Article

Disability and Law Enforcement Personnel: Perceptions from the Rocky Mountain Region of the USA

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Abstract Individuals with disabilities report being less satisfied with law enforcement services compared with the general population, and most law enforcement jurisdictions often lack protocols and report training and resource barriers to effective interaction and communication with individuals with disabilities. The purpose of this study was to explore the perspectives of law enforcement personnel regarding interaction and communication with individuals with disabilities in order to enhance training and technical assistance. Data were collected from 19 law enforcement personnel who participated in focus groups in the Rocky Mountain region. Four main themes emerged from the data. The first three described professional interactions with individuals with disabilities: (1) interpersonal skills, (2) complex responsibilities, and (3) conflicting expectations. The final theme represents actionable recommendations for training and practice: (4) improvement opportunities. Implications for further assessment and training opportunities, along with future research, are provided.

Introduction

Law enforcement personnel frequently serve individuals with disabilities. According to the U.S. Census Bureau, 9% of individuals under the age of 65 have a disability (U.S. Census Bureau, 2017). When older adults are included in the disability estimates, nearly one in five individuals reported having a disability (U.S. Census Bureau, 2012). Individuals with disabilities also have a higher likelihood of interacting with law enforcement, primarily as the victim of a crime (Modell and Mak, 2008; Viljoen et al., 2016).

As law enforcement personnel in the USA approach the challenging task of improving service for all community members, they may lack training or resources to interact with and best serve individuals with disabilities (Oschwald et al., 2011). Although there have been recent developments in accessibility (Parsons and Sherwood, 2016), law enforcement training (Bailey et al., 2001), heightened

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awareness of need (Ochoa *et al.*, 2009), and improved communication, individuals with disabilities still experience difficulties with interaction and communication with law enforcement personnel (Oschwald *et al.*, 2011). In a national survey, law enforcement departments indicated that most jurisdictions lacked protocols and reported practice, training, and resource barriers to effective interaction and communication with individuals with disabilities (Oschwald *et al.*, 2011), which contribute to these reported difficulties. Similarly, a national survey conducted by the U.S. Census Bureau found that individuals with disabilities reported being less satisfied with law enforcement services compared with individuals without disabilities (Brucker, 2015; U.S. Census Bureau, 2014).

Under Title II of the Americans with Disabilities Act (ADA) and section 504 of the Rehabilitation Act of 1973, discrimination on the basis of disability is prohibited in all services, programmes, and activities provided by federal, state, and local governments. More specifically, state and local governments are required to communicate effectively with people who have disabilities and ensure communication is equally effective for people with and without disabilities. Individuals with visual, hearing, or other communication disabilities must be able to communicate, receive information, and convey information to state and local governments (U.S. Department of Justice, 2014; U.S. Department of Labor, n.d.). Since law enforcement agencies are programmes of state and local governments, Title II of the ADA applies to these agencies, even if they do not receive federal funds or grants (Stonebrook, 2006).

Despite legal requirements, concerns continue to be raised regarding the services individuals with disabilities received from law enforcement personnel (Brucker, 2015). Problems reported by individuals who are deaf or hard of hearing, blind or visually impaired, or who have speech disabilities are often the result of not being able to recognize or respond appropriately to law enforcement personnel (Oschwald *et al.*, 2011). Challenges may also

arise when an unexpected action is taken by a person with disability; the action may be viewed as suspicious, uncooperative, or illegal because the impact of the disability is not taken into consideration (U.S. Department of Justice, 2010).

In order to address, and eventually prevent, these incidents, Title II of the ADA requires law enforcement personnel to provide qualified interpreters or other communication aids for individuals who are deaf or hard of hearing, with the specific aid dependent upon the needs of the individual (U.S. Department of Justice, 2010). In addition, trainings that assist law enforcement personnel in safely and effectively meeting the needs of individuals with mental illness, including strategies to prevent behavioural escalations, are increasingly available and required in certain jurisdictions (Watson and Fulambarker, 2012). Law enforcement agencies must begin to regularly train personnel regarding the needs of individuals with disabilities, along with the requirements of Title II of the ADA, in order to ensure effective communication and interaction and equitable service provision (Stonebrook, 2006).

Disability and law enforcement

Despite the requirements of legislation, protections provided by Title II of the ADA fail to completely resolve concerns reported by individuals with disabilities when interacting with law enforcement personnel (Williams *et al.*, 2009). This may be the result of difficulty identifying individuals with disabilities or systemic barriers in law enforcement agencies, which often do not support meeting ADA requirements. In the USA, state and local governments can be liable for 'Failure to Train' personnel on implementation of Title II of the ADA (Stonebrook, 2006). Previous research revealed that most law enforcement agencies do not have protocols for providing accommodations for crime victims with disabilities or notifying the public of these accommodations (Oschwald *et al.*, 2011).

Despite efforts promoting training for law enforcement personnel to improve communication and interaction with individuals with disabilities

(Bailey *et al.*, 2001; Bornman *et al.*, 2016; Child *et al.*, 2011), research investigating this issue is limited. Previous studies have indicated that individuals with disabilities, when interacting with law enforcement personnel, may be reluctant to reveal their disability, may purposefully try to mask their disability, may attempt to tell the law enforcement personnel what they believe they want to hear, and may not fully understand their rights (Parsons and Sherwood, 2016; Polloway *et al.*, 2011). In addition, Hughes *et al.* (2011) completed a qualitative inquiry of the perspective of law enforcement personnel when working with individuals with disabilities and discovered multiple barriers to effectively meeting the needs of individuals with disabilities. Law enforcement personnel reported the need for additional training to address communication difficulties and provide clarification regarding legal and ethical requirements. Participants also reported difficulty identifying individuals with disabilities and a lack of resources to assist with effective communication for individuals with visual, hearing, and communication disabilities.

Similar investigations uncovered limited evidence that sensitivity trainings have been implemented within law enforcement agencies in order to address the needs described above. A systematic review of sensitivity trainings for law enforcement personnel focused on individuals with disabilities found only three studies that examined the outcome of these trainings. Results indicate that a collaborative multidisciplinary training approach and repeated reinforcement of training were the most successful (Viljoen *et al.*, 2016). Additionally, Viljoen *et al.* (2016) call for additional research on the perspective of law enforcement personnel and those they serve in order to gain an improved understanding and begin to test the practical impact of training programmes. A potential tool for guiding research and training, such as that suggested by Viljoen *et al.* (2016), is the Community Readiness Model (CRM), which focuses on current knowledge and readiness levels of community members when investigating various implementation

efforts (Oetting *et al.*, 1995). CRM is based on the transtheoretical model of change, and as a result, it provides a flexible, versatile tool for communities to address efforts in this area when varying interest and knowledge exist (Oetting *et al.*, 1995; Prochaska and DiClemente, 1983). The CRM would also promote research efforts informed by the community, which serves as useful first step in building community connection with law enforcement personnel (Paterson and Best, 2016; Paterson and Pollock, 2016).

As a result of the identified need for increased awareness, training, and resources, the purpose of this study is to explore the perspectives of law enforcement personnel regarding interaction and communication with individuals with disabilities in order to enhance training and technical assistance for this population. Without paying attention to the perspective of law enforcement, efforts to resolve concerns may continue to prove inadequate. For purposes of this study, disability is defined according to the definition provided by the Americans with Disabilities Amendment Act of 2008 as 'a physical or mental impairment that substantially limits one or more major life activities; a record (or past history) of such an impairment; or being regarded as having a disability' (U.S. Equal Employment Opportunity Commission, 2008). Using a broad definition of disability in this investigation aligns with its foundational nature. The following research questions will be addressed:

1. How do law enforcement personnel describe their experience of interacting with individuals with disabilities on the job?

2. What information or resources is needed to improve interactions between individuals with disabilities and law enforcement personnel?

Methods

The research team used a phenomenological approach to design and conduct the study.

Phenomenological qualitative research seeks to elucidate 'the common meaning for several individuals of their lived experiences of a concept or phenomenon' (Creswell and Poth, 2018, p. 74). Phenomenology goes beyond an exploration of simply *what* participants experienced; it is concerned with the *way* in which the phenomenon is experienced. As described by Moustakas (1994), 'phenomenology is the "how" that speaks to conditions that illuminate the "what" of experience' (p. 98). This focus on understanding the essence of an experience is particularly well suited for this study given the dearth of literature exploring law enforcement perspectives on this topic. An in-depth exploration of a phenomenon can contribute to not only greater understanding, but the development of new practices and policies as well (Creswell and Poth, 2018).

Participants

Law enforcement personnel from two counties in the same state within the Rocky Mountain region were invited to participate in the focus groups by administrative personnel. One of the counties is a primarily rural environment with a high prevalence of crime, whereas the second is an urban environment and also has a high prevalence of crime. Focus groups were determined to be the most efficient means of data collection for this study. In addition, the researchers concluded that investigation of this topic required participants to provide candid responses and build on each other's ideas, which is an established advantage of collecting data using focus groups (Krueger, 1994; Mansell *et al.*, 2004).

A total of 19 law enforcement personnel participated in one of two focus groups held. The study sample was convenience based, and participation was voluntary. Most participants were male ($N = 17$; 89.5%), and two were female ($N = 2$; 10.5%). The mean age of participants at the time of the study was 36 years, and participants averaged just over 11 years of service in law enforcement ($M = 11.12$; SD $= 3.33$). The majority of the participants was identified as white ($N = 17$; 89.5%),

followed by Asian ($N = 2$; 10.5%), and 26.3% as Hispanic ($N = 5$; 26.3%). All participants were full-time employees of their respective law enforcement agencies, and whose ranks ranged from 'Officer' to 'Lieutenant'. One participant was identified as having a disability, whereas two participants endorsed the condition of deafness/hearing loss but did not endorse having a disability in the demographic questionnaire. Full demographic data for the participants are provided in Table 1.

Instrumentation

Focus group data were collected using a semi-structured interviewing format, which allowed the researchers to ask additional follow-up questions. The questions inquired about experience with disability, barriers and strengths related to working with individuals with disabilities, and possible solutions to improve interactions and communication between law enforcement personnel and individuals with disabilities.

Data analysis

Both focus groups were audio recorded, and transcriptions were created through a third-party transcription service. Transcriptions were verified for accuracy by the researchers, as participants were unavailable to cross-check the transcripts. Following verification, researchers initially reviewed transcripts with the purpose of identifying overarching themes and significant statements that were stable across multiple participant responses, which are consistent with practices in phenomenological analysis (Creswell and Poth, 2018). Next, those statements, or 'meaning units', were analysed in order to group them into major themes (Moustakas, 1994, p. 122). This process occurred first within each transcript and then across transcripts. Researchers coded independently, compared and combined results, and then presented those combined findings to an auditor for final refinement. The auditor was familiar with both the research project and the raw transcript data.

Table 1: Law enforcement demographics

Category	M	SD	N	%
Gender				
Male			17	89.5
Female			2	10.5
Hispanic, Latino, or Spanish origin				
Yes			5	26.3
No			14	73.7
Do not wish to say			0	0
Age	36.47	2.85	17	
Race/ethnicity				
American Indian or Alaska Native			0	
Asian			2	10.5
Black or African American			0	
Native Hawaiian or other Pacific Islander			0	
White			17	89.5
Other			0	
Do not wish to say			0	
Education level				
Less than high school			0	0
High school diploma or GED			0	0
Some college or associate's degree			6	31.6
Bachelor's degree			11	57.9
Graduate or professional degree			2	10.5
Other			0	0
Employment status				
Part time			0	0
Full time			19	100
Other			0	0
Rank				
Officer			7	37
Patrol Officer			2	10.5
Police Officer			2	10.5
Police Officer			4	21.1
First Class Police Officer/Detective			1	5.3
Detective			1	5.3
Sergeant			1	5.3
Lieutenant			1	5.3
Years of service	11.12	3.33	19	
Disability				
Yes			1	5.3
No			18	94.7
Disabilities or conditions				
Mobility or other physical disability			0	0
Blindness or other vision loss			0	0

(continued)

Table 1: Continued

Category	M	SD	N	%
Deaf or other hearing loss			2	11.8
Speech or communication difficulties			0	0
Autism spectrum disorder			0	0
Cognitive disability			0	0
Intellectual disability			0	0
Psychiatric disability/mental health conditions			0	0
Ongoing chronic health condition			0	0
Other			0	0
Do not wish to say			0	0

Findings

Four main themes emerged from this phenomenological study of law enforcement personnel's description of their interactions with individuals with disabilities. The semi-structured focus group questions specifically requested information on interactions with individuals with disabilities, rather than other populations served by law enforcement personnel. The first three themes elucidate how participants make meaning out of their professional interactions with individuals with disabilities: (1) interpersonal skills, (2) complex responsibilities, and (3) conflicting expectations. The final theme represents how participants translated their experiences into actionable recommendations for training and practice: (4) improvement opportunities.

Interpersonal skills

The first theme highlighted the importance of interpersonal skills for law enforcement personnel. Participants reported that members of law enforcement agencies are highly skilled and often well equipped to work with individuals with disabilities. Skills include patience, effective communication skills, willingness to ask difficult questions, taking into account a variety of information, selecting the best course of action, accessing necessary resources, and investigating 'why' something occurred, rather than simply 'what' occurred in a given situation.

Patience and useful communication were two skills highlighted by participants as essential to effective police work, particularly during crisis. Participants' responses included: 'It's communication and patience . . . No one ever calls a cop because they're having a great day. We're not firefighters. So, we're always called in for traumatic events and when people are going through crises' and 'So, communication and patience is the biggest thing. I think. When, when you're dealing with persons with handicaps.'

Participants further emphasized the importance of patience in order to fully understand the underlying cause for a situation or conflict: 'Patience. I think that's the biggest one. That's huge. Just being patient and not letting something you thought would be pretty cut and dry inhibit what you're going to do and get frustrated with the situation. I would take a step back . . . it's still going to happen. We got to figure out a way to handle it now.' And 'Especially when you're dealing with somebody with a disability because there's . . . so many different layers to what might be going on to contribute to what happened that I think . . . patience is huge in those situations.'

While participants emphasized patience and effective communication, along with other skills, the need to fully inquire and ask difficult questions stood out as a necessary skill when interacting with people with disabilities. Asking individuals 'why' an incident occurred, rather than simply collecting the basic facts, may allow law enforcement personnel to better understand what role a disability may have played in the situation. Participants emphasized that communication skills may prove critically important for law enforcement personnel when a situation involving an individual with a disability is not entirely clear.

Complex responsibilities

Participants consistently reported having complex and competing, professional responsibilities. Some include the need to create safety and clearly determine *what* happened, which may initially prevent

law enforcement from understanding *why* it happened. These responsibilities often take precedence over the assessment of an individual's motivations and/or mental or physical disability. One response highlighted these competing responsibilities: 'When you get a call, you're going to look at the people's safety . . . those who are around them and then your safety . . . Once the situation is kind of calmed down . . . that's when you start coming in with patience, communication and talking to individuals.' Another participant talked about the need to 'try to slow things down and that's hard to do as cops sometimes because we just want to jump in and solve the problem and move on. And, ah, that's not always the way to do it. Especially when you're dealing with somebody with a disability cause there's so many different layers to what might be going on to contribute to what happened that I think, you know, patience is huge in those situations'.

Conflicting expectations

The responsibilities described above can lead to conflicting expectations placed on law enforcement. Participants indicated they often have to make difficult decisions, which are likely to displease various stakeholders involved (e.g. alleged victim, individual with disability, family or loved ones of people involved, supervisor, partner/colleague, and community member). Difficult decision-making may be present in any interaction that law enforcement has with a member of the community, but it is often compounded when the individual involved has a physical or mental disability. When discussing these conflicting expectations placed upon law enforcement personnel, one participant explained: 'So we're always called in for traumatic events and when people are going through crises . . . they're expecting some sort of magic pill and we're expecting to be able to address that situation and move on to the next.'

Time is another factor that complicates the wide range of responsibilities faced by law enforcement personnel. Overlaying the expectations placed

upon responding officers is the need to accomplish tasks quickly so that they can move to the next situation requiring their attention. One participant expressed the important role of time when responding in the community, '... you don't have time to stay on one call for an hour and a half or two hours'. Another summarized the subject by saying: 'And it's tough because we don't have time. We don't have resources to, to deal with some of these situations. We all have pressure on us to do, you know, to do a good job and to do it the right way and to be quick about it.'

While law enforcement personnel are eager to capture all aspects of an occurrence as noted above, the need to create a safe environment may prevent this from happening. Due to competing demands, such as the need to collect all pertinent and accurate information and create a secure environment, law enforcement may be limited to the amount and types of questioning that can be done on scene, which may prevent important information about a disability from being uncovered. Law enforcement personnel must also give consideration to family members who may be involved, bystanders, partners, and supervisors, which may influence the decision-making/resolution process. In addition to the influence of multiple stakeholders, time serves as a constant source of conflict, as situations need to be resolved quickly and cleanly, which may prevent the law enforcement personnel from uncovering all possible information, including the role or influence of a disability.

Improvement opportunities

Participants in the study also identified potential improvement opportunities. The first dimension was increasing the accuracy of information provided to responding officers, such as sharing notes from previous contacts with law enforcement. Of particular interest to participants was the ability to use technology to communicate between officers when working with the same individuals. One participant requested utilizing and recording contact with family members, 'If they can put contact information, like for family members, so that you, the new officer showing up knows.' Two other participants requested using the call screen to help in de-escalating behaviours and when new officers transition into a new department, respectively: 'There are some things that, ah, aggravate somebody or, or bring out a behavior. If you found out something on that call how to reduce that, put it in the call screen. The next officer will have that,' and '... communicate better within the department so that the new officer just out of the academy who's going to contact this person, and I'm speaking from example, you contact this person who's been contacted 50 times by previous officers and you're having to reinvent the wheel'.

A second dimension of opportunities for improvement was training for law enforcement personnel. Participants recommended that directly involving individuals with various disabilities in the trainings may allow law enforcement personnel to better understand all aspects of a disability and more easily identify disability when in the field. Creating training that mimics real-life situations was also discussed as a strategy to improve existing trainings available to law enforcement personnel.

Discussion

Following data analysis, three themes emerged addressing the initial research question of how law enforcement personnel describe their experiences with individuals with disabilities. The first theme highlighted the importance of interpersonal skills for law enforcement personnel. Similar to previous findings by Hughes *et al.* (2011), participants pointed to the importance of patience and effective communication when interacting with people with disabilities. The second and third theme emphasized the impact of complex responsibilities and conflicting expectations on interactions with people with disabilities. While these themes may describe obvious needs and challenges of law enforcement personnel in a variety of environments,

they are not currently addressed in the literature focusing on the communication and interaction of law enforcement personnel with individuals with disabilities. The additional complexity of disability creates a unique consideration for law enforcement personnel, which requires additional knowledge and skills to overcome these barriers. The final theme emphasizes the importance of improving the availability of resources and training for law enforcement personnel on this topic. Previous research supports findings from this study, as barriers to communication and limited resources and training are well-documented in the literature (Hughes *et al.*, 2011; Oschwald *et al.*, 2011; Viljoen *et al.*, 2016).

Although findings from this study may be similar to needs of law enforcement personnel when working with other populations, the focus group questions and findings solely emphasize individuals with disabilities. Findings point to a clear need for training and resources for law enforcement personnel in order to decrease concerns regarding interactions and communication between law enforcement and individuals with disabilities. While an obvious next step may seem to be increased implementation of trainings and resources focused on disability for law enforcement personnel, researcher observations while collecting data for this study suggest the enthusiasm and interest for these types of activities may vary greatly among communities. Specifically, the responses reflected law enforcement personnel in different environments and at different years of experience held varying degrees of understanding around individuals with disabilities, depending on environmental factors. In addition, interest in and commitment to receiving additional training fluctuated among participants. The expertise, needs, readiness, and culture around working with individuals with disabilities appear to vary across departments and jurisdictions.

Implications for policy and future research

An emerging model that can be used to further assess current knowledge and perspectives of law enforcement personnel around interacting with individuals with disabilities is the CRM. CRM is grounded in the well-known transtheoretical model of change (Prochaska and DiClemente, 1983). It was developed in response to unsuccessful and/or inconsistent implementations of prevention efforts within and across communities and has been used successfully for a variety of issues (Farro *et al.*, 2011; Oetting *et al.*, 1995; Travis *et al.*, 2012;). It is a versatile model in that it can be used in communities with few current efforts and in communities with ongoing efforts that may benefit from evaluation and redirection (Oetting *et al.*, 1995), which will allow it to carefully address this topic area, as varying degrees of interest, experience, needs, and readiness to work with individuals with disabilities exist, and this variation extends across departments, jurisdictions, etc. The specific dimensions of the model include: knowledge of the issue, leadership, existing efforts and the community's knowledge of efforts, community climate, and resources (Oetting *et al.*, 1995).

As a result, a necessary first step in policy surrounding law enforcement and disability is the implementation of a community readiness assessment based on the CRM, which will carefully evaluate crucial aspects of this issue and modify trainings and resources accordingly. For example, communities with high levels of readiness in the domain of 'knowledge of the issue' may require assistance creating advanced trainings on how to apply their ADA related knowledge while managing complex responsibilities and competing expectations. Other communities with lower levels of readiness in the domain of 'knowledge of the issue' may lack interest and/or skills on this topic, and as a result, next steps may only include an introduction to requirements under Title II of the ADA, along with examples of how communities benefit from improving knowledge and policies regarding law enforcement and people with disabilities. Whereas other communities may benefit from focusing on the domain of 'knowledge of the efforts', and trainings may be tailored to sharing current knowledge

and policy on disability issues with the community members. This would not only spread knowledge of the ADA but also create an opportunity for public comment on such an important issue. In short, community readiness assessments would allow policy and future research to be based on the needs and interests of a specific community, rather than broad-sweeping statements that lack applicability when applied at the regional and local levels.

Trainings, such as those described above, could be provided by the ADA National Netowork (https://adata.org/). The network includes 10 regional centers that provide information, referrals, resources, and training on the ADA to businesses, employers, government entities, media and news reporters, and individuals with disabilities across all 50 states and territories in the USA. Each regional center employs staff equipped to prepare and modify trainings for law enforcement personnel as needed. Certain communities may need foundational information on the ADA and related requirements, whereas others may use the training to develop resources that can be used in the field when interacting with individuals with disability. For example, advanced trainings could focus on the development of written resources utilized by law enforcement personnel when communicating with individuals who are deaf.

Future research is also needed to further explore relationships and interactions between law enforcement personnel and people with disabilities. As initiated in this study, actively involving members of the specific communities (i.e. law enforcement and people with disabilities) in the research process will continue to uncover influential factors in these interactions, along with potential agents of change. Closely following guidelines established for participatory action research (PAR; Mackenzie *et al.*, 2012; Parsell *et al.*, 2014) may provide a useful foundation for future studies. Engaging in conversation through focus groups with individuals with disabilities regarding this topic may be the first step in a PAR research agenda, and results may

emphasize significant factors that were not uncovered in the current investigation. Similarly, working closely with law enforcement personnel to develop a needs assessment, as mentioned above, would not only provide necessary input into its development but also create a sense of ownership in the investigation, which may allow the findings to initiate change and improvement more quickly and efficiently. The needs assessment process could also serve as an opportunity to collect data using methods other than focus groups, and the CRM may provide a useful guide for the creation of future assessment tools investigating the topic.

Limitations

Despite the benefits of this foundational research, there are certain limitations that must be considered. Findings from the focus groups were self-report in nature, and associated bias may be present. In addition, participants represented a variety of ranks and number of years in law enforcement, which impacts the interpretation of findings, as individuals in different positions with varying levels of experience will have a different knowledge base on the topic. Participants were also not available to verify the transcripts prior to analysis, which may impact the reliability of the data. A small, convenience-based sample was also used to conduct this study, which limits the generalizability of findings. Lastly, findings are specific to two Rocky Mountain communities and may not easily generalize to other parts of the country.

Conclusion

In order to collect foundational information regarding the interactions and communication between law enforcement personnel and individuals with disabilities, this study conducted two focus groups of law enforcement personnel. Results point to the importance of interpersonal skills and highlight the impact of complex responsibilities and conflicting expectations of law

enforcement personnel when resolving situations involving a disability. Findings also emphasize the need for training and resources in order to increase skills in this area, although interest, experience, and current efforts vary greatly among communities. As a result, the authors suggest further assessment using the CRM in order to customize next steps based on the needs of each community. Applying the CRM to interactions of law enforcement personnel with individuals with disabilities would promote a complete investigation of knowledge of the issue, attitudes and support from leaders in the community, current training efforts and resources in this area, and attitudes of law enforcement personnel and community members. Investigation into each of these dimensions will provide an enhanced understanding of the perspective of law enforcement personnel regarding people with disabilities and clear guidelines to improve training and policy on a local level.

Funding

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