

SPECIAL ORDER



Title
**Compliance with Title II of the
Americans with Disabilities Act**

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Related to
**General Order PER 201.09
(Equal Employment Opportunity)**

DISTRICT OF COLUMBIA

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I. Background

Title II of the Americans with Disabilities Act of 1990 (ADA) prohibits discrimination by any local or state government entity in the provision of services, programs, or activities to an individual with a disability. The Department has conducted a self-evaluation of its programs and physical facilities and has included improvements in future construction budgets as well as in the design of services and activities. Many of the requirements under ADA can be met through the commitment of all employees to extend full police services to all citizens regardless of circumstances.

II. General Requirements

The accessibility of agency services, programs, and activities is the primary focus of Title II of the ADA. The District Government and its agencies are required to maintain accessibility and usability of all facilities that are open to the public. The following features, among others, are covered under the ADA regulations:

- Parking and Drop-off Areas
- Ramps, Curb Cuts
- Entranceways
- Internal Doorways and Passageways
- Rest Rooms
- Drinking Fountains
- Telephones, Telephone Devices for the Deaf (TDD)
- Alarms
- Signage
- Interpreter Services
- Reasonable Alternatives When Appropriate

III. For Special Attention of MPD Members

Many of the features listed above are subject to the technical requirements of the ADA Architectural Guidelines (ADAAG) for new construction or major rehabilitation. Some MPD facilities meet these requirements or construction is planned or underway.

Where existing MPD facilities do not meet the ADAAG requirements, the Department is obligated to use reasonable alternatives to ensure that persons with disabilities have physical access to all department services, programs, and activities. The following features deserve special attention from all members:

- **Parking and Drop-off Areas**

All areas that are posted for specific use of persons with disabilities (parking spaces, curb markings, etc.) should be maintained for that exclusive purpose. Neither marked or unmarked police vehicles should ever block or occupy these spaces.

Whenever any other vehicle is found in a posted space reserved for persons with disabilities, officers should take prompt police action (issuance of an NOI or towing) to address the situation.

- **Signage**

Members shall bring to the attention of appropriate officials any need for or absence of signs or other notices that are needed to adequately inform individuals with disabilities of the availability of special services or facilities provided by the department.

- **Reasonable Alternatives When Appropriate**

Citizen Contacts

At any time that contact is made with a citizen who appears to need assistance with any life process, officers shall take such emergency measures as may be required for the aid and comfort of the individual and shall enlist the assistance of any District, regional or federal agency that may be appropriate to the situation.

Arrests

A variety of problems can arise during the processing of arrestees or suspects by police personnel when the subject has or appears to have a disability.

In arrest situations, depending upon the nature of the offense and the totality of circumstances, officers must first take necessary precautions for the safety of themselves and others. The comfort or convenience of a prisoner takes on a secondary, but nevertheless important priority. Officers should be aware of a detainee's need for assistance with any life process, including eyeglasses, limb prosthetics, hearing aids, deaf communication, blindness, medic-alert bracelets, etc.

MPD dispatchers and appropriate supervisory personnel shall be advised of any special needs so that proper arrangements can be made to accommodate the disability insofar as may be relevant, including physical assistance or medical examination at the nearest hospital facility.

Transportation

Alternative means of transportation are available to police handling the transportation of detainees. These include patrol cars, patrol wagons, and prisoner vans, equipped with chair lifts. Persons requiring medical assistance or exhibiting serious physical trauma may be transported to an appropriate medical facility in an ambulance, accompanied by Emergency Medical Service personnel.

Need for Medical Assistance

Emergency Medical Service can be called to any arrest scene by police officials recognizing that medical attention may be needed. Special procedures and protocols are described in:

General Order 502.7 (Medical Treatment and Hospitalization of Prisoners).

Other general orders and special orders which pertain to specialized processing that may be provided include:

General Order 204.7 (Homeless Persons During Cold Weather)

General Order 308.4 (Suspected Mentally Disturbed Persons)

General Order 502.2 (Persons Suspected of Driving While Intoxicated, etc.)

General Order 502.3 (Communicable Disease Removal and Detention Orders)

Special Order 81-24 (Medic Alert System, etc.)

Special Order 85-29 (Emergency Medical Transportation)

Special Order 86-18 (Adult Protective Services Act of 1984)

Booking and Holding

Once a detainee is brought to the booking element for processing, every effort should be made to ensure that humane as well as legal standards are complied with in respect to communicating common courtesies, reading "Miranda" rights, explaining alternatives to incarceration when applicable, use of telephones, availability of "interpreter" services, etc. Some of this information is available by posted signage, but should always be supplemented in any manner designed to best accommodate the needs of the particular individual.

Extreme physical disabilities may be accommodated at the holding facility as appropriate to the situation, weighing the safety of the person arrested with the safety and protection of police personnel and others.

Disaster Response/Demonstrations/Special Events

The department is responsible for providing police coverage for crowd management situations, disasters, unusual occurrences, and hostage rescue. In addition, the department works with the Park Police and other agencies in handling special events, parades, and mass demonstrations of a public nature. Persons with disabilities are often represented in these situations.

Many of these situations fall within the responsibility of the Special Operations Division which is specially prepared to cope with all contingencies, including crowd control, riots, and mass arrests. Some situations involve peaceful assemblies of persons demonstrating for political or social causes and may require sensitive handling, especially when symbolic acts of civil disobedience require that arrests be made. When situations arise where serious or violent unlawful acts are committed, police are obligated to contain the situation and to arrest the perpetrators. In all cases, the needs of persons with disabilities must be taken into account.

The department has the responsibility for transporting, processing, and holding persons with disabilities of any kind, relying upon its operational liaison with the D.C. Fire and Emergency Medical Services Department and other public safety agencies in the metropolitan area when assistance is needed.

IV. ADA Grievance Process

Any person, with or without a disability, may file a grievance with the appropriate commander, or with the Chief of Police, noting any difficulty or inconvenience related to compliance with the directives of ADA.

1. ADA Grievances may be submitted at any MPD facility on Form PD-99 (Citizen Complaint Form). The initials "ADA" should be printed in large letters in the upper right corner of the first box (heading) of the form.
2. The Commander whose jurisdiction lies in the area where the grievance is located shall take appropriate steps to correct the situation and to inform the grievant of the steps taken. Where the situation is not under the control of the Commander, prompt and appropriate notification shall be made to the agency or official apparently having control or other responsibility over the situation or facility involved.

3. A copy of each ADA grievance filed with any element of the Department shall be forwarded to:

Attention—
ADA Coordinator
Office of Organizational Development
4. Whatever action is taken by the element shall be noted on the Form PD-99 and signed by the official responsible for the action taken.
5. Formal complaints may be filed with the U.S. Department of Justice or may be the basis for court action in accordance with the ADA.
6. Comments or concerns related to ADA compliance should be addressed to the Department ADA Coordinator, Office of Organizational Development.

V. Relevant Authority

- Title II (Public Services) of the Americans with Disabilities Act of 1990 (42 USC 12131 *et seq.*) is implemented by regulations published by the U.S. Department of Justice at 28 CFR, Part 35, § 35.101 *et seq.*, "Nondiscrimination on the Basis of Disability in State and Local Government Services".
- Mayor's Order 94-138 designates the Department of Consumer and Regulatory Affairs as the District ADA Coordinator and requires that each D.C. agency designate an ADA Coordinator. The Director, Office of Organizational Development, or a designee, shall serve as ADA Coordinator for the Department.
- Applicable CALEA Standards:
See Chapter 71 (Prisoner Transportation)
Chapter 72 (Holding Facilities)
Chapter 81 (Communications)

// SIGNED //
Charles H. Ramsey
Chief of Police

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