



## SLIDE 1 TITLE SLIDE

### LEGAL AND POLICY TOPICS, PARTS 2–3: Expanded CRIT Content

**Time:** 80 minutes (**NOTE: Part 2 should take no more than 30 minutes to complete.**)

**Slides:** 20

**Purpose:** This module provides additional instruction on various federal and state laws and agency policies and procedures on disability rights. It builds upon the information presented within *CRIT Module 12. Legal and Policy Topics*.

#### **Instructor:**

It is recommended that this module be co-taught by a law enforcement instructor with experience in crisis response and a local attorney with knowledge and understanding of federal, state, and local disability rights laws. The attorney instructor should be a seasoned trainer of law enforcement who can engage officers in understanding the rights and responsibilities of officers and the individuals they serve under these laws. You may consider including an attorney from your jurisdiction's prosecuting attorney to assist with training, particularly an assistant prosecutor or assistant district attorney who handles civil commitment or mental health diversion cases, or a public defender or private defense attorney who specializes in representing clients with behavioral health conditions and/or developmental disabilities. You may also consider including attorneys from your state's protection and advocacy agency, as they regularly practice under disability rights laws and should be able to communicate relevant concepts. Protection and advocacy agencies work at the state level to protect individuals with disabilities by empowering them and advocating on their behalf. To find the protection and advocacy agency in your state, see <https://www.ndrn.org/about/ndrn-member-agencies/>. You can also consider reaching out to your regional ADA Center who often has attorneys or staff who train specifically about the ADA.

#### **Learning Objectives:**

After completing Part 2–3 of this module, participants should be able to:

- 1) Summarize relevant agency policies and procedures that may impact crisis response, and
- 2) Identify at least three examples of how federal disability rights law may require reasonable modifications to agency policies or procedures.

**Activities:**

This module employs lecture, question-and-answer, and discussion components to help participants understand and apply relevant legal principles.

**Additional Materials:**

None



## Legal and Policy Topics – Part 2



**Part 1:** Federal and State Law

**Part 2: Agency Policies and Procedures**

**Part 3:** Legal Considerations in Practice




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## SLIDE 2 LEGAL AND POLICY TOPICS – PART 2




**Trainer Note:** Part 2 focuses on reviewing the law enforcement agency's relevant policies and procedures. The primary trainer for Part 2 should be an agency representative with adequate knowledge of the policies and procedures, including any recent changes to policies and procedures that are relevant to crisis response (e.g., use of force, involuntary commitment, reasonable modification), and any policies and procedures developed specific to their crisis response program. The training staff should be sure to note where policies relating to interactions with people with behavioral health conditions and disabilities have been changed, or where officers may need to modify procedures to comply with the federal and state laws reviewed in Part 1.

### Module Overview – Part 2





- Agency Policies and Procedures
  - Use of force [placeholder]
  - Restraint [placeholder]
  - Transport [placeholder]
- Reasonable Modification Examples
- Key Takeaways



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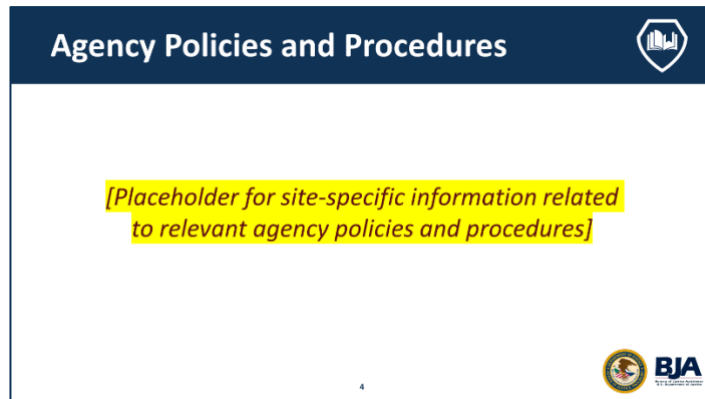
## SLIDE 3

### MODULE OVERVIEW – PART 2



**Trainer Note:** This slide provides the roadmap for Part 2. The trainer will review policies and procedures relevant to crisis response, including interactions with individuals with behavioral health conditions and disabilities. **If the agency has a specific crisis response policy—including specific policies for responding to calls involving people with intellectual or developmental disabilities, people living with mental health conditions, or people living with substance use disorders—this also needs to be reviewed.**

The trainer will also provide examples of how agency policies and procedures may be modified so that people with disabilities have equal opportunities to participate in the agency’s services, programs, and activities. Part 2 concludes with another review of key takeaways.



## SLIDE 4

### AGENCY POLICIES AND PROCEDURES



**Trainer Note:** This slide is left blank, so that the trainer can develop slides to use in highlighting relevant agency policies and procedures, and any recent revisions to those policies that participants need to know about. Relevant policies can include responding to calls involving people with intellectual or developmental disabilities, people living with mental health conditions, or people living with substance use disorders, as well as transport and use of force policies. If the agency has a specific crisis response policy, a slide should be created in order to review.

Trainers should create as many slides as needed to describe the policies and procedures that will be discussed. For classes with multiple agencies in attendance, consider breakout groups with agency-specific trainers.



## Reasonable Modification Examples



- Restraint policy with individual who is Deaf or hard of hearing and uses American Sign Language.
- Transport policy with someone who has a mobility disability and uses a wheelchair.
- Use of force policy with someone with a mental health disability who is engaging in disruptive behavior but is not a significant safety threat.



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## SLIDE 5 REASONABLE MODIFICATION EXAMPLES



**Trainer Note:** This slide provides some examples of how agency policies and procedures may be modified to comply with federal and state disability rights laws. The trainer may opt to use these examples or develop others:

- The first example is intended to elicit recognition and brief discussion of how restraint procedures may need to be changed so that the hands of a person who uses sign language to communicate remain available to the person during the encounter, including while in custody. See U.S. Department of Justice, *Commonly Asked Questions About the Americans with Disabilities Act and Law Enforcement* (2006), [https://www.ada.gov/q&a\\_law.htm](https://www.ada.gov/q&a_law.htm).
- The second example is intended to elicit recognition and brief discussion about how officers should request vehicles that have been made accessible to persons who use wheelchairs to transport such individuals from the scene to another location. Failure to use a wheelchair-accessible vehicle to transport an individual who uses a wheelchair has been found to violate the ADA and Section 504. See, e.g., *Barnes v. Gorman*, 536 U.S. 181 (2002).
- The third example is intended to elicit recognition and brief discussion about how officers should engage in de-escalation techniques, and not use force if possible, in situations where there is clearly not an imminent threat of serious harm to the individual or to others. See, e.g., *Brunette v. City of Burlington*, Case No. 2:15-cv-00061, 2018 U.S. Dist. LEXIS 148141, at \*\*97-103 (D. Ver. Aug. 30, 2018).

Here the trainer may want to reemphasize the concept of “reasonableness,” which (as discussed above) is present both in determining whether the force a law enforcement officer uses is excessive and violates the Constitution, and whether a modification to a use of force policy when interacting with a person with a disability is reasonable and required by disability rights laws. Acting reasonably, in a way that respects an individual’s autonomy and liberty but that also takes into account public safety interests, is key to avoiding legal liability under these laws.

## Key Takeaways



- [Takeaway 1]
- [Takeaway 2]
- Officers must reasonably modify policies and procedures when interacting with individuals with disabilities.



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## SLIDE 6 KEY TAKEAWAYS



**Trainer Note:** This slide is mostly blank so that the trainer can develop the key learning points participants should remember from this section of the module. The trainer should be sure to include, as a key learning point, that officers must reasonably modify agency policies and procedures when interacting with individuals with disabilities, to avoid discriminating against them.

## Legal and Policy Topics – Part 3



**Part 1:** Federal and State Law

**Part 2:** Agency Policies and Procedures

**Part 3: Legal Considerations in Practice**



## SLIDE 7

## LEGAL AND POLICY TOPICS – PART 3



**Trainer Note:** This slide introduces Part 3, which describes a process for participants to use in analyzing how to respond to the legal considerations of crisis calls involving people with disabilities, and then provides scenarios for discussion so participants can demonstrate their understanding of that process and of the legal concepts described in Parts 1 and 2.


### Learning Objectives:

After completing Part 3 of this module, participants should be able to:


- 1) Describe the process by which responding officers should assess a call for service and work with the person, using their knowledge of available resources, to determine the most appropriate outcome, including possible referrals to services.
- 2) Apply legal considerations to various real-life scenarios involving response to persons with disabilities or those experiencing a crisis (or those perceived to be persons with disabilities or experiencing a crisis). This will include ensuring effective communication and reasonably modifying agency policies, practices, and procedures.



### Module Overview – Part 3



- Assessing the Situation
- Putting It All Together: From Call to Resolution
  - Scenarios
- Key Takeaways



## SLIDE 8

### MODULE OVERVIEW – PART 3



**Trainer Note:** This slide provides a road map for Part 3. Participants will be provided a framework for gathering and analyzing important facts about calls for service that should affect the officer's response, and then use this knowledge to respond more effectively to a call. The scenarios in Part 3 will provide participants with the opportunity to test their knowledge of the legal concepts introduced in Parts 1 and 2 of the module and then apply those concepts to decisions they may need to make in responding to crisis calls. Part 3 ends with more key takeaways for participants, from this part and from the module more generally.



## Applying the Law: Assess the Situation



- Getting the Call
- Arriving on Scene and Identifying the Players
- Considering Options and Community Resources
- Reaching Resolution



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## SLIDE 9 APPLYING THE LAW: ASSESS THE SITUATION



**Trainer Note:** The following slides provide a framework for officers to use in responding to calls for service that is rooted in the legal concepts reviewed in Parts 1 and 2. The framework should closely follow, complement, and build on officers' prior training, including safety training, while also highlighting disability-specific considerations. Each of the concepts identified here will be discussed in more detail in subsequent slides.



## Assess the Situation: Getting the Call



- Could the person have a disability?
  - When in doubt, assume yes.
- Information from dispatch:
  - Communication
  - Behavior
  - Interactions
  - Players



## SLIDE 10

## ASSESS THE SITUATION: GETTING THE CALL



**Trainer Note:** Emphasize the information the officer needs and should try to obtain in whatever time the officer has before arriving on scene, in order to develop an effective response strategy. The content note provides information that may help participants understand these concepts, but the trainer should remember to keep the presentation moving.



**Content Note:** Officers may be the first responder to a call for service or may respond to a call after a request for assistance from other officers.

Before arriving at the scene, officers should try to obtain as much information as possible to better prepare for what might happen at the scene. Of course, officers will never have all the information they need or want before arriving on scene. It is also possible that officers may receive incorrect information. Officers must be prepared to continually assess an evolving situation and avoid making assumptions too quickly.

**NOTE:** In some jurisdictions, agencies may be considering the creation of a database or registry with information about individuals with disabilities. It is important to note that such registries implicate various individual rights and privacy concerns, and there is currently no evidence that registries improve police response to individuals with disabilities.

See, The Arc's National Center on Criminal Justice and Disability® (NCCJD®), n.d., *Policy Brief: Law Enforcement Registries for Individuals with Disabilities*, Washington, DC: The Arc's National Center on Criminal Justice and Disability, retrieved from [http://thearc.org/wp-content/uploads/2019/07/18-086-Law-Enforcement-Registries-Resource-Sheet\\_v3.pdf](http://thearc.org/wp-content/uploads/2019/07/18-086-Law-Enforcement-Registries-Resource-Sheet_v3.pdf).



In general, the following types of information may be helpful in a crisis response.

- **Disability status.** If the individual whose behavior has prompted the call has a disability, federal and state disability rights law impose requirements on the officer and the agency. As discussed above, the definition of “disability” in these laws is broad; in most, if not all cases, calls for officers could potentially involve people with disabilities. Therefore, being prepared to communicate effectively with everyone at the scene, including through employing de-escalation techniques, is good practice for responding effectively and keeping everyone safe. Modifying standard policies and procedures as needed and appropriate is also recommended.

Remember that dispatchers may not use the term “disability” or a specific diagnostic label in referring to the individual in question. Agency policy may use a preferred term, but officers may also hear dispatchers relaying the words of callers or 911 operators, including disrespectful or outdated terminology (e.g., that the person is acting “crazy”).

Officers **should not** ask an individual directly whether or not they have a disability, because in some cases, this could be interpreted as discriminatory. Instead, they should use a functional needs approach (discussed in other parts of the curriculum) and find out what an individual may need to communicate or interact more effectively. For example, officers can ask: *How can I help you? Do you need any help or accommodations? In school, did you have an individualized educational plan (IEP) or did you receive special education services?*

- **Communication.** Officers should try to elicit information about how the individual generally communicates, if they are able to communicate, how they prefer to communicate, and whether they are communicating at the time of the call. The officer should understand the language preference of the individual, including sign language. If the person prefers to use sign language or a language other than English to communicate, the officer should request an interpreter, and understand that they may not be able to effectively resolve the situation until an interpreter arrives. Officers should also try to elicit whether the individual uses technology like a phone, tablet, or communication device to communicate, and be prepared to communicate in that way.

Officers can work with their community partners on an ongoing basis to stay up to date on the latest tools and technologies for communication. Officers should also gather information about how others at the scene communicate, but must remember that



family members, friends, or other bystanders may not be able to help communicate effectively with the individual in question and relying on them to do so may in some cases violate disability rights laws and/or agency policies and procedures.

- **Behavior.** The officer should try to obtain information about how the individual is behaving before arriving on scene. Does the individual appear disoriented or confused? Do they appear anxious or excited? Do they appear to be depressed, paranoid, or suspicious? Is the individual's behavior reported to be unusual? Is their appearance disheveled in a way that suggests that they are not taking care of themselves? ***Are they threatening to harm themselves or others (and do they have access to weapons that could be used to harm themselves or someone else)? Could the person be experiencing a medical emergency?***
- **Interactions.** The officer should try to understand how individuals on scene are interacting. Are the individuals on scene in conflict with each other? How well do they know each other? What is the degree of alarm conveyed by the caller about the behavior of the individual with a disability or in crisis?
- **Others involved/present.** The officer should also try to understand which other individuals are at the scene, and of those individuals who may help communicate with the person in question, if anyone. Family members and friends may or may not be aware that a call for service has been made; however, they may be able to help the officer develop a plan for communicating and engaging with the individual. Service providers, teachers, clergy, neighbors, or others may also be able to help in this capacity.

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The officer should also understand whether persons at the scene or elsewhere are in conflict with the individual whose behavior prompted the call, and what that conflict may entail. If responding to possible victimization or abuse, it is important for officers to remember that, for individuals with disabilities, the person who committed the harm could be a family member, caregiver, or a support person.

## Assess the Situation: Arriving on Scene and Identifying the Players



- What is happening?
- Could this behavior be related to a disability?
- Who are the players?
  - Concerned community members
  - Family or friends
  - Support people
  - Other officers/backup



## SLIDE 11

## ASSESS THE SITUATION: ARRIVING ON SCENE AND IDENTIFYING THE PLAYERS



**Trainer Note:** Emphasize that, time permitting, others on the scene may be able to provide helpful contextual information not only about the way the individual behaved that prompted the call, but also about the individual's history. This information should be shared with other officers on the scene or those that may be called for backup.



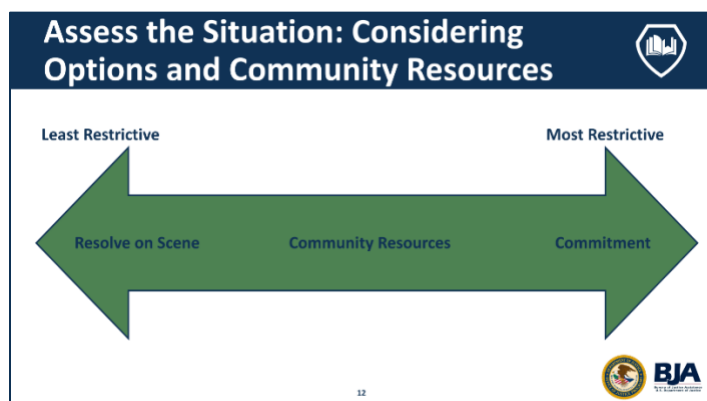
**Content Note:** Upon arriving on scene, the officer should immediately assess the scene for safety and try to understand what is happening. Through speaking with the individual whose behavior prompted the call for service, or with others on scene or elsewhere, the officer should determine whether the individual may have a disability, and whether the individual is behaving in ways that are related to that disability. Is there a crime being committed? Could this behavior have been misinterpreted by other community members? The officer should also decide what steps should be taken to communicate effectively with the individual, and what modifications to standard procedures—including de-escalating the situation and/or calling for support from behavioral health crisis workers—should be made.

For some individuals with disabilities, they may rely on support from family, friends, and professional caregivers. These other people can be a helpful source of information for officers, but they can also have a different perspective than the individual who is the subject of the call for service. When possible, it is essential for officers to communicate directly with the individual and not rely on the person's supporters.

Once the officer is on scene, they can identify who else is on scene, what their relationship is to the individual, and what information they may have about how the person is behaving, all of which may help with communicating and engaging with the individual. Because of their



training, the officer can serve a vital role on scene with other officers to support a successful resolution of the call.



## SLIDE 12

# ASSESS THE SITUATION: CONSIDERING OPTIONS AND COMMUNITY RESOURCES



**Trainer Note:** This slide gives the trainer the opportunity to describe the continuum of alternatives for resolving crisis calls that may be available to the officer in their community, and which the officer should know about. As discussed, the officer and agency should strive to resolve these calls at the scene whenever possible—through effective communication and de-escalation, and with follow-up linkage to longer-term services and supports as needed—and only use the involuntary commitment process as a last resort.



**Content Note:** As discussed in previous modules, officers should know about resources available in their community for supporting people with behavioral health conditions or disabilities and those in crisis. This includes mobile crisis teams, assertive community treatment teams, and others in the community who have significant clinical training in responding to crises. Providers of longer-term community-based services and supports, including peer workers with lived experience with systems that serve people with disabilities, can also help individuals whose behavior prompts crisis calls to avoid further interactions with law enforcement. Some individuals may already be connected to services; after that information has been elicited, the individual's service provider should be notified about the call for service, **if that is what the individual wants**, and the service provider is available. This may be difficult if the call comes in after-hours for that service provider. It will be important for officers to know who can be contacted after-hours if the individual wants. Family members, friends, and others who know the individual are also a potential resource.

The CRIT officer should understand the alternatives to involuntary civil commitment that exist for the individual in the community, including voluntary linkage to and engagement in services, and more effective use of natural supports (i.e., people already in the person's life who may support them). Community-based services and supports are usually more effective and supported by disability rights laws that require that the person receive services in the least restrictive environment appropriate to the individual's needs.



## Assess the Situation: Reaching Resolution



### Factors

- Safety
- What does the person want to do?
- De-escalation
  - Have I done everything I can as an officer?
- Disability-related vs. criminal behavior
- Availability of resources



## SLIDE 13

## ASSESS THE SITUATION: REACHING RESOLUTION



**Trainer Note:** It is key to emphasize that the officer's response should not only include stabilizing the scene to appropriately resolve the call for service, but also making as accurate a determination as possible about whether or not the individual's conduct warrants arrest and custody, and to what community resources can the individual be linked. Think about **prevention**—how can further crisis calls involving this individual be prevented.



**Content Note:** In order to successfully resolve the call for service, the officer can think through a mental checklist:

- Is everyone safe? Is the individual whose behavior prompted the call safe? Are others on the scene safe? Are other people in the life of the individual safe? What happens after the officer leaves the scene and/or leaves the presence of the individual?
- What does the individual want to do next? Does the individual have a view of what they want their life to be in the near future and the long-term? What can the officer do to help the individual realize their goals for what happens next? Although rare, the person may even have an advanced directive/psychiatric advanced directive that they use to communicate their preferences regarding crisis resolution in the event they are unable to communicate these preferences themselves.
- Has the officer done everything they can to de-escalate the situation that prompted the call? Has the officer helped ensure the situation is not escalated by other officers on scene?
- Did the officer appropriately identify what behavior of the individual is related to disability, and what behavior may violate criminal statutes? For the former, has the officer shared their impression of the individual's disability-related behavior with others who are in contact with the individual, so that they can support the individual effectively



in the future? For the latter, does the officer have discretion to decide whether to arrest the individual for what may be relatively minor offenses (including “quality of life” offenses), or as an alternative to help the individual connect with community-based supports? Has the officer filed a report about the incident that will help other law enforcement officers respond effectively if they receive calls in the future about this individual?

- What community-based resources, including both formal and natural supports, exist to support the individual now and in the future? Has the officer taken appropriate steps to help link the individual to those supports?

### Putting it All Together: From Call to Resolution

- Getting the Call
- Arriving on Scene and Identifying the Players
- Considering Options and Community Resources
- Reaching Resolution



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## SLIDE 14 PUTTING IT ALL TOGETHER: FROM CALL TO RESOLUTION



**Trainer Note:** This slide gives the trainer the opportunity to review the framework for resolving crisis calls described in the previous slides and to answer any questions from participants about aspects of the framework. (Remember that the scenarios that follow provide the trainer and participants with opportunities to practice the framework.)

### Scenario #1



- John, a 26-year-old man with Down syndrome, went to the movies with his caregiver. They leave the theater after the movie, but John returns to see the movie a second time without buying another ticket. The theater calls the police.
- When officers arrive, John's caregiver tells them that he doesn't like to be touched. The officers tell John he has to leave, but he just sits quietly.



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## SLIDE 15 SCENARIO #1



**Trainer Note:** For the following scenarios, each slide should permit the trainer to reveal one bullet at a time. After reading through the bullets together, the trainer should guide a discussion about what information is relevant to the legal concepts that have been provided, what additional information a responding officer should try to obtain, and how participants think the situation can be resolved successfully. The trainer can use the notes below to help prompt discussion of learning points.

The trainer can inform participants that the following scenarios are based on real cases, although, the focus should not be on researching and discussing the facts of the particular case. Instead, the focus should be on providing participants the opportunity to apply the concepts they've learned.

Note that, although four scenarios are provided, time may not permit discussion of all of them. Consider which one or two scenarios feature concepts that participants have already asked questions about or discussed. Also consider if the scenario permits discussion of whether the involuntary commitment standard has been met, such that the officer(s) should make a petition for evaluation, or whether the officer could employ a less restrictive alternative to commitment.

Depending on the size of the class and time permitting, the instructor could also divide the class into discussion groups, each of which could discuss one or two of the scenarios and then briefly report back to the class about lessons learned.

The facts in this slide are based on *Estate of Saylor v. Regal Cinemas, Inc.*, 54 F.Supp.3d 409 (D. Md. 2014). The scenario should help participants review legal concepts around effective communication with people with intellectual and developmental disabilities (IDD), including



obtaining information from people who know the individual, use of restraint or force with people with disabilities, and whether people with disabilities should be arrested for behavior related to disability.

**Bullet #1:**

Assume that the responding officer only gets the information provided in this bullet about the situation: that John is 26, that he has Down syndrome (Note: The caller or dispatcher may use another term), and that he is at the movie theatre with his caregiver. What other information should the officer try to obtain before arriving at the theatre? What might it mean that John has Down syndrome? What would be good to know about how John is able to communicate or how John prefers to communicate? What would be good to know about how John is behaving? What behaviors would help the officers confirm that John has a disability (and why would that be good to assess)? What would be good to know about the other people involved? Are there other players who are not at the scene?

**Bullet #2:**

After arriving at the scene, the officers meet John and his support person. What should the officers ask the support person? What should the officers ask others at the theatre? What are the officers' objectives for what should happen next? How should the officers try to achieve those objectives?

Suppose that the officers order John to leave, but John refuses to stand up and leave. Instead, he starts shouting. What should the officers do to try to de-escalate the situation?

Do the officers arrest John? If so, why? If not, why not? What factors should the officers consider in deciding whether to arrest John? (Factors could include the severity of the crime and the threat of harm to the safety of the officers, others at the scene, and John himself.)

Assume that the officers have taken successful steps to resolve this situation. What should the officers do next to try to help John avoid crisis calls in the future, if anything?

## Scenario #2



- Friends Joe, a 200-pound man, and Sally, a 95-pound woman, both have developmental disabilities and are often seen walking in their neighborhood together. One day a neighbor sees Joe pulling Sally by the arm as they walk, and hears Sally say, "You're hurting me." The neighbor calls the police to report a domestic dispute.
- An officer arrives and approaches Joe and Sally and orders Joe to let go of Sally. Joe lets go but starts running around an apartment building and out of view.



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## SLIDE 16 SCENARIO #2



**Trainer Note:** These facts are based on *Steeves v. City of Rockland*, 600 F.Supp.2d 143 (D. Me. 2009). The scenario should help participants review legal concepts around effective communication with people with IDD, including obtaining information from people who know the individual, use of restraint or force with people with disabilities, and whether people with disabilities should be arrested for behavior related to disability.

### Bullet #1:

Assume that the responding officer gets the information described in this bullet: that Joe appears to weigh 200 pounds and Sally appears to weigh 95 pounds (Note: The dispatcher may repeat the words of a caller who may not refer to how much they appear to weigh, but may use words like "big" or "small"); that they are out walking on the streets in the neighborhood where they live; that Joe was pulling Sally by the arm; that Sally was overheard to say that Joe was hurting her; and that the neighbor who called thinks that Joe and Sally are in a domestic relationship and having a domestic dispute. What other information should the officer try to obtain before arriving at the scene? Do you think the neighbor knows that Joe and Sally have developmental disabilities? What might it mean that Joe and Sally have developmental disabilities? What should the officer try to find out about Joe's and Sally's relationship? About how they prefer to communicate? About how to interact with them? Are there other people who may assist the officer in resolving the situation?

### Bullet #2:

What should the officer do next? Should the officer attempt to get additional information from Sally? From the neighbor? From someone else? Should the officer seek backup? Should the



officer pursue Joe? What happens to Sally if the officer pursues Joe? And what should the officer do if he sees Joe after Joe has run away? If he and Joe are in physical proximity?

What community resources might be helpful to the responding officer in responding to the situation? How does the officer employ such resources?

Does the officer arrest Joe? If so, why? If not, why not?

How could the officer help Joe and Sally avoid similar interactions with officers in the future?



### Scenario #3



- Julie, a woman with schizoaffective disorder, lives in a group home. After Julie becomes agitated, the group home social worker calls 911 and asks for police to execute an involuntary commitment.
- Two officers arrive. When they enter her room, Julie grabs a kitchen knife, approaches the officers, and tells them to get out.
- The officers leave Julie's room and close her door. Following agency policy, they call for backup.
- Before backup arrives, the officers hear Julie scream. The two officers re-enter Julie's room. She is standing at the window about 15 feet away. The kitchen knife is visible on a table about 10 feet from Julie.



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## SLIDE 17 SCENARIO #3



**Trainer Note:** The facts on this slide are based on *Sheehan v. City and County of San Francisco*, 135 S. Ct. 1765 (2015). The scenario should help participants review legal concepts around effective communication with people with mental health

conditions, including obtaining information from people who know the individual; reasonable modification of policies and procedures, including use of de-escalation techniques with people with mental health conditions; community resources for assisting people with mental health conditions in crisis; use of restraint or force with people with mental health conditions; whether people with mental health conditions should be arrested for behavior related to their mental health condition; and involuntary commitment standards.

#### Bullet #1:

Assume that the responding officer is provided the facts in this bullet: that Julie has schizoaffective disorder, that she lives in a group home, that she is agitated, that the social worker for the home may be in the home with her, and that the social worker wants law enforcement to execute an involuntary commitment order. What more should the officer try to find out before arriving on scene? What might it mean that Julie has schizoaffective disorder? What should the officer find out about how to help Julie calm down when she is agitated? What information should the officer find out about the group home? (For example, are others in the home? What resources do people in the home have for helping Julie when she is agitated?) What information should the officer find out to help establish whether involuntary commitment is warranted in this case?

#### Bullet #2:

What should the two officers do when Julie picks up the knife and tells them to get out of her room? What, if anything, should the officers say to Julie? What more information should the





officers have collected, or may still be able to collect to help them understand what to do next, both immediately after Julie picks up the knife and in the longer term?

**Bullet #3:**

What should the officers do after they close the door to Julie’s room and call for backup? (Note: Assume that closing the door was consistent with agency policies and procedures.) Whom should they talk to, if anyone? What other resources might be available to them, both in the immediate term and the longer term?

**Bullet #4:**

What should the officers do after entering the room and seeing Julie at the window—and before backup has arrived?

Assume that the officers have resolved immediate concerns about Julie’s safety and the safety of others. Should the officers arrest Julie? If so, why? If not, why not?

Should the officers take Julie into custody for evaluation for involuntary commitment? If so, why? If not, why not?

How can the officers understand what Julie’s objectives are for the future? How can they help Julie achieve those goals? How can they help her avoid similar interactions with officers in the future?



#### Scenario #4



- Ryan, a 30-year-old man with schizophrenia, enters a 7-11 store at 8 p.m. He becomes agitated and starts running around the store, cursing and saying, "Shoot me." Customers continue shopping. When Ryan picks up scissors, the cashier calls 911 and reports Ryan's behavior.
- An officer arrives at 8:25 p.m. and is told by bystanders outside the store that Ryan is still in the store and that he attacked a clerk with scissors. Ryan can be seen through the store windows pacing, yelling at the cashier, and holding a metal object.
- The officer calls for backup. More officers arrive by 8:30 p.m. They surround the store, with two officers in front and three in the back. After about 10 minutes, Ryan opens the store's open back door and runs out holding a metal object over his head.



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## SLIDE 18 SCENARIO #4



**Trainer Note:** These facts are based on *Vos v. City of Newport Beach*, 892 F.3d 1024 (9<sup>th</sup> Cir. 2018). The scenario should help participants review legal concepts around effective communication with people with mental health conditions; reasonable modification of policies and procedures, including use of de-escalation techniques with people with mental health conditions; community resources for assisting people with mental health conditions in crisis; use of restraint or force with people with mental health conditions; whether people with mental health conditions should be arrested for behavior related to their mental health condition; and involuntary commitment standards.

#### Bullet #1:

Assume that the responding officer receives the information in this bullet: that Ryan is 30 years old; that he entered the 7-11 store at 8:00 p.m.; that he became agitated; that he started running around the store, cursing and saying "Shoot me"; that the cashier saw him pick up scissors; and that customers and the cashier were in the store when the cashier called 911.

What other information should the officer try to obtain before arriving on scene? Do you think it is likely that the cashier told 911 that Ryan has schizophrenia? What information would it be helpful to have about how to calm Ryan down when he becomes agitated? How could the officer obtain that information?

#### Bullet #2:

When the responding officer arrives on scene, 25 minutes later, Ryan is still in the store. Bystanders tell the officer that Ryan attacked the cashier with scissors. The cashier is still in the store with Ryan. Ryan is holding a metal object that is visible from outside the store. What



should the officer do next? Should the officer get help from others to plan next steps? If so, whom?

**Bullet #3:**

After the responding officer calls for backup, four more officers arrive and they surround the store. What should the five officers do to plan for what might happen next? How does time impact this consideration? When Ryan opens the back door, what should the three officers surrounding the store do?

Should the officers use force to restrain Ryan? If so, how much force should they use?

Assume that the officers restrain Ryan. What should they do next? What information should they try to obtain from Ryan to help them decide next steps? What information from others?

Should the officers arrest Ryan? If so, why? If not, why not?

Should the officers take Ryan into custody for involuntary commitment? If so, why? If not, why not?

What should the officers do to help Ryan avoid similar interactions with officers in the future?



## Key Takeaways



- Assess the situation – disability may affect a variety of factors in response to a call for service.
- Officers should be aware of disability rights laws and how they can provide reasonable accommodations.
  - If an officer is concerned that providing a reasonable accommodation would violate their agency policy, they need to immediately contact their supervisor and document the situation and resolution in their report.
- There are many strategies officers can use to avoid potential liability, including de-escalation.



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## SLIDE 19 KEY TAKEAWAYS



**Trainer Note:** This slide reviews some key concepts introduced in Part 3, which provided participants opportunities to review legal concepts introduced earlier in the module.

- The framework for decision-making for crisis calls introduced above, and the application of the framework through discussion of the scenarios, should have provided participants multiple opportunities for reviewing all the ways in which disability rights laws can affect how officers approach these calls—from receipt of the call to resolution.
- Officers should be aware of disability rights laws, such as the ADA and Section 504, and be able to provide reasonable accommodations. As discussed above, these disability rights laws provide for consideration of public safety, including in emergent situations where there are immediate threats of serious harm to the person themselves or to others.
  - If an officer is concerned that providing a reasonable accommodation would violate their agency policy, they need to immediately contact their supervisor and document the situation and resolution in their report.
- As noted in slide 30 and the accompanying content note, strategies for avoiding liability include assuming that the person who is the subject of a call has a disability and is protected by disability rights laws; gathering information about the person and the situation from a number of sources, as time permits; taking steps to effectively communicate with the person; slowing the situation down; using de-escalation methods; and consulting with others and waiting for backup, as needed.

If time permits, the trainer can ask for additional questions or discussion with any time remaining in the module.

A presentation slide titled "Module Wrap-Up" with a large "Questions?" box in the center. To the right of the box is a 3D white figure with a large yellow question mark above its head. The slide includes the "THE ACADEMIC TRAINING TO INFORM POLICE RESPONSES" logo on the left and a disclaimer at the bottom: "This curriculum was created through support by Grant No. 2020-NI-BX-K001 awarded by the Bureau of Justice Assistance. The Bureau of Justice Assistance is a component of the Department of Justice's Office of Justice Programs, which also includes the Bureau of Justice Statistics, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, the Office for Victims of Crime, and the SMART Office. Points of view or opinions in this document are those of the authors and do not necessarily reflect the official positions or policies of the U.S. Department of Justice." The BJA logo is also present in the bottom right corner.

**Module Wrap-Up**

**Questions?**

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## SLIDE 20 MODULE WRAP-UP/Q&A



**Trainer Note:** Use this as an opportunity for participants to ask questions.