

ADA AUDIO

Conference

ADA NATIONAL NETWORK

ADA Audio Conference Series January 15, 2013

This session is scheduled to begin at
2:00pm Eastern Time

Real-Time Captioning and the PowerPoint Presentation are available through the Webinar Platform. Audio Connection is available through streaming audio and/or telephone only.



Webinar Features – For those connected via webinar platform only

- **Closed captioning** – click **CC** icon (located in the Audio/Video Panel) or control-F8 (command-F8) and adjust your screen.
- **Questions** – Highlight “*Great Lakes ADA*” in the participant list and “right click” on your mouse to send a private message. Type your message into the chat area that appears. The question will be viewed by all moderators. (Keyboard - F6, Arrow up or down to locate “Great Lakes ADA” and select to send a message)

2



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3

ADA and Law Enforcement Understanding the Issues

Michael Sullivan

Michael Sullivan ADA Consulting

Specializing in Law Enforcement Issues

Where does it all start?

Americans with Disabilities Act, Title II Regulations §35.130 --General prohibitions against discrimination

(a) No qualified individual with a disability shall, on the basis of disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any public entity.

5

Law Enforcement's Obligations

We don't **enforce** the ADA, we **comply**...

When we comply, we are **accessible**
to and **usable by** people with disabilities...

6

Specific ADA Impacts on Law Enforcement ...EVERYTHING

- Stations, community rooms, jails, holding cells
- Permits, licenses, policy modifications
- Community meetings and education efforts
- Event Planning: festivals, street fairs, parades, demonstrations
- Emergency planning
- Operations: calls for service, initial responses, investigations, arrests

7

Some Law Enforcement Cases and Settlement Agreements

- Pennsylvania Dept. of Corrections v. Yeskey,
524 U.S. 206 (1998)
- Barnes v. Gorman, 536 U.S. 181 (2002)
- New York City PD, November 2009
- Alameda County Sheriff (CA)
- Portland Police Bureau (OR)

8

Bureau of Justice Statistics 2009-2011

- Persons with disabilities compared to persons without disabilities
 - Serious violent crime victim more that twice the rate
 - Violent victimization rate higher
 - Females victimized rate higher
 - People with cognitive disabilities highest victimization rate among PwD's

Source: Crime Against Persons with Disabilities,
2009-2011-Statistical Tables

9

Bureau of Justice Statistics 2008-2010

Persons with disabilities compared to persons w/o disabilities in 2010

- Violent victimization reported to police:
 - **41% compared to 53%**
- Robbery:
 - **39% compared to 63%**
- Aggravated assault:
 - **40% compared to 65%**
- **About 9%** persons with disabilities used victim service agencies other than the police

Source: Crime Against Persons with Disabilities,
2008-2010 Statistical Tables

10

Responding to Crime Victims with Disabilities

BARRIERS

- Cultural attitudes
- Embarrassment
- Fear of not being believed
- Emergency support providers not available
- Lack of accessible resources
- Programmatic challenges
- Don't know who to call

National Professional Training Conference on Responding to Crime Victims with Disabilities
Oregon Health & Science University, Mary Oschwald, Beckie Child, Laurie Powers, et al. Portland State University September 30 – October 2 2009

11

Responding to Crime Victims with Disabilities

BARRIERS (continued)

- Systems
- Lack of coordinated response
- Fear of losing independence
- Fear of losing custody of children
- Abusive person is a family member
- Fear of backlash
- Fear of consequences of calling police or mandatory reporting.
- Fear of Isolation

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12

Services, Programs or Activities

Citizens Academy
“ Ride-alongs”
“Tweetalongs”
D.A.R.E.
S.A.F.E.
Jail visitation
Tip Lines
Traffic Schools
Victim Witness Programs
Fingerprinting
Web-based police reports
Web-based newsletters

13

Awareness v. Sensitivity

- **“I’m sensitive and I feel bad,”** can I go now?
- **Medical Model v. People Model**
 - don’t diagnose...focus on behavior
 - hidden disability
 - stereotypes
 - Not everyone is the “Rain Man”
 - Training not specific to Law Enforcement

14

Considerations for Law Enforcement

OFFICER SAFETY: Why We Do the Things We Do

- How law enforcement thinks
- Approaches are based on safety
- Evaluating behaviors: Disability may be the reason
 - *A tale of dinner, Deaf, ASL, and the police*

15

Considerations for Law Enforcement

OFFICER SAFETY (continued)

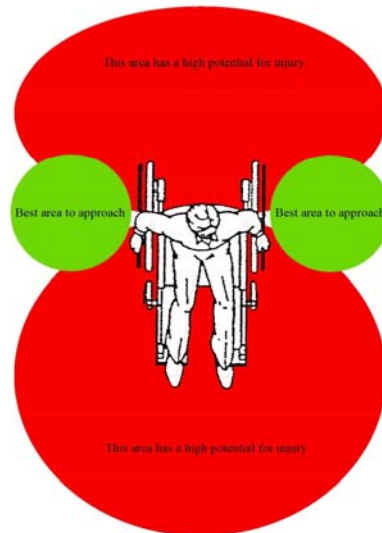
- Existing tactics-modification
- No “boiler plate” approach
- Safety zone: reach ranges, false sense of security
- Mobility devices: canes, crutches,
wheelchairs, scooters, walkers

16

Build on existing knowledge...

Wheelchair Approach

- Same as a traffic stop
- Searches, wheelchairs, canes, crutches, bags, etc.



17

Considerations for Law Enforcement

OFFICER SAFETY (continued)

- **Handcuffing**
 - Range of motion
 - Double cuffs
 - Flex cuffs
 - One side or the other
 - Joint laxity
 - Tightness

18

Considerations for Law Enforcement

- Booking
- TTY Right to phone calls
- Transportation issues
- Custody searches--medical devices
- Caregivers, personal attendants
- Service Animals
 - ✓ Animal control, responsible party

19

Considerations for Law Enforcement

- **Disability-specific issues...**
 - CP (cerebral palsy) misunderstood as drunk?
 - Can a blind person be a witness?
 - Slow down interviews...It takes time!
 - Autism, Intellectual Disabilities
- **Listen**

20

Deaf and Hard of Hearing... Effective Communication

Sign language interpreters and when to get them

- Time
- Complexity
- Nature
- Context
- Always use qualified interpreters

21

Deaf and Hard of Hearing... Effective Communication

- Primary consideration to the individual
- **Caution** regarding use of family member requested by the person with a disability
- Auxiliary aids: VRI, VRS, computers, TTYs

22

Deaf and Hard of Hearing... Effective Communication

- Use of notes
- Delay in interpreting
- Name signs
- Fear of the Police
- Handcuffing

23

Working with a Sign Language Interpreter

- Interrogations vs. Interviews
 - Miranda Warning
 - Train the interpreters
- Alert: Interpreter will sign everything said
- Interpreter may ask questions for clarification
- Nodding does not necessarily mean understanding or agreement
- Misreading body language
- Lag time
- Non-standard sign language
- Written statements

24

Federal law mandates accommodation

Reasonable Accommodation Examples

- Providing documents by email
- Enlarging form on the copier...130% or 18 point
- Reading or filling out a form
- Clipboard as alternate writing surface
- Meet in the “lobby”
- Follow-up information in the report

25

A B C D E F G
H I J K L M N O
P Q R S T U V
W X Y Z
YES NO
0 1 2 3 4 5 6 7 8 9 10

26

ADA Coordinator Role

- **Credibility**--Partner with Law Enforcement Trainer
- **You are not trying to tell law enforcement how to do its job**--you just want to make it easier
- **Who are people with disabilities**--how they come to law enforcement attention
- **Describe what people with disabilities want the police to know**
- **Inform disability community about law enforcement procedures**
- **Review existing policies and procedure, training, transition plan and self-evaluation**
- **Assure Information/resources are available 24-7**

27

Policy Examples

- Service Animal Procedure
- Obtaining Auxiliary Aids
- Accessible meeting policy
- Use of TTY/Booking Procedures
- How to obtain ASL Interpreters
- Transportation of Disabled Prisoners
- Multiple Chemical Sensitivity—Environmental Illness
- Vehicle code enforcement, ex. signing of citation, sidewalk violations, disabled placard
- Prescription drug use by detainees
- Segways™
- Event permit conditions

28

Contact

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29

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**Thank you for participating in today's
ADA-Audio Conference Session**

The next scheduled session is:

***Everyone Into the Pool: Refresher on the requirements
for swimming pool lifts***

February 19, 2013

Register at: www.ada-audio.org or call 877-232-1990 V/TTY

30