

FOR INCLUSIVE QUALITY POLICE SERVICES FOR PERSONS WITH DISABILITIES

10 Areas of action



Disability Accessibility
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10 AREAS OF ACTION

Persons with disabilities face barriers that hinder, restrict and prevent them from exercising their rights on an equal basis with others, which constitutes a violation of their dignity. The international system for the promotion and protection of human rights has taken on the challenge of overcoming this reality, through the United Nations Convention on the Rights of Persons with Disabilities (CRPD or "the Convention"), with the establishment of the human rights model based on the social model of persons with disabilities, which places emphasis on the interaction with the barriers that prevent or hinder the full and effective participation of persons with disabilities in society. Consequently, the State has as its main obligation and priority to eliminate barriers and create conditions for equal opportunities, notwithstanding contributions made by society.

The Convention aims to "Promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity," as stated in Article 1, with the understanding that the concept of persons with disabilities include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society.

In this context, access to police procedures, in various circumstances and capacities, as well as the exercise of rights and obligations of persons with disabilities in the police field, will require removing all barriers. Therefore, the Convention in its articles 13 and 14, on access to justice and liberty and security of the person, respectively, stipulates that State Parties shall take measures to ensure the full enjoyment and exercise of these rights.

Several of these measures will require reasonable accommodation, that is, necessary and appropriate modification and adjustments not imposing a disproportionate or undue burden, where needed in a particular case, to ensure to persons with disabilities the enjoyment or exercise of all human rights and fundamental freedoms; as the Convention states, the denial of these accommodations is a form of discrimination.

A quality inclusive police service for persons with disabilities will require the development, implementation and evaluation of a set of minimum standards and

guidelines, including the provision of procedures and reasonable accommodation. The foregoing with the aim that persons with disabilities can exercise their rights and obligations, as well as access police procedures on an equal basis with others.

For an inclusive quality response, governments, legislative bodies and other authorities must promote adequate training for those working in the administration of justice, including police personnel. As a contribution to the training process of this sector, operational guidelines have been developed in 10 areas of action, which have the following objectives.

OBJECTIVES:

1. Encourage police officers to recognize and respect all human rights and fundamental freedoms of persons with disabilities.
2. Promote the proper treatment of persons with disabilities by the police from a human rights perspective.
3. Eliminate all forms of discrimination against persons with disabilities in police interactions.
4. Create and implement accessibility strategies to ensure access to justice for persons with disabilities on an equal basis with others.
5. Promote the education and training of police personnel in order to provide a service that guarantees all the human rights of persons with disabilities.
6. Encourage the institution to consult representative organizations of persons with disabilities in the adoption of measures that concern them, on an equal basis with others.
7. Provide a framework for action, evaluation and accountability.

GUIDELINES:

Guidelines are given below in 10 areas of action, to which policing must conform:

1. Awareness raising
2. Access to information and communication
3. Free access to police premises
4. Interaction between persons with disabilities and police officers in the city or other human settlements
5. Crisis situations of persons with disabilities
6. Emergency situations
7. Law enforcement situations

8. Crimes
9. Border patrol services
10. Educational role of the police within the institution and community

1. Awareness raising

- a. Raise awareness in society, including at the family level, about persons with disabilities, promoting respect for their rights and inherent dignity.
- b. Adopt immediate, effective and relevant measures with the purpose of combating the ableism, which is discrimination or prejudice against persons with disabilities, conformed by stereotypes, prejudices and behaviors that promote barriers.
- c. Recognize that disability is a part of diversity and the human condition.
- d. Promote recognition of the capacities, merits and abilities of persons with disabilities, enhancing the positive perception and greater social awareness to break down barriers caused by stereotypes, prejudices and harmful practices.
- e. Encourage, both within and outside the police institution, access by persons with disabilities to forms of human or animal assistance and intermediaries, including guides, readers and professional sign language interpreters.
- f. Ensure universal access to physical environments, transportation, information and communications, including information and communications technologies and systems, and to other facilities and services, both in urban and in rural areas, and ensure all forms of accessibility within the police institution.
- g. Take all appropriate measures to ensure that reasonable accommodation is provided during the execution of police services, namely the necessary and appropriate modifications and adjustments that do not impose a disproportionate or undue burden, when required in a particular case of police procedure. Consider that the denial of reasonable accommodation is understood as a discrimination on the basis of disability.
- h. Include close consultation with representative organizations of persons with disabilities as an ongoing collaboration with the community.

2. Access to information and communication

- a. Inform society, and in particular persons with disabilities, about the role of the police.
- b. Promote and facilitate the use of sign language and various communication systems, such as Braille, augmentative and alternative modes, means, and formats of communication.
- c. Take all necessary steps to eliminate discrimination caused by the barriers faced by some persons with disabilities when communicating.
- d. Promote the use of new information and communication technologies in order to facilitate communicative and accessible interaction.
- e. Promote accessible design, development and production of police websites and institutional social networks to persons with different types of disabilities.
- f. Prevent and eliminate a charitable treatment for persons with disabilities.
- g. Eliminate infantilization of persons with disabilities, since it makes their stories invisible and invalidated. Police personnel should always address the person with a disability directly, even if accompanied.
- h. Encourage active listening by police personnel, ensuring that officers will make the best effort to understand what the person with a disability wants to convey, allowing them as much time as necessary to do so.
- i. Ensure and confirm in the police procedure that the person with a disability has understood the information expressed by the officers.
- j. Establish mechanisms to enable human assistance to persons with disabilities, including readers, professional sign language interpreters, experts in the legal and procedural field.
- k. Ensure reasonable accommodation to the person with a disability when requested or when necessary for communication and information with police personnel. This will be particularly applicable in cases where the police officer does not understand what the person with a disability is expressing and the best known augmentative or alternative means, modes or formats of communication are not applicable. The police officer should not interpret the diverse mode of communication used by the person with a disability, which is unknown to him or her, as being attributable to a state of inebriation or drug use.

l. Guarantee access for women and girls with disabilities to information and services available in the area of gender-based violence, ensuring that formats are always accessible. Special consideration should be given to deaf women who primarily use sign language.

m. Encourage police officers to have basic training in sign language, i.e., for the first interaction with a deaf person, while the interpreter arrives if necessary.

n. Ensure that the deaf person is provided with sign language interpretation service, which must meet the requirements of neutrality and impartiality in the act of interpretation. For this reason it will be optimal to have professional sign language interpreters.

o. Establish and implement various communication systems for deaf persons, such as text messages, video calls with sign language interpretation, translation of documents in sign language, among others, to ensure that they can communicate with police personnel.

p. Provide accessible information in audio and Braille format so that visually impaired persons can communicate with police personnel.

q. Promote the delivery of information through accessible documents in plain language for persons with intellectual disabilities.

r. Support verbal and/or written language with images or pictograms when dealing with persons with intellectual disabilities.

s. Ask open-ended questions, do not ask questions or make suggestive comments when communicating with persons with intellectual disabilities.

3. Free access to police premises

a. Ensure that facilities consider all aspects of accessibility for persons with disabilities in both urban and rural settings. For this purpose the following should be considered:

1. Suitable lighting for persons with low vision.
2. Warning tape, especially on the stair steps for persons with visual impairment.
3. Service desks with different height levels for persons with short stature, skeletal dysplasia, persons in wheelchairs, among others.
4. Ramps for persons with physical disabilities.

5. Doors suitable for wheelchair access.
 6. Have accessible hygienic services, WC at wheelchair height with folding support bar and free space around it, sink with enough frontal space for a wheelchair, an easy to handle faucet, and have a radius of movement on the axis of 1.5 mts.
 7. Have a bunk, stretcher or other similar device in the bathroom or other room of the police precinct so that women with spinal cord injuries can perform their physiological functions properly.
- b. Protect at all times the dignity of the person with a disability when accessing and moving around the premises.
 - c. Ensure comfortable and safe places, at the request of the person with a disability, to give confidential testimony during the taking of statements and reports, except when the person with a disability wants to give his or her testimony publicly.
 - d. Implement in buildings or other facilities signage in Braille and in formats that are easy to read and understand.
 - e. Provide orientation and mobility for blind or visually impaired persons who request it, describing the environment and procedures to be performed, as well as reading aloud information pertinent for the person and the complaints, records or other documents to be signed. This should consider that most blind persons sign their documents.
 - f. Have remote video call sign language interpretation services available, via cellular or computer devices, for services given to deaf persons in the police precincts.

4. Police interaction in the city or other human settlements

4.1 General guidelines

- a. Recognize the diversity of persons with disabilities by ensuring the knowledge, promotion and protection of the full enjoyment of their human rights and fundamental freedoms by police officers, developing strategies of adaptation and flexibility in relation to this diversity.
- b. Promote and strengthen cooperation among police officers with the objective of interacting correctly with the person with disabilities, recognizing his

or her abilities and merits, in order to eradicate value judgments that can lead to discrimination.

c. Guarantee the protection of the life and property of persons with disabilities, with special consideration given to technical aids such as wheelchairs, orthopedic canes, guide canes for blind persons and hearing aids or telephones that facilitate communication for deaf persons and persons with aphasia. Police officers should not remove or confiscate technical aids from the person using them.

d. Ensure the exercise of legal capacity and full respect for the autonomy of persons with disabilities on an equal basis with others.

e. Promote good service towards persons with disabilities who go to police stations, ensuring a welcoming and empathetic treatment.

f. Recognize that persons with disabilities may be exposed to situations that violate their rights or subject them to abuse, so preferential treatment should always be given, considering their disability.

g. Strengthen and facilitate communication channels in cases where persons with disabilities report a crime.

h. Ensure that persons with disabilities can freely express themselves in a safe environment.

i. Require the police officer to introduce himself or herself and identify themselves to the person with a disability, giving his/her name and rank, in a friendly manner.

j. Ensure that the police officers make direct contact with persons with disabilities. This means addressing the person with a disability directly and not the person accompanying them or the interpreter, if any.

k. Encourage active listening by police officers.

l. Explain to the person with a disability the situation they are in and the procedure to be adopted.

m. Implement and encourage the use of an inclusive language, avoiding authoritarian or infantilization treatment, inflexible stances and refusing to dialogue.

n. Ensure and corroborate that the information is delivered in a clear and precise manner by the officer, in an everyday vocabulary and without technical jargon.

- o. Confirm in the police procedure that the person with a disability has understood the information, expressed in an accessible manner by the police officers.
- p. Allocate adequate time for interaction between persons with different disabilities and police personnel. Adequate time is defined as the time required or needed by the person with a disability to carry out their procedures before the police.
- q. Promote good treatment of persons with disabilities, even if they have committed offenses.
- r. Consult the person with a disability if they wish to contact a family member or acquaintance to inform them of the situation affecting them.
- s. Encourage patrols and interaction of police officers with persons with disabilities in nearby and remote areas of the city, where persons with disabilities who require assistance or support from police officers could be found.
- t. Indicate in detail the places where you will be interacting with persons with disabilities, either inside or outside of police facilities, for example: "We are at the Town Square, we are now going to get on the police vehicle and drive to the station to take your statement."
- u. Enhance the development of situations of interaction between staff and persons with different types of disabilities in order to strengthen their knowledge about diversity.
- v. Know the organizations and institutions of persons with disabilities in the territory in which they perform their functions, in order to carry out collaborative work in networks and specific referrals.

4.2 Disability-specific guidelines

- a. Recognize that persons with disabilities who are assisted by guide dogs, canes, wheelchairs or other technical aids should not be separated from them, either in the vehicle or at the police station.
- b. Ensure correct treatment of persons with intellectual disabilities, considering the entirety of their statement.
- c. Recognize that persons with intellectual disabilities or psychosocial disabilities are not "dangerous." In cases where a person with an intellectual disability or psychosocial disability manifests anger or discomfort, it may be caused by various factors, such as frustration or some negative stimulus and not by

an inherent characteristic of the disability. Anyone can express their displeasure in a situation they find uncomfortable, so misconceptions, prejudices and stereotypes regarding certain types of disabilities must be broken down. The police officer must always provide peace of mind and security to the affected person.

Police shall treat persons with disabilities always protecting and promoting their inherent dignity, human rights and fundamental freedoms. Good treatment should be applied to persons with psychosocial or intellectual disabilities, as with any other person.

d. Ask the visually impaired person if he or she requires guidance or assistance in moving around so that the officer is not invasive or bothers the person. If a blind person is going to cross a street, the police officer should ask him/her if he/she requires help and the manner in which they want to receive it.

e. Verbally alert and guide the visually impaired person when climbing or descending stairs, steps or ramps. Remember to always ask the blind person if they need help. Do not grab or hold the hand in which the blind person is carrying their cane, as it is their tool for safe navigation. In the case of escalators or conveyors, the police officer should ask the blind person if they can hold their hand, and whether they prefer to grab onto the handrail with their right or left hand, to place it there. In addition, the officer must indicate whether the escalator goes up or down. After the blind person grabs the handrail, they can step onto a moving step or escalator. When the escalator is reaching its end, the officer should let the person know that they are almost at the end of the escalator.

f. Let the visually impaired person know when they will need use an elevator, always communicating verbally and announcing when the door is open in order to get on. If the elevator has Braille numbers, the police officer should announce this to the person for their knowledge and possible use.

g. Recognize the right of persons with psychosocial disabilities to make complaints on an equal basis with others, without discrediting their story, which can lead to inappropriate procedures and mistreatment by police personnel.

h. Implement specific telephone numbers in cellular devices, to provide assistance by video calls for deaf persons in different regions of the country, so that they are answered promptly by police officers, activating the corresponding procedures.

5. Crisis situations of persons with disabilities

- a. Promote and develop knowledge about the different types of disabilities, in order to provide a high-quality service. It should be kept in mind that disability is an expression of human diversity. Even within the same type of disability there may be differences between persons.
- b. Guarantee all human rights and fundamental freedoms of persons with disabilities in crisis situations.
- c. Respect the legal capacity, autonomy, will and preferences of persons with disabilities to make their own decisions, giving them the necessary support when requested by the person with disabilities.
- d. Ensure that the integrity and health of persons with disabilities in your custody are fully protected and, in particular, take immediate steps to provide medical care when appropriate, always respecting the free and informed consent of the person.
- e. Strengthen the institutional mechanisms of the police in order to provide women and girls with different types of disabilities who are victims of abuse, domestic or sexual violence with effective access to file complaints safely and confidentially, without fear of punishment or reprisals.
- f. Adopt and promote a comprehensive and supportive approach, including accessible devices, by police officers to respond to all forms of violence and abuse of children with disabilities and women with different types of disabilities.
- g. Ensure that the person with a disability is the one to make the report or give testimony, without forcing them to do so through a third party. In the case of deaf people, keep in mind that they have the right to choose their sign language interpreter independently, without necessarily being a relative.
- h. Write the complaints and testimonies of persons with disabilities in a comprehensive, reliable and complete manner, without interpreting their story. In the case of deaf persons, with their consent, record the story in sign language so it can be submitted to an expert in the area if it needs to be corroborated.
- i. Promote the good treatment of persons with disabilities in situations of crisis or episodes of decompensation, guaranteeing their human rights, without the use of force or practicing arbitrary arrests, especially of persons with intellectual and psychosocial disabilities.
- j. Recognize the right of persons with psychosocial disabilities to make complaints on an equal basis with others, without discrediting their story,

which can lead to inappropriate procedures and mistreatment by police personnel, such as in the case of domestic violence, which can again expose the victim to situations of risk.

k. Ensure that police personnel provide timely support to persons with psychosocial disabilities who present episodes of decompensation.

l. Ensure access to sign language interpreters, for deaf persons who have suffered traffic or other accidents, either in person or through remote interpreting, via remote connection.

6. Emergency situations

a. Adopt all possible measures to ensure the safety and protection of persons with disabilities in situations of risk, including natural disasters, humanitarian emergencies and armed conflicts.

b. Support and promote the efforts of police officers to care for persons with disabilities in situations such pandemics, earthquakes, floods, among others, giving priority to those who are in a state of poverty or institutionalized, with a perspective based on gender, childhood and old age.

c. Promote and facilitate remote interaction between persons with different disabilities and police personnel, including the use of all technological means of communication, whether telephone or virtual, in a timely and continuous manner during the emergency situation.

d. Provide accessible information, including informative videos in sign language and audio description, in a timely and continuous manner, through the media available to the police institution (radio, websites, social networks or others), in situations of humanitarian emergencies and natural disasters, so that persons with disabilities are properly informed.

e. Provide and promote the design, development and production of accessible websites, including informational videos in sign language, audio description for blind persons, and contrast regulation on the screen for visually impaired persons. This information accessibility will make it easier for persons with disabilities to request different procedures such as temporary permits or safe conduct passes during quarantines, among others, through the "virtual police station".

f. Facilitate information and delivery of safe conduct passes or permits obtained online from police websites, for caregivers of persons with disabilities.

g. Have flexibility with the requirements of the State of Emergency in view of the inspection of persons with disabilities who are in public areas during curfew hours, considering the difficulties for persons with physical and visual disabilities to travel. In the case of deaf persons, police officers should address them from the front and not from the back.

h. Consider various ways to attract the attention of persons with disabilities in emergency situations, beyond the commonly used resources, considering the different types of disabilities. For example, touching the shoulder when dealing with deaf or blind persons. The police officer should remember to stand in front of the person with disability.

i. Ensure that when police officers are required to wear masks due to a pandemic, air toxicity, or another cause, such masks should be made of transparent materials to facilitate communication with deaf persons who read lips.

7. Law enforcement situations

a. Promote awareness among police officers that persons with disabilities also participate in protests and in demonstrations and other public order contexts.

b. Consider that the restoration of public order also implies that the police institution takes the safeguards to protect the physical and mental integrity of persons with disabilities who are participating in political and/or social demonstrations, consolidating good practices such as explaining to the person with disabilities the willingness to accompany him/her to a safe place.

c. Guarantee a humane treatment that implies the due respect to the inherent dignity of human beings, to any person with disabilities submitted to any form of detention or arrest.

d. Eliminate all deprivation of liberty based on disability.

e. Ensure that persons with disabilities who are deprived of their liberty are entitled, on an equal basis with others, with a right to all guarantees in accordance with international human rights law and national legislation.

f. Provide full protection for the integrity and health of persons with disabilities in police custody and, in particular, take immediate steps to provide medical care where appropriate.

g. Bring the person with a disability who has been arrested or detained before a judge without delay, so that the judge may decide on the legality of his or her detention.

h. Eliminate any behavior that involves inflicting, inciting or tolerating acts of torture or other cruel, inhuman or degrading treatment or punishment against a person with a disability.

i. Ensure that persons with disabilities have access to justice on an equal basis with others in order to facilitate their effective role as direct and indirect participants in a process or procedure, including as witnesses.

j. Strengthen the police institution's security networks to protect persons with disabilities who participate in public demonstrations, creating new networks if necessary.

k. Respect and ensure the use of technical aids by persons with disabilities who participate in public demonstrations, ensuring that they are always available, for example, wheelchairs and guide sticks for blind persons.

l. Consider various ways to attract the attention of persons present in contexts of public disorder, beyond the commonly used resources, considering the different types of disabilities. For example, touching the shoulder when dealing with deaf or blind persons. The police officer should remember to stand in front of the person with the disability.

m. Develop skills that allow police officers to recognize and properly relate to people with psychosocial disabilities, in order to protect the physical and psychological integrity of these people.

8. Crimes

a. Situations in which the person with a disability is an alleged victim

1. Protect the physical and psychological integrity of the person with disability.

2. Respect the legal capacity and autonomy of persons with disabilities to make their own decisions, with the necessary support when requested by the person with a disability.

3. Ensure the provision of all necessary information, actively listening to the victim and safeguarding their free and informed consent.
4. Ensure the availability of sign language interpreters, use of technological devices, Braille, audio, augmentative and alternative modes, means and formats of communication, in order to facilitate complaints from persons with disabilities who are victims of a crime.
5. Encourage the use of new information and communication technologies, such as video calls, text messages, interactive chats and websites to make complaints, especially for persons with disabilities who are victims of domestic or gender violence, who will receive the due consideration by police officers to initiate the appropriate procedures.
6. Adopt and promote a comprehensive and supportive approach by police officers that respond to all forms of violence and abuse of children and women with disabilities.
7. Strengthen the institutional mechanisms of police officers in order to provide women and children with disabilities who are victims of domestic violence or abuse with effective access to safely and confidentially file complaints, without fear of punishment or reprisal.
8. Strengthen the police institution's security networks to protect persons with disabilities who are victims of a crime, creating new ones if necessary.
9. Ensure comfortable and safe places, at the request of the person with a disability, to give confidential testimony when making a complaint, unless the person with a disability wants to give his or her testimony publicly.
10. Ensure the person with a disability reads the full complaint or testimonies given, without interpretation by police officers, always considering the accessibility of information and communication formats.
11. Recognize the right of persons with psychosocial disabilities to file complaints on an equal basis with others, without discrediting their story, which can lead to inappropriate procedures and mistreatment by police personnel.

b. Situations in which the person with a disability is alleged to have participated in a crime (perpetrator, accomplice or accessory)

1. Promote due respect for the dignity of all persons with disabilities who are subjected to any form of detention or arrest.

2. Eliminate any practice that involves the arbitrary detention of persons with disabilities.
3. Consider that a person's disability should not represent prejudices or stereotypes of criminal responsibility or culpability for police personnel.
4. Guarantee the reading of the rights of the detainee through sign language interpretation, Braille, audio, augmentative and alternative modes, means, and formats of communication or other accessible formats, guaranteeing the linguistic autonomy of the person with a disability.
5. Ensure and corroborate that the information is delivered clearly and precisely by the police officer to the person with a disability, in a daily, inclusive and non-technical vocabulary, always taking care of accessible formats.
6. Ensure that the transfer of a person in a wheelchair in a police vehicle will be carried out safely.
7. Recognize that technical aids for persons with disabilities are an extension of their bodies and should not be separated from them, even within police precincts or institutional vehicles. For example: if the person is assisted by a wheelchair or cane.
8. Check if the person with a disability needs to contact a family member or acquaintance to inform them of the situation that affects them, providing the means for this communication.
9. Consider that persons with disabilities may require some type of medication, which is important to supply and monitor.
10. Ensure that the detained or arrested deaf person who uses sign language is able to use their hands to communicate. Handcuffing a deaf person in the back takes away their ability to communicate through sign language.

9. Border patrol services

- a. Guarantee the right of persons with disabilities to cross borders on an equal basis with others, considering the use of their technical aids without exclusion.
- b. Establish contact with persons with disabilities who live in geographical border areas, islands or far from urban centers, in order to meet their eventual needs, not only police, but also first aid and emergency transfers, among others.

c. Recognize the right of persons with psychosocial disabilities to cross borders on an equal basis with others, not falling into arbitrary suspicion based on their appearance, gestures, behavior, different language, among other aspects.

10. Educational role of the police within the institution and towards community

a. Incorporate the security and protection of persons with disabilities into the police organizational structure with a human rights approach.

b. Take all possible measures in order to provide an inclusive and quality police service for persons with disabilities, which includes the recognition of human diversity as part of society.

c. Inform persons with disabilities and their representative organizations about the role of the police.

d. Provide and facilitate the delivery of information regarding all rights that persons with disabilities may request from police officers.

e. Promote within the police institution the character of persons with disabilities as subjects of law, considering their merits, abilities and skills, eliminating stereotypes, prejudices and harmful practices, including those based on gender, childhood and old age.

f. Encourage and promote the provision of information and education for the community on how to prevent, recognize and report cases of exploitation, violence and abuse against persons with disabilities.

g. Promote the design, development, production and distribution of informational material for society, through information and communication technologies, including websites.

h. Disseminate and recognize good practices and positive actions developed by the police services in the field of disability so that they can be replicated by different units.