



PEOPLE WITH DISABILITIES



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CALEA:			

I. PURPOSE

This directive:

- A. defines terminology related to persons with disabilities.
- B. describes the Americans with Disabilities Act of 1990.
- C. describes the Mayor's Office for People with Disabilities.
- D. describes the Illinois Disability Rights Bureau.
- E. describes the Easy Access Chicago resource.
- F. specifies the Department procedures for persons with disabilities.
- G. cites the provisions of Chapter 720, Illinois Compiled Statutes (ILCS), relative to people with disabilities as victims of crimes.
- H. identifies parking privileges and exemptions authorized by the Illinois Secretary of State's office, which, as of 01 January 2014, includes one meter exempt placard and three meter paying placards for disability parking:
 - 1. Meter-Exempt Permanent Placards (yellow-and-gray-striped).
 - 2. The following listed placards require meter payment:
 - a. Permanent Placards (blue).
 - b. Temporary Placards (red).
 - c. Organization Placards (green).

II. GENERAL INFORMATION

- A. On 26 January 1992, the Americans with Disabilities Act of 1990 (ADA) required all public services provided by state and local governments to be accessible to persons with disabilities.
- B. The Mayors Office for People with Disabilities (MOPD) promotes total access, full participation, and equal opportunity for people with disabilities of all ages in all aspects of life. The office promotes an understanding of the issues of concern to people with disabilities and assists both individuals and organizations in working to comply with a variety of laws and regulations relating to disability, including the Americans with Disabilities Act of 1990. The MOPD services and programs include:
 - 1. Disability Resources - provides information about and referrals to various services and programs.
 - 2. Employment Services - counseling and training for job seekers, consultation and technical assistance to employers: outreach and education.
 - 3. Training - independent living skills, awareness, etiquette and teletypewriter training.

4. Accessibility Compliance - site surveys, technical assistance, consultation and information about accessibility laws.
 5. Public Information and Education - awareness, workshops, seminars, publications and community outreach.
 6. Youth Programs - substance abuse/AIDS prevention for the Deaf and Hard of Hearing, mentoring and programs for students with disabilities.
- C. [The Mayor's Office for People with Disabilities](#) staff are available Monday through Friday from 0830 until 1630 hours at 312-744-7050 or 312-744-4964 (TTY) , or evenings and weekends through *Non-emergency 311*, twenty-four (24) hours, seven (7) days a week.
- D. [Illinois Disability Rights Bureau](#) enforces state and federal laws that protects the rights of people with disabilities to equal access to buildings, housing and services. They can be reached at 312-814-5684 , TTY 800-964-3013 twenty-four (24) hours, seven (7) days a week.
- E. [Easy Access Chicago](#) provides a listing of local resources (e.g National Center for Latinos with Disabilities, Family Resource Center on Disabilities,etc.) available for people with disabilities and their families. They can be reached at 773-388-8839.

III. DEPARTMENT PROCEDURES IN ACCOMMODATING PEOPLE WITH DISABILITIES

A. Ambulatory Devices

1. Department members will exercise care when transporting an arrestee who requires the assistance of an ambulatory device (e.g., crutch, cane, walker, wheelchair, etc.). Members will not lift or remove a person from a wheelchair unless that person has requested assistance. Members will not lift a wheelchair off the ground by hand while it is occupied, except in incidents where life threatening circumstances exist.
2. The fact that an arrestee is physically disabled does not in itself preclude the use of a restraining device (e.g., handcuffs, restraining straps, stretcher, etc.). However, handcuffing an arrestee to a wheelchair is prohibited.
3. Department members should follow procedures outlined in the Department directive entitled "[Transportation of Arrestees Requiring Wheelchairs.](#)"
4. Guidance in transporting a person who uses a wheelchair is available through the Office of Emergency Management and Communications (OEMC) or Crime Prevention and Information Center (CPIC).

B. Deaf and Hard of Hearing

1. The Deaf and Hard of Hearing communicate with hand gestures and by writing. Under controlled conditions and when safe to do so, arrestees that are deaf or hard of hearing should be restrained in a manner that allows for communication without jeopardizing the safety of Department members, the arrestee, or others.
2. Department members will use only Department-authorized sign language interpreters for all incidents involving a person who is deaf, hard of hearing or who has a speech impairment except in the following situations:
 - a. when exigent circumstances exist that are not reasonably foreseeable and immediate interpretation is required to protect the safety of individuals present and prevent the loss of property.
 - b. when a Department service is requested by a person who is deaf, hard of hearing or has a speech impairment which is informational in nature, non-confrontational and does not require an emergency response.

NOTE: Under these circumstances, Department members may use non - authorized members or non-Department members for interpretation. Family members and friends will not be permitted to interpret for deaf, hard of hearing or speech impaired individuals during a criminal investigation, unless the conversation is non-confrontational in nature and only requires obtaining basic information.

3. Department members who require a sign language interpreter to communicate with a person who is deaf, hard of hearing, or has a speech Impairment will:
 - a. contact CPIC to request a sign language interpreter.
 - b. delay the interrogation, pending the arrival of an interpreter.
 - c. meet with the interpreter before the interrogation process begins to familiarize him with the questions that may be asked of the accused.
 - d. inform the arrestee that the sign language interpreter is provided without cost to the arrestee.
 - e. speak clearly to the arrestee in a normal tone and avoid rushing the interrogation in a manner which will not identify all of the details of the incident being investigated.
 - f. inform the interpreter to maintain all interpreted and assignment related information confidential, and that they will not be permitted to counsel, advise or include their personal opinion while interpreting for an arrestee.
 - g. document the use of an interpreter in any report completed for the incident and record the interpreter's name and if the interpreter is not Department-authorized, the reason they were used.
4. Sign language interpreters will be positioned within sight of the deaf, hard of hearing, and/or speech impaired person. The interpreter's translation will follow closely after the words of the sworn member conducting the interrogation.
5. Family members and friends will normally not be permitted to interpret on behalf of an accused that is deaf, hard of hearing or has a speech impairment during the interrogation.

NOTE: Department members will not unreasonably endanger themselves or another person to conform to this restriction if circumstances exist that might pose an immediate threat or safety concern. Department members will be required to justify any actions taken when using a family member or friend to interpret.

C. Service Animals

1. Under the ADA, a service animal is defined as a dog that has been individually trained to do work or perform tasks for an individual with a disability. The task(s) performed by the dog must be directly related to the person's disability. The ADA does not restrict the type of dog breeds that can be service animals.
2. Service animals must be harnessed, leashed, or tethered, unless these devices interfere with the service animal's work or the individual's disability prevents using these devices. In that case, the individual must maintain control of the animal through voice, signal, or other effective controls. The ADA does not require service animals to wear a vest, ID tag, or specific harness.
3. Emotional support, therapy, comfort, or companion animals are **not** considered service animals under the ADA. These terms are used to describe animals that provide comfort just by being with a person. They have not been trained to perform a specific job or task, therefore they do not qualify as service animals under the ADA.

NOTE: There are individuals and organizations that sell service animal certification or registration documents online. These documents do not convey any rights under the ADA and the Department of Justice does not recognize them as proof that the dog is a service animal.

4. When an arrestee is accompanied by a service animal, as defined in this directive, the service animal will be allowed to remain with the arrestee throughout the arrest process. The service animal should not be separated from the owner.
5. The service animal will remain with arrestee in a separate cell. The arrestee will be accompanied by a Department member when the arrestee needs to take the service animal outside the facility to relieve itself.
6. If the arrestee is arrested for a Felony or a Misdemeanor for which bond cannot be posted and the arrestee is scheduled to court, the station supervisor will:
 - a. assist the arrestee in contacting a friend or family member to pick up the service animal.
 - b. if the arrestee has no one to pick up the animal or the individual cannot pick up animal before the arrestee is transported to county or court, contact Chicago Animal Care and Control (CACC) at 312-747-1412, 24 hours, and explain that they have a service dog that requires transport to a shelter. CACC will arrange transportation to an approved shelter.
 - c. explain to the arrestee that CACC will transport the animal to an approved shelter. The arrestee will be given the location where the service animal will be staying until the arrestee can make arrangements for the animal to be picked up by the arrestee or a person designated by the arrestee.
 - d. provide the arrestee's information, including the RD#, to the CACC transport officer and obtain the location where the animal will be taken and provide the shelter information to the arrestee.
7. If the animal cannot be controlled by the arrestee, station supervisors can assume that the animal is not a legitimate service animal. The station supervisor will:
 - a. contact CACC to pick up the animal as prisoner property and explain the situation to them, providing arrestee's information including RD#.
 - b. provide the arrestee with the Legal Notice CPD-11.468 (Rev. 11/12)
 - c. inventory animal in accordance with procedures outlined in the Department directive entitled "[Incidents Involving Animals.](#)"

D. Access to Department Facilities and Services by the General Public

1. Department members will:
 - a. make reasonable modifications in procedures to accommodate people with disabilities when a Department facility is not accessible due to physical barriers (e.g., steps, doorways, etc.)
 - b. utilize an alternative method to provide the requested service (e.g., speaking with/interviewing the person outside the Department facility.)
 - c. permit entrance through an alternate area of the facility and provide the requested service.
2. When there is no designated "Handicapped Parking" provided, a person with disabilities will be permitted to park:
 - a. in close proximity to the Department facility, or

- b. in parking areas designated "Department Vehicles Only."
 - 3. Sign language interpreters are available for all Department sponsored events which are open to the public (e.g. workshops, seminars, community meetings) and must be provided when such services are required.
- E. **Department Publications** (e.g. public notices, pamphlets, and newsletters) will:
- 1. be available in taped text, Braille, and large-print formats, and
 - 2. contain a statement affirming the Department's policy to observe the laws that guarantee the rights of people with disabilities to equal access.

IV. RELEVANT STATUTES

- A. The corresponding Bureau of Detectives Area based on the district of arrest will retain the responsibility for the followup investigation and charging for anyone arrested for violating the following sections of the Illinois Compiled Statutes. These statutes have provisions applicable to the victim of an offense who is a person with a disability.
- 1. Aggravated Assault - [720 ILCS 5/12-2(b)(1)]
 - 2. Aggravated Battery - (720 ILCS 5/12-3.05)
 - 3. Aggravated Criminal Sexual Assault - (720 ILCS 5/11-1.30)
 - 4. Criminal Sexual Abuse - (720 ILCS 5/11-1.50)
 - 5. Aggravated Criminal Sexual Abuse - (720 ILCS 5/11-1.60)
 - 6. Financial exploitation of an Elderly or Disabled Person (720 ILCS 5/17-56)
 - 7. Criminal Neglect of an Elderly or Disabled Person - (720 ILCS 5/12-21)

V. DISABILITY PARKING ENFORCEMENT

- A. The Illinois Secretary of State's Office issues disability parking placards to people with disabilities or to not-for-profit organizations' vehicles that transport people with disabilities. As of 01 January 2014, the four types of disability parking placards authorized by Illinois Secretary of State's Office are:
- 1. Meter-Exempt Permanent Placards (yellow-and-gray-striped):
 - a. are issued to persons with permanent disabilities who have significant impairments that cause difficulty in accessing a parking meter.
 - b. allows the authorized holder to park in spaces reserved for persons with disabilities, such as at a mall, grocery, retail store, etc.
 - c. **EXEMPTS** the authorized holder from the payment of parking meter fees and time limitations, except at meters or signs with time limitations of 30 minutes or less.
 - d. must be displayed in clear view, hanging from a rear-view mirror or on the dashboard.

NOTE: All vehicles, including those with Persons with Disabilities or Disabled Veteran license plates, must display the Meter-Exempt Placard to qualify.
 - 2. Permanent Placards (blue):
 - a. are issued to persons with permanent disabilities and allow authorized holders to park in spaces for persons with disabilities, such as a mall, grocery, retail store, etc.
 - b. **DO NOT exempt** authorized holders from payment of parking meter fees and time limitations at parking meters.

NOTE: An old blue placard can still be used to park in reserved disabled parking spaces until the expiration date printed on the placard.

3. Temporary Placards (red):
 - a. are issued to persons with a temporary disability and are valid for the length of time indicated by the certifying physician, not to exceed six months if issued by the Secretary of State or up to 90 days if issued by a local municipality.
 - b. **DO NOT exempt** authorized holders from the payment of parking meter fees and time limitations at parking meters.
 4. Organization Placards (green):
 - a. are issued to organizations that transport persons with disabilities free of charge and allow the authorized agent to park in spaces reserved for persons with disabilities when transporting such persons. These expire on 30 April 2018.
 - b. **DO NOT exempt** authorized agents from the payment of parking meter fees and time limitations at parking meters but do allow the authorized agent for the organization to park in spaces reserved for persons with disabilities when transporting persons with disabilities.
- B. The State of Illinois no longer exempts meter payment for disability placards issued by another state. However, disability placards issued by other states will be valid to allow parking in designated disability parking spaces in public or private parking areas.
- C. Examples:



- D. Key Disability Parking Ordinances
1. MCC Chapter 9-64-050(j). Park in a Disabled Parking Zone on street, public lot or private lot.
 2. MCC Chapter 9-64-190(a). Unlawful to park in a metered zone, Non-Central Business District, without paying the designated amount.
 3. MCC Chapter 9-64-190(b) Unlawful to park in a metered zone, Central Business District, without paying the designated amount.

4. 625 ILCS 5/11-1301.1 Disabled Parking Privileges/Exemptions

EXCEPTION: Such vehicle shall be subject to the laws which prohibit parking in "no stopping" and "no standing" zones in front of or near fire hydrants, driveways, public building entrances and exits, bus stops and loading areas, and is prohibited from parking where the motor vehicle constitutes a traffic hazard, whereby such motor vehicle shall be moved at the instruction and request of a law enforcement officer to a location designated by the officer.

(Items indicated by italics/double underline were revised or added.)

Authenticated by KC

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Superintendent of Police

T15-208 SDR