department offers paid training, a competitive salary and benefits package, and a defined contribution retirement plan.”

<https://www.policeapp.com/Dispatcher-South-Windsor-CT-Police-Officer-Jobs/211/>

Special Needs Registry in Clayton, MO

<https://www.claytonmo.gov/government/police/special-needs-registry#:~:text=The%20Special%20Needs%20Registry%20%28SNR%29%20is%20a%20secure,residents%20with%20special%20needs%20if%20the%20person%20>

- very similar program to Santa Clarita

- voluntary

- Fire Department also has a STARS program which assists firefighters and paramedics: Special Needs Tracking and Awareness Response System, as described on its website below:

“Each resident enrolled in STARS has a form detailing his or her medical history, medications, allergies, baseline vital signs, baseline neurological status, and common medical emergencies. These forms will be stored on the ambulance. Each patient is assigned a number, which corresponds to the personalized form. Should you need to call 911, the caller gives the dispatcher the number, which is then relayed to the responding ambulance. Having this information at hand can prove vital, especially when a regular caretaker is not present. Residents who especially benefit are those with significant developmental delay, seizure disorders, cardiac history, cerebral shunts, tracheostomies and any atypical diseases or syndromes.”

<https://www.claytonmo.gov/government/police/special-needs-registry/special-needs-registration-form>

- form includes space for relatives to fill out information as to methods of “best approach,” “best communication”, ways to “calm” their loved ones, ways individual may behave when “upset/frustrated”

- form permits families to provide specific information for law enforcement about their loved ones

Clayton, MO Police Department

<https://www.claytonmo.gov/government/police>

- 50 commissioned officers, 6 civilian employees

- only 8 Chiefs of Police since department’s inception in 1920

- among first law enforcement agencies in MO to be accredited through CALEA
- Chief of Police goals for 2019-2020 included community policing strategies expansion & implementation of body worn cameras

Special Needs Registry in Manheim & Lancaster Townships, PA

<https://lancaster.crimewatchpa.com/manheimtwppd/53783/content/special-needs-registry>

- voluntary
- information assists first responders, including police, EMS; strictly confidential and only to be used “during times of emergency”
- 2 different decals provided to registrants (one for placement on a home window, one for placement on a vehicle in which person with disability regularly travels); visual component of information for law enforcement
- use of decals wholly voluntary vv.

- Uniform statewide 911 standards for assessing potential disability during call
What are appropriate questions to ask? Do HIPAA standards apply?

Current-day instances of 911 standards for assessing potential disability during call

Disability indicator program in MA (available via landline only)

<https://www.mcsnet.org/resources-brochures/resources-guide/911-disability-indicator/>

- unique code provided to those who register (voluntarily) for program
- 911 dispatcher sees identifying code appear on screen for specific disability to better inform responding police, EMS

- Training for disability community to inform 911 of disability during call
 - *What should departments be doing to strengthen relationships w/disability community? Can we reach out to various non-profits to notify police departments about community resources?*

<https://www.cga.ct.gov/2010/rpt/2010-R-0310.htm>

- Separate 911 #?
 - *Efficacy of different number for response to crisis. How is 211 working relative to this population/issue?*

Current-day instances of separate 911

<https://www.ada.gov/911ta.htm>

- The FCC requires equal access to emergency telephone number services under the ADA.
- Research is silent on question about efficacy of a separate emergency number.
- Connecticut’s Text 911 program, rolled out in 2018. New Jersey, Maryland, Delaware, Iowa have similar programs. Program intended for individuals hard of hearing or are deaf for those who are in emergent settings in which they cannot safely speak (e.g., domestic abuse/violence).

Source: statescoop.com

-During first half of 2019, CT’s 911 dispatch centers received 2, 713 texts (of 962,099 calls made to 911 January 2019-June 2019)

Source: nbconnecticut.com

- Who responds? Sec 18 of PA 20-1 Social worker potential?
 - Successful models elsewhere? New Haven?
 - *Worthwhile doing a full, comprehensive statewide study w entity familiar w/best practices? DHMAS presentation at next meeting to provide info on this section – relative to mobile crisis and CIT. Can learn from New Haven and their planned adoption of the Eugene, Oregon CAHOOTS model. Cost?? NASW-CT info shared to subcommittee.*

Should mental health professionals respond to individual-in-crisis calls? Should police respond to crisis calls when there is a safety concern involving other people?

<https://cronkitenews.azpbs.org/2016/05/13/law-disorders-cops-advocates-try-defuse-dealings-disabled/>

-for example, the above news story reports that police officers were dispatched to an individual experiencing a delusional episode; assault on an officer ensued; what would have occurred if a mental health worker had been dispatched?

II. Data gathering

- Use of force data collection – contain disability specific information in report
- Deadly force incidents – what does the data tell us?
 - *CT Bar Association, Policing Task Force, Data Subcommittee assessing 84 deadly use of force incidents that have occurred in CT since 2001 and created a database on consistently reported elements. Worth exploring the likelihood of individuals in severe mental distress being involved in these incidents. Also race/ethnicity/gender is a factor. Almost half involve individuals in clear mental distress. CIT team involved? Very few instances handled beyond initial officer responding. CREST/SWAT teams likely involved. Best practice recommendation: Cameras required and less lethal options made available?*

III. Youth

- SRO specific guidelines for disability school community
 - *Access to student info (IEPs, etc)*

Approximately 46,000 School Resource Officers (SROs) operate in U.S. schools, according to National Center for Education Statistics. During the 2013-14 academic year, it is estimated that “43% of all public schools in the U.S. were visited or patrolled by an SRO.” During 2015-2016, it was 42%, according to thebestschools.org and *The Washington Times*, respectively.

SROs are sworn law enforcement officers, are generally armed, and are deployed by local PDs to assist schools address school safety issues. Rise in presence of SROs has been precipitated by mass school shootings, campus violence.

There are no central or federally-mandated training standards at this time.

(<https://thebestschools.org/magazine/cops-schools-built-school-prison-pipeline/#:~:text=There%20are%20roughly%2046%2C000%20School%20Resource%20Officers%20patrolling,of%20keeping%20our%20children%20safe%20during%20school%20hours.>)

Key roles of SROs that emerge from the research:

Source: <https://www.parentcenterhub.org/brief-school-resource-officers/>

Author: Center for Parent Information & Resources

Publish Date: January 1, 2019

- The federal government defines SROs as “*A school resource officer (SRO), by federal definition, is a career law enforcement officer with sworn authority who is deployed in community-oriented policing and assigned to work in collaboration with schools and community-based organizations to fulfill specific duties.*”
- Educate students in crime, illicit drug use
- Develop/expand community justice programming
- Train students in conflict resolution, illicit drug use awareness, crime-avoidance

Key suggestions for guidance that emerge from the research:

Source: <https://www.schoolsecurity.org/2019/11/children-with-special-needs-and-the-school-resource-officer-sro/>

Author: Chuck Hibbert

Publish Date: 2019

- “Select the right officer and involve school officials in the SRO selection process”
- Ensure that SRO fits with the particular school setting
- Train SROs and school administrators
- Ensure that SROs and school administrators receive the same training, so they are on the same page
- Have Memorandum of Understanding (MOU) between police agency and school district, be reviewed annually
- SROs should receive training specific for realistic school scenarios, settings; receive training for interactions with students of special needs, disabilities as well
- Clarify and distinguish between SRO duties/functions/role(s) from disciplinary roles performed by school administrators

Source: <https://www.parentcenterhub.org/brief-school-resource-officers/>

Author: Center for Parent Information & Resources

Publish Date: January 1, 2019

- Clear, concise MOU essential
- SROs must receive training specific to interacting with special-needs children
- Use of physical restraint devices is “rarely necessary”
- NASRO (National Association of School Resource Officers) offers support to policymakers

Source: <https://www.makemyschoolsafe.org/guide/considerations-students-disabilities/how-should-school-police-officers-interact-students>

Author: Partnership between Texas Appleseed, Disability Rights Texas, et al.

Publish Date: N/A

- Clear mission spelled out for SROs vital for avoiding confusion between school safety enforcement vs. quasi-educational duties
- “...generally not best practice for school police officers to be responsible for implementing Behavior Intervention Plans nor for school personnel simply to use law enforcement to manage or address student behavior in the classroom setting”

Key legal considerations that emerge from the research:

Source: <https://www.disabilityscoop.com/2015/10/06/feds-resource-officers-ada/20850/>

Author: Michelle Diamant

Publish Date: 10/6/2015

- SROs should be knowledgeable in and be aware of, ADA
- SROs “should be trained, have clearly defined roles and should not handle routine discipline”
- During interactions with students of disabilities, ADA “applies and reasonable modifications of procedures may be necessary” according to the Department of Justice

Question: Do SROs have access to IEPs, BIPs? Answer – most likely yes

Source: <https://www.ednc.org/sros-and-ieps-a-good-mix/#:~:text=SROs%20also%20may%20have%20access%20to%20a%20child%E2%80%99s,%20safety%20of%20a%20student%20or%20other%20individuals.>

Author(s): Virginia Fogg, Reighlah Collins

Publish Date: October 23, 2019

- IEPs protected from disclosure by FERPA (Family Education Rights and Privacy Act)
- However, some exemptions can be made
- School staff with a ‘legitimate educational interest’ can see/have access to a child’s education record

- SROs may fall within this category (i.e., may be considered a school official) depending on the MOU/other circumstances/FERPA's health or safety emergency exception
- SROs should know student's IEP, BIP, particularly if conditions of those plans may arise during a potential intervention/interaction/interface with the student and SRO

IV. Training

- More widescale assessment of current POSTC training relative to disability community
 - ALEC/CIT?
 - Incident response review/follow up?
 - *State PD should mirror local PD training and vice versa. Continue to engage Karen Boisvert from POSTC in these discussions.*
 - *Funding?? Is there mandatory recurrent training on critical issues relative to the disability community?*
 - *Reach out to POSTC to assist in achieving goals.*

Federal Department of Justice (DOJ) discussed disability training program for law enforcement in 2014, under then Attorney General Eric Holder.

Source: <https://www.disabilitycoop.com/2014/07/21/justice-training-police/19532/>

Maryland became the first state in the U.S. to mandate disability training for its police (state level). Training includes a four-hour seminar to discuss issues affecting this specific community in 2014, following fatal interaction with an individual (Ethan Saylor, 26 years old) who had Down Syndrome.

Source: <https://www.rollingwithoutlimits.com/view-post/Disability-Training-for-Police-Now-Mandatory-in-Maryland-1>

Maryland Police and Correctional Training Commissions adopted requirements in 2014. The Ethan Saylor Alliance plays a pivotal role in connecting people with disabilities to training opportunities in law enforcement context. In other words, people with disabilities help to train Maryland police in interacting with this community. For example, one training designed by two Loyola University-Maryland professors, involved 10 people with a range of disabilities to “role-play common scenarios with police.”

Source: <https://www.npr.org/2019/04/13/705887493/how-one-mothers-battle-is-changing-police-training-on-disabilities>

New York has a First Responders Disability Awareness Training Course for NY state police, which includes 14 hours of training on mental illness, two hours on autism, Alzheimer's disease, blindness, deafness. No training is provided on intellectual disability. The course is not mandatory.

Source: <https://ollibeau.com/disability-awareness-mandatory-york-state-police/>

Indiana has mandatory, annual in-service training that includes a variety of topics, including mental illness, autism, Alzheimer's, dementia.

Source: <https://www.in.gov/ilea/2525.htm>

International Association of Chiefs of Police: failure to train law enforcement in disability sensitivity constitutes an ADA violation.

Source: <https://ollibeau.com/disability-awareness-mandatory-york-state-police/>

State & local governments were required in 1993 to conduct a 'self-evaluation' to see if their policies, procedures, practices were ADA-compliant. "Compliance with the ADA is an ongoing obligation."

Source: https://www.ada.gov/qanda_law.pdf

Alabama, Alaska, Arizona, Arkansas, Colorado, Delaware, Florida, Hawaii, Idaho,, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Montana, Nevada, Nebraska, New Hampshire, New Jersey, North Carolina, North Dakota, Oregon, Pennsylvania, Rhode Island, South Carolina, Utah, Vermont, Virginia, West Virginia, Wisconsin, Wyoming: no de-escalation training required

Connecticut, Georgia, Illinois, Indiana, Maine, Maryland, Massachusetts, Missouri, New Mexico, New York, Ohio, Oklahoma, South Dakota, Texas, Tennessee: de-escalation training required

Connecticut: 3 hours every 3 years for de-escalation training; 3 hours human relations training (including serious mental illness); 1 hour bias/bigotry (again, every 3 years)

Source: <https://www.apexofficer.com/police-training-requirements>

- Central finding is that detectable, significant post-training improvement in positive attitudes/perceptions toward individuals with disabilities (caveat: small sample sizes)
- Multidisciplinary training approaches are recommended: psychologists, social workers, police, mental health professionals, people with disabilities
- Problem-based, experiential learning formats, involving discussion and activities
- Role playing is OK; but direct contact with people of disabilities is preferred, as this may "promote longer lasting training effects as well as opportunities for shared learning"
- Learning should not be a "one time event," but rather be repeated, regular

Source: Ernie Vilijoen and Louise Wiles et al. 2017."Police officer sensitivity training: a systematic review." *Police Journal*.

- positive improvement in attitudes, perception in officers who receive mental health training
- arrests less likely in sample study of 180 officers trained in CIT; referral to mental health unit more likely across 1,063 incidents/encounters
- no detectable difference in reduction in use of force, reduction of injuries between CIT-trained and those not (at least, not in the study noted in above point)

- *“Much research has shown an improvement in attitudes and a reduction of stigma in police officers who received mental health training.^{38,39} There is good evidence for benefit in officer-level outcomes, such as officer satisfaction and self-perception of a reduction in the use of force.⁴⁰⁻⁴² A survey of police officers indicated that CIT-trained officers perceived themselves as less likely to escalate to the use of force in a hypothetical mental health crisis encounter.⁴³*
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V. Recruitment/Outreach

- Recruit police officers who have direct engagement/contact with persons who are differently abled (relatives, friends, colleagues)?
- Rapport, relationships key to building trust between police and the communities they protect & serve. Communities more receptive to police who understand them. Apply same principle to the disabled community and building trust between this community and law enforcement?
- https://www.theiacp.org/sites/default/files/2018-08/BuildingTrust_0.pdf
- Concept of community-oriented policing; community “insiders” walking the beat
- Importance of police legitimacy and procedural justice in shaping public’s perception – now-classic work from 2003 by Jason Sunshine and Tom Tyler in *Law & Society* journal