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U.S. Department of Justice

Public Access Section

FAX



Date: 10/22/93

To: Stan Herr

Organization: White House

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Notes: I am sending you a briefing memorandum (7 pages)
and attachments (2 status reports and 13 press releases).

Because of the number of pages, I'll send it in ^{three} ~~two~~ batches.

Stan, if you are interested in having other ADA

background materials (the regulations,
Technical Assistance Manuals, and
the I. Ke) I will be happy to send
them over to you.

John

of pages 24
(including cover sheet)

I of III

STATUS REPORT: IMPLEMENTATION OF THE ADA BY THE DEPARTMENT OF JUSTICE

I. Responsibilities

The Attorney General's enforcement and technical assistance responsibilities under the Americans with Disabilities Act are assigned to the Civil Rights Division. Within the Division, these responsibilities are distributed among three Sections -- the Public Access Section (PAS), the Coordination and Review Section (CRS), and the Employment Litigation Section (ELS). Following is a list of these responsibilities with the appropriate Section indicated in parentheses.

A. Litigation authority

1. Title I (State and local government employment) (ELS)
2. Title II (State and local government services, programs, and activities) -- All title II cases referred for litigation by Federal administrative enforcement agencies. (PAS)
3. Title III (public accommodations; commercial facilities; examinations and courses related to education, professional, or trade purposes) (PAS)

B. Administrative resolution of State and local government complaints (CRS)

Investigation and voluntary resolution of complaints under title II for which the Department of Justice is the "designated agency" under 28 C.F.R. pt. 35 (includes mostly complaints related to law enforcement, public safety, courts, correctional institutions).

C. Technical assistance (PAS)

1. Technical assistance grant program.
2. ADA Telephone Information Line.
3. Technical Assistance Manuals, including annual supplements.
4. ADA Electronic Bulletin Board.
5. Coordination of ADA technical assistance activities of all other Federal agencies.
6. ADA Speaker's Bureau (also CRS).
7. Issuance of technical assistance or "policy" letters in response to requests for policy guidance (also CRS).

D. Certification that State and local building codes meet or exceed ADA standards (PAS)

1. Response to requests for certification.
2. Response to requests for review of model codes.
3. Technical assistance to code officials and private sector organizations.

E. Regulatory and interagency responsibilities (CRS)

1. Development and review of ADA-related regulations.
2. Coordination of title II policy among the eight designated Federal administrative enforcement agencies.
3. Coordination of Federal disability rights policy through the ten-agency Interagency Disability Coordinating Council.
4. Development of ADA Standards for Accessible Design (covering new construction and alterations) as member of Architectural and Transportation Barriers Compliance Board.

II. Accomplishments

Title II of the ADA:

- The Coordination and Review Section is currently investigating nearly 800 complaints alleging violations of title II.
- Fifty-five complaints have been successfully resolved by the Coordination and Review Section without the necessity of litigation or formal settlement agreements. They involved the provision of auxiliary aids for persons with speech, hearing, and vision impairments; accessibility to programs offered in inaccessible facilities and the modification of policies and procedures that discriminate against individuals with disabilities. Resolutions have been reached with entities such as prisons, State correctional systems, State licensing and certification boards, courts, and county and local governing boards.
- The Department filed amicus briefs in two cases arguing in favor of the availability of damages under title II of the ADA. In Galloway v. Superior Court of the District of Columbia, the district court subsequently awarded \$30,000 to a blind individual who was barred from jury duty.
- The Department's first formal settlement agreement under title II was entered into on March 17 with the Paulding County, Ohio, Board of Commissioners. The Board agreed to relocate court activities to a site that is accessible to individuals with mobility impairments upon reasonable notice.

- On June 29, the Department entered into the first formal settlement agreement under title II with a local police department. The Clearwater, Florida, police department established a policy detailing procedures for providing sign language interpreters for deaf and hard-of-hearing arrestees, witnesses and victims. The policy will serve as a model for law enforcement agencies throughout the country.
- On October 6, the Department entered into a settlement agreement with the Utah State Administrative Office of the Courts, requiring all courts in Utah to provide qualified interpreters for deaf jurors at the courts' expense.

Title III of the ADA:

- The Public Access Section is currently investigating 800 complaints under title III of the Americans with Disabilities Act.
- The Department recently filed lawsuits against two dentists who refused to treat individuals with HIV.
- On May 26, a Federal district court in Chicago entered the first consent decree in an ADA case, resolving the Department's complaint against a chain of department stores that made it more difficult for individuals without a driver's license, such as disabled individuals, to pay by check.
- In March, the Department entered into its first formal settlement agreement under title III, resolving the United States' complaint that the Municipal Credit Union in New York City was inaccessible to individuals in wheelchairs.
- The Department entered a number of formal settlement agreements with public accommodations under title III of the ADA that have led to greater accessibility for people with disabilities. For example:
 1. The Intercontinental Hotel in New York, N.Y., has made a major commitment to remove physical barriers in its lobby, ballroom, and guest rooms and to provide accessibility features for people with vision and hearing impairments.
 2. The Quality Inn Downtown in Washington, D.C., agreed to pay \$10,000 in compensatory damages to an individual who was prevented from taking his motorized scooter to his guest room.

3. Sardi's Restaurant in New York, N.Y., has agreed to install a unisex accessible restroom and appropriate signage.
- ~~Additional technical assistance grants totaling \$3.1 million were awarded to sixteen organizations to conduct projects promoting voluntary compliance with the ADA and a recent IRS mailing sent information about the ADA to over six million businesses.~~

For more information about the Division's enforcement activities, please refer to the attached Title II and Title III Status Reports and the attached 13 press releases.

III. Division Goals and Upcoming Activities

The Division has adopted the following goals for its enforcement of the ADA.

For title I, the Employment Litigation Section will initiate litigation against State and local governments to redress discriminatory employment practices.

For title II, the Coordination and Review Section will:

- Continue to investigate the nearly 800 complaints alleging violations of the ADA by State and local governments, including major inquiries about prison systems, courts, and municipal stadiums.
- Publish regulations on the coordination of the handling of ADA employment complaints by the Federal government.
- Publish comprehensive standards for what constitutes accessible facilities for State and local governments, standards that will change the obligations of every State and municipality in the country.
- Reach settlement agreements in several major complaint investigations now underway, including several large cities concerning the provision of direct access to their 911 telephone systems for persons who use telephone text devices, and ~~assuring access to the over 30 Olympic venues for the 1996 Olympic Games in Atlanta.~~

For titles II and III, the Public Access Section will:

- Undertake ~~enforcement actions~~, including litigation in Federal district court and formal voluntary settlement agreements, in each region of the country in order to deter "foot-dragging" by covered entities. This includes filing lawsuits against several businesses that made extensive

alterations to their facilities, but failed to make them accessible.

- Continue to obtain voluntary compliance informally, without the need to litigate, in a wide range of investigations, including making one of the largest restaurants in the United States accessible, making the observation deck of the Empire State Building open to all, and requiring several hotels to provide special communication devices for people with hearing impairments.
- Continue investigation of the over 950 complaints of title III discrimination now on hand in the Division, including those relating to the accessibility of the 1996 Olympic Games.
- Provide effective technical assistance to private businesses, State and local governments, and people with disabilities to enable them to understand their rights and responsibilities under the ADA and to promote voluntary compliance, including a project to distribute information about the ADA in 7600 grocery stores nationwide that serve an estimated 120,000,000 shoppers per week; and a project to distribute ADA information through a mail service that reaches more than 90,000 people including State governors, lieutenant governors, secretaries of state, attorneys general, legislators, librarians, policy analysts, and political science professors.
- Undertake a special project to evaluate the extent of compliance with the new construction and alterations requirements of the ADA by notifying architects and other design and construction professionals with active projects about the ADA; offering them free technical assistance materials; and monitoring compliance by reviewing a sampling of architectural plans for projects that are being designed or are under construction.
- Make the first formal finding on certification, determining whether the building code of the State of Washington meets or exceeds the ADA's accessibility standards.

IV. Areas for Improvement: Resources

In the short period of time since the ADA became effective, the Department of Justice has moved to create a credible enforcement effort. At the start of the fiscal year 1994, 50 professional staff have been assigned ADA responsibilities. However, because of the Department's comprehensive responsibilities under the ADA, this complement has proven to be inadequate to fully implement the ADA. A staff of 14 attorneys, three architects, and

three paralegals are responsible for investigation of over 950 pending complaints as well as handling all litigation under titles II and III. Furthermore, the Division's ADA Telephone Information Line, which receives over 2,000 calls per week, is staffed only from 1:00 p.m. to 5:00 p.m. each day with only two people on line at one time; the Public Access Section no longer opens every complaint alleging violations of title III of the ADA that it receives; and the seven investigators handling title II investigations in the Coordination and Review Section have a crushing workload of over 100 case investigations each.

The Attorney General has moved to alleviate some of the problems created by these staffing levels. She has directed the hiring of 10 persons to assist in operating the telephone information line. As a result, on January 26, 1994, the Department will for the first time fully staff the telephone information line. It will be open during the entire business day and will provide toll-free 800-number service. In addition, five new attorneys have been added to the Public Access Section, bringing to 14 the number of attorneys who handle ADA litigation for titles II and III. In addition, the Department is seeking additional positions for ADA enforcement in the request to OMB for the Fiscal Year 1995 budget.

Despite these recent efforts to bolster the Division's staff for ADA enforcement, the major problem facing the Department as it seeks to make the promise of the ADA a reality is inadequate staff resources. In its title III enforcement efforts, the Division now turns away more complaints of violations than it opens for investigation; and 14 attorneys to handle all ADA litigation for 5.9 million public accommodations and all State and local governments is simply too few. The seven investigators of title II complaints in the Coordination and Review Section are incredibly overworked and, because of heavy caseloads, cannot keep up with the number of investigations. Disability rights groups and some members of Congress have gone public with their concerns over the small amount of resources committed to ADA enforcement. Their stated fear is that, without a stronger public show of enforcement, the ADA will be viewed as a paper tiger and will encourage foot-dragging or total noncompliance.

The Department of Justice has provided \$6.5 million in grants in the three years since the ADA became effective. The purpose of these grants is to provide information about the ADA specifically targeted to entities covered by the law to assist them in understanding their ADA responsibilities while providing low-cost, effective suggestions on how to comply, and to inform persons with disabilities about their

rights under the ADA. The Department of Justice would like to see an increase in the funding available for grants to business and disability organizations to promote voluntary compliance with the ADA and to avoid costly litigation. In addition, the Department would like to engage in a media campaign to increase public awareness about the ADA, in the belief that greater knowledge will bring about fuller compliance. Efforts to increase the technical assistance budget for the ADA have not been successful. An increase of only several million dollars in this area would make substantial headway toward reaching the goals of the ADA.

One final problem concerns the name of the Public Access Section in the Civil Rights Division. The disability rights community has stated that the name of the section does not clearly identify its mission and creates public confusion (some think the Section handles cable television issues). The Attorney General has promised to change the name of the section, has solicited ideas from the disability rights community, and anticipates changing the section's name after a new Assistant Attorney General for Civil Rights is in place.

Enclosures



Status Report

October, 1993

Enforcement of the Americans with Disabilities Act Title III

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Background

- Title III of the Americans with Disabilities Act (ADA), which bans discrimination on the basis of disability by public accommodations, went into effect generally on January 26, 1992.
- Public accommodations such as restaurants, hotels, theaters, doctors' offices, pharmacies, retail stores, museums, libraries, parks, private schools, and day care centers, may not discriminate on the basis of disability. Private clubs and religious organizations are exempt.
- Reasonable changes in policies, practices, and procedures must be made to avoid discrimination.

Auxiliary Aids

- Auxiliary aids and services must be provided to individuals with vision or hearing impairments or other individuals with disabilities, unless an undue burden would result.

Physical Barriers

- Physical barriers in existing facilities must be removed, if removal is readily achievable. If not, alternative methods of providing the services must be offered, if they are readily achievable.
- All new construction in public accommodations, as well as in "commercial facilities" such as office buildings, must be accessible. Elevators are generally not required in buildings under three stories or with fewer than 3,000 square feet per floor, unless the building is a shopping center, mall, or a professional office of a health care provider.
- Alterations must be accessible. When alterations to primary function areas are made, an accessible path of travel to the altered area (and the bathrooms, telephones, and drinking fountains serving that area) must be provided to the extent that the added accessibility costs are not disproportionate to the overall cost of the alterations. Elevators are required as described above.
- Entities such as hotels that also offer transportation must generally provide equivalent transportation service to individuals with disabilities. New fixed-route vehicles capable of carrying more than 16 passengers must be accessible.

Enforcement

- The Public Access Section of the Civil Rights Division of the Department of Justice has responsibility for investigating and litigating complaints alleging violations of title III. It also handles the Department's litigation under title II (covering actions by State and local governments) of the Act.
- The Public Access Section has encouraged voluntary compliance by providing education and technical assistance to business, industry, and members of the general public.
- Where public accommodations are alleged to be out of compliance, the Section has opened complaint investigations, entered into many important settlement agreements, filed four lawsuits, intervened in a fifth and participated as amicus in five others.

Remedies

- Individuals may bring private lawsuits to obtain court orders to stop discrimination, but money damages cannot be awarded.
- Individuals can also file complaints with the Attorney General who may file lawsuits to stop discrimination and obtain money damages and penalties.

Active Investigations and Compliance Reviews

The Department attempts to resolve most complaints through informal or formal settlement agreements and is authorized to file civil actions and seek monetary damages and civil penalties.

The Public Access Section has received complaints from individuals in 50 States, the District of Columbia, and Puerto Rico. The section is currently investigating over 1200 complaints lodged against all categories of entities covered by the ADA. The complaints allege a wide variety of violations, including discriminatory policies, lack of auxiliary aids, and failure to remove barriers in existing facilities.

The Department will soon begin compliance reviews of new construction and alterations projects that are in the planning phases for facilities around the country. These reviews follow a December 12, 1992, notification to all contractors and architects with active projects in 15 States of the ADA's alterations requirements (effective January 26, 1992) and new construction requirements (effective January 26, 1993.)

First Consent Decree

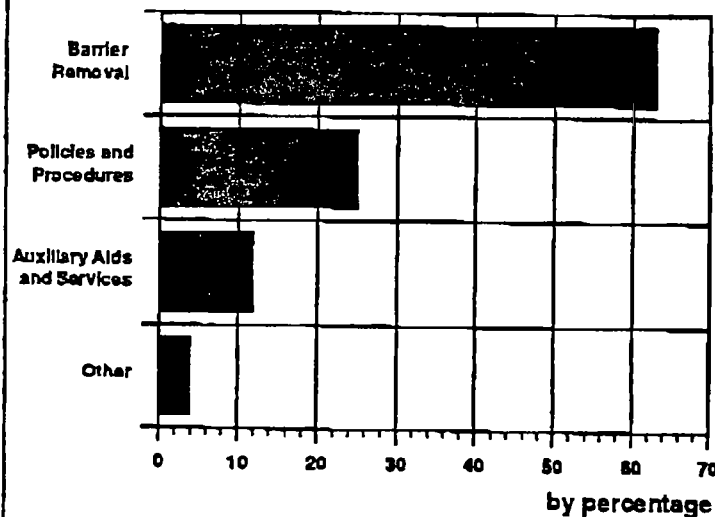
U.S. v. Venture Stores, Inc., Illinois

On May 26, 1993, a Federal District Court judge signed a consent decree resolving a lawsuit filed by the Department against Venture Stores, Inc., a St. Louis, Missouri, firm that operates more than 90 discount department stores in eight states.

Under the agreement, Venture will now accept state ID cards as identification and will make payments to the four individual complainants.

The Department's complaint charged that Venture's check payment policy violated the ADA because it permitted only those customers with drivers' licenses to pay for merchandise with a personal check. Individuals who did not have a drivers' licenses because of their disabilities could not pay by check even if they had a state-issued identification card, unless they obtained a special check-cashing card.

Complaints by Type



Litigation

U.S. v. Becker CPA Review, Inc., District of Columbia

On December 28, 1992, the Department of Justice filed its first lawsuit under the ADA, against Becker CPA Review for failing to provide effective auxiliary aids to students with hearing impairments. Becker, the nation's largest CPA review course, prepares over 10,000 students a year to take the national certified public accountant exam. The Department is seeking (1) a permanent change in Becker's policy so that sign language interpreters are provided to those who need them; (2) civil penalties; and (3) damages for the original complainant, two other people with hearing impairments who have reported that they were not accommodated, and any others who may have had similar experiences.

Pinnock v. International House of Pancakes (IHOP), California

The Department has intervened in a private action in which the defendant is challenging the constitutionality of the ADA. The plaintiff claims that IHOP failed to undertake readily achievable barrier removal and to provide auxiliary aids and services. Pursuant to Federal statute, the Attorney General was notified of the defendant's constitutional challenge, so that the United States would have the opportunity to intervene in the matter and defend the constitutionality of the statute. The Department's brief was filed on July 27, 1993.

Kinney v. Yerusalim, Pennsylvania

A class of persons with mobility impairments sued the City of Philadelphia and charged that the City violated title II of the ADA by failing to install curb cuts whenever it resurfaced its streets. The Federal District Court found in favor of plaintiffs, and the City appealed. On May 10, 1993, the Department filed a friend of the court brief in the United States Court of Appeals for the Third Circuit. In its brief, the United States argued that the lower court correctly found a violation of title II. The United States also argued that the lower court properly held there is no "undue burden" defense in a case involving alterations, which include street resurfacing.

Livingston v. Guice, North Carolina

The plaintiff, who uses a wheelchair, filed suit in Federal District Court alleging that the State of North Carolina and a State court judge violated title II of the ADA by preventing her from entering a courtroom through the only accessible entrance known to her. On March 4, 1993, the Department filed, as amicus curiae, a memorandum in response to defendants' motion to dismiss. The Department argued that the States have no Eleventh Amendment immunity from ADA suits, that there is a private right of action for damages under title II, and that the court should not postpone a decision in this case until the Department acted on a related administrative complaint.

Galloway v. Superior Court of the District of Columbia, District of Columbia

A blind person filed suit in Federal District Court charging that the Superior Court's policy of excluding persons from jury service based solely on their disability violates title II of the ADA and section 504 of the Rehabilitation Act of 1973. The District Court found a violation of both statutes. On May 4 and 21, 1993, the Department filed, as amicus curiae, memoranda supported the plaintiff's argument that compensatory damages are available remedies under both the ADA and section 504. The District Court agreed, in an oral opinion issued on July 26, 1993, and awarded the plaintiff \$30,000 in damages.

Medical Society of New Jersey v. New Jersey State Board of Medical Examiners, New Jersey

The Medical Society of New Jersey filed suit challenging certain questions on the State medical board's application for renewal of medical licenses. The Department filed a brief as amicus curiae on September 30, 1993, arguing that broad questions pertaining to a history of psychiatric illness or a history of drug or alcohol abuse, not drawn to focus on current impairments of a physician's fitness to practice medicine, are discriminatory under Title II of the ADA.

U.S. v. Morvant, Louisiana
U.S. v. Castle Dental Center, Texas

On October 4, 1993, the Department brought suits against a dentist in New Orleans and a dental center in Houston alleging that they have violated title III of the ADA by refusing to provide dental treatment to individuals who have tested positive for HIV. These are the first suits brought by the Department involving HIV and AIDS. The Department believes that there is no scientific or medical justification for excluding persons with HIV or AIDS from dental or orthodontic treatment solely on the basis of their HIV+ status.

Formal Settlement Agreements

In some cases, a voluntary agreement is reduced to writing as a formal settlement agreement, which is signed by both the Department and the respondent. A formal settlement agreement includes provisions for enforcement, but does not involve court action.

First Settlement Agreement Under Title III

In March 1993 the Department entered into its first formal settlement agreement under title III. The agreement resolved a complaint that a branch of the Municipal Credit Union in New York City could only be entered by steps and was therefore inaccessible to people who use wheelchairs, as well as to people with other mobility impairments. The complaint alleged that the Credit Union had failed to take steps to remove barriers to access and that such removal was readily achievable. The Credit Union agreed to install a permanent ramp at the entrance, to notify its customers of the change, post appropriate signs, and instruct the staff to provide any requested assistance to individuals with disabilities.

Inter-Continental Hotel, New York

In July 1993 the Department reached a formal settlement agreement with the Inter-Continental Hotel in midtown New York, a member of a chain of prestigious hotels in major cities. The hotel will

make numerous changes to its 691-room facility and procedures over the next five years, including removing physical barriers in public areas such as the front entrance, lobby, and ballroom, as well as in 21 guest rooms; providing television decoders, telephone handset amplifiers, visual smoke alarms, and visual door knock and telephone indicators in 35 guest rooms; making elevator modifications to provide access for persons with vision impairments; and modifying reservation and room assignment policies to ensure that accessible rooms are made available to those who request them. *Room redistrict*

Quality Hotel Downtown, Washington, DC

In July 1993 the Department entered into a formal settlement with the owner of the Quality Hotel Downtown in Washington, D.C., resolving a complaint that hotel staff had not permitted a hotel guest to use a motorized scooter as a mobility device to get to his room. The hotel agreed to pay the complainant \$10,000 in damages and to require all hotel employees to undergo training on the requirements of the ADA.

Sardi's Restaurant, New York

In July 1993 the Department entered into a formal settlement with the owner of Sardi's Restaurant in New York, New York, resolving a complaint that the restaurant's restrooms were inaccessible for persons who use wheelchairs or other mobility devices. Sardi's agreed to install an accessible unisex restroom and signage indicating the location of the restroom.

Informal Resolution of Complaints

A number of complaints have been successfully resolved without litigation or a formal settlement agreement. In some instances, the public accommodation promptly agreed, after learning of the complaint, to take action to resolve the issues. In others, extensive negotiation took place. Following are some examples of successful outcomes.

Existing facilities: barrier removal

- A national retail chain agreed to provide accessible parking at its stores nationwide, and a major rental car company agreed to provide accessible parking at a major metropolitan airport and to institute valet parking service when needed by customers with disabilities.
- A bank agreed to install a ramp to make its front entrance accessible for people who use mobility devices.
- A convenience store of a well-known franchise agreed to make three of its checkout aisles, including one express lane, accessible for people who use mobility devices.
- A credit union agreed to lower an ATM machine to make it accessible for persons who use wheelchairs.
- A health club agreed to install a lift to enable a wheelchair user to participate in an arthritis rehabilitation program in the club's swimming pool.
- Organizers of the Mississippi Delta Blues Festival, which draws some 10,000 to 20,000 spectators each year, took a number of steps to make its parking, seating, restrooms, and festival grounds accessible for people with disabilities when the festival was held last month in Greenville, MS.

Communications: auxiliary aids

- Several movie theatres have agreed to provide assistive listening devices for patrons who have hearing impairments.
- A variety of other public accommodations, including a practicing attorney, a midwife service, a psychiatric hospital, an art institute, and a program to reduce domestic violence have agreed to provide sign language interpreters to communicate effectively with clients who are deaf or hard of hearing.

Discrimination in policies

- A mortgage company agreed to pay damages to a complainant who alleged that the company rejected, on the basis of his disability, his application for refinancing his mortgage loan. The mortgage company paid to the complainant direct expenses that were sustained as a result of refinancing his mortgage elsewhere, and other damages, with a total payment of \$6,000.
- A rental car company revised its policy relating to cash qualifications for rental car customers. Previously, customers who did not have credit cards could only rent a car with cash if they had a verifiable employment history. A person with a disability who was unemployed due to the disability, and who did not have a credit card, was denied service altogether. Now customers may complete a written application that includes disability-related income as an alternative to employment information.
- A retirement home agreed to eliminate its policies of not permitting wheelchairs in the dining room and charging a surcharge for room service for individuals who could not enter the dining room without their wheelchairs.
- A movie theatre that had prevented a woman from bringing a box of cookies into the theatre for her diabetic child agreed to modify its policy against outside food and beverages by making an exception in the case of medical necessity.
- A drugstore chain agreed to modify its policy against permitting animals in its stores by making an exception in the case of service animals such as guide dogs.
- A famous restaurant in New York City that had turned away a customer who was wearing sneakers due to a mobility impairment agreed to modify its dress code by making an exception when necessary to provide service to a person with a disability.

Certification

The ADA authorizes the Department to certify that State or local laws or building codes meet or exceed the ADA's minimum accessibility requirements. In enforcement proceedings, compliance with a certified code constitutes rebuttable evidence of compliance with the ADA.

The Department provides technical assistance to State and local governments and to private organizations seeking to develop accessibility codes that are equivalent to the ADA.

The Public Access Section recently issued its first response to a request for certification of a State accessibility code. The May 20, 1993, letter to the State of Washington is in the form of technical assistance and is not a formal preliminary determination of equivalency or nonequivalency. It includes a side-by-side analysis of the State's standards and the ADA standards.

The Department is also reviewing the 1992 revision of the American National Standards Institute (ANSI) Standard for Accessible and Usable Buildings and Facilities (CABO/ANSI A117.1-1992), in response to a request from the Council of American Business Officials for technical assistance.

Education and Technical Assistance

The Public Access Section is responsible for the Civil Rights Division's technical assistance program, which encourages voluntary compliance with the ADA through education, training, and information, and through grants to nonprofit organizations for similar activities. As part of this effort, the Section has produced handbooks, manuals, and fact sheets. It has mailed millions of copies of these documents and the ADA regulations issued by the Department, provided speakers for hundreds of conferences and

seminars, handled thousands of calls through its information line, and awarded \$6.5 million in grant funds for ADA technical assistance projects.

In 1993 the Public Access Section expanded the program by completing several directed mailings of ADA information in addition to continuing its ongoing distribution activities. Information about the ADA was mailed to 15,000 architects and contractors with active projects, 9000 public libraries, 500 AIDS service providers, and 5.9 million businesses.

Grants are awarded primarily to address the needs of targeted audiences. The projects being undertaken through the most recently awarded grants are:

The Access Video Fund will produce a videotape documenting efforts that are being made to achieve compliance with title II of the ADA.

Adaptive Environments has received support for an ongoing project to incorporate universal design concepts -- the concepts on which the ADA standards for accessible design are based -- into the curricula of architecture, interior design, industrial design, and landscape architecture schools and programs.

The American Association of Museums will develop materials to assist art, history, natural history, and science museums, historic buildings and sites, aquariums, botanic gardens, planetariums, zoos, and similar establishments in understanding their ADA compliance obligations.

The American Association of Retired Persons (AARP) will develop materials to guide older persons in understanding their rights under the ADA, develop materials to guide businesses and agencies that serve older persons in understanding their obligations under the ADA and the needs of older persons with disabilities, and provide ADA training to service providers and advocates who work with older persons.

The Arc will develop a packet of materials for Spanish and English-speaking persons with cognitive disabilities to explain their rights under the ADA, enlist its 140,000 members to reach out to their small local businesses to let them know where they can get accurate and reliable information about their ADA compliance obligations, and extend operation of a telephone line providing ADA information and assistance.

The Bazelon Center for Mental Health Law will document a cooperative undertaking by the State of South Carolina and an advocacy group representing persons with mental disabilities to work together on identifying ways in which the State's public benefit and social service programs discriminate against persons with mental illness, and to develop and implement plans to correct the identified problems. An evaluation of the results will be shared with other States that are interested in working cooperatively with advocacy groups to eliminate discrimination in their benefit and service programs.

The California Foundation on Employment and Disability will provide ADA booklets and other information and promotional materials in twelve languages -- Arabic, Armenian, Cantonese (Chinese), Dine (Navajo), Hindi (Asian Indian), Khmer (Cambodian), Korean, Mandarin (Chinese), Russian, Spanish, Tagalog (Filipino), and Vietnamese -- to inform individuals in minority language communities, including small business owners and service providers, of their rights and obligations under the ADA.

The Chief Officers of State Library Agencies (COSLA), through a grant to the Kansas State Library, will create and place a special collection of ADA materials -- manuals, booklets, pamphlets, videotapes, and reference lists -- in 15,000 public and university libraries throughout the United States. COSLA will also design an information campaign that librarians can use to let the public know that ADA materials are available in their library and will provide materials to guide librarians in understanding their ADA compliance obligations.

The Community Board Program will oversee a model project designed to develop effective mediation techniques to resolve ADA complaints. Mediators in San Francisco, Chicago, Denver, Boston, and Atlanta will be trained on the ADA and will then handle ADA cases. A study will document the effectiveness of ADA-trained mediators in assisting businesses and persons with disabilities in resolving complaints.

The Council of Better Business Bureaus' Foundation will produce ADA compliance guides for enterprises such as shoe repair shops, dry cleaners, and copy shops; travel agencies and tours; and professional offices such as lawyers and accountants. It will also produce a guide to bring members of the business community together with members of the disability community to discuss ways in which businesses can improve their markets by complying with the ADA.

The Disability Rights Education and Defense Fund will continue a telephone information line that was created under a prior ADA grant to assist persons with disabilities, businesses, State and local government agencies, and the general public in understanding the requirements of the ADA.

The National Association of Towns and Townships (NATaT) will produce ADA materials to provide training for regional and state ADA technical assistance providers to help them explain the ADA to small towns and townships. NATaT will also provide training on how to use the materials at its annual conference and promote use of the materials through its newsletter.

The Police Executive Research Forum (PERF) will produce materials for training police regarding the ADA rights of persons with mental illness. This project will be modeled on a prior ADA grant under which PERF produced materials to train police to recognize and respect the rights of persons who have epilepsy or other seizure disorders.

Telecommunications for the Deaf, Inc. (TDI) will develop a packet of materials that can be used by "911" operators and other emergency service operators for self-training on the proper handling of calls

from persons who use TDDs or computer modems and on testing and maintenance of their TDD equipment. TDI will work with the major associations of emergency service providers and other DOJ grantees to promote the use of the materials.

The U.S. Conference of Mayors will provide material on the requirements of title II of the ADA to more than 1,000 cities with populations of 30,000 or more, publish articles on the ADA in the association's monthly magazine, offer an ADA seminar at the association's annual conference, create a direc-

tory of city ADA coordinators, and select examples of good ADA practices as models for city officials charged with ensuring compliance with title II of the ADA.

The VIDEO Fund will produce a videotape version of a comprehensive ADA training program conducted by the Disability Rights Education and Defense Fund in 1992 under a contract with the Equal Employment Opportunity Commission and the Department of Justice.

Sources for Technical Assistance

The Public Access Section has established an ADA information line that is available 24 hours a day. Callers can choose to speak with an operator from 1 p.m. to 5 p.m. (EST) Monday through Friday, or at any time they can listen to recorded information or request technical assistance materials. The information line number is (202) 514-0301 (voice) or (202) 514-0383 (TDD).

Copies of documents mentioned in this publication, other than T.A. manuals, can be obtained by writing to:

Freedom of Information/Privacy Act Branch
Room 7337
Civil Rights Division
U.S. Department of Justice
Washington, DC 20530

The address of the Public Access Section is:

U.S. Department of Justice
Civil Rights Division
Public Access Section
Post Office Box 66738
Washington, DC 20035-6738

In addition, the U.S. Department of Education has funded centers in ten regions of the country to provide ADA technical assistance to the public. These centers can be reached by calling (800) 949-4232 (voice & TDD).



Status Report

October, 1993

Enforcement of the Americans with Disabilities Act Title II

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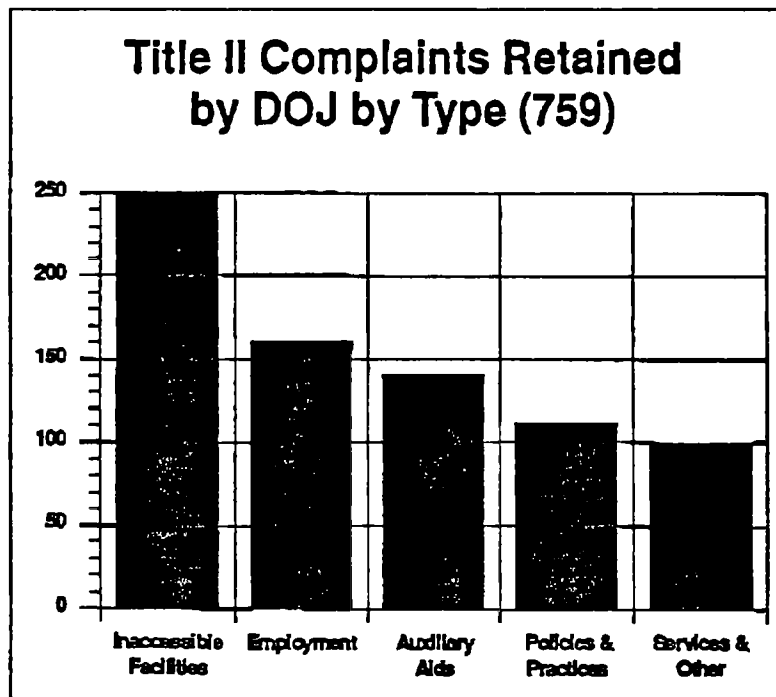
Background

- Title II of the Americans with Disabilities Act (ADA) prohibits discrimination against qualified individuals with disabilities on the basis of disability by State and local governments. The law generally went into effect on January 26, 1992.
- The Coordination and Review Section of the Department of Justice's Civil Rights Division coordinates the enforcement of title II by Federal agencies, and investigates complaints for which the Department of Justice is the designated agency.

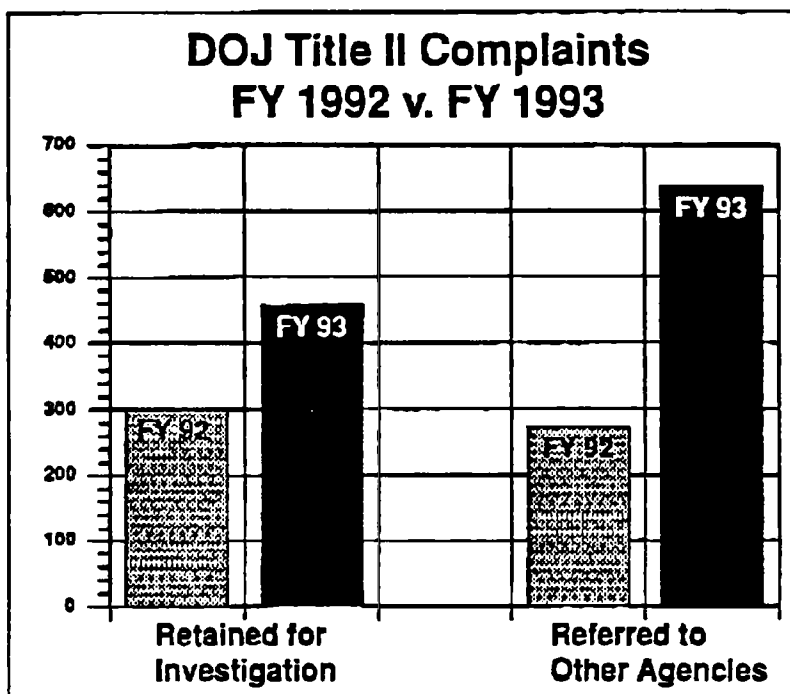
Complaint Investigations

The Coordination and Review Section has received 1,669 complaints alleging violations of title II since January 26, 1992. Of this number, 759 have been retained for investigation by the Department, which is one of the eight Federal agencies designated to conduct title II complaint investigations. Of this number, 301 were received in FY 1992 and 458 were received in FY 1993.

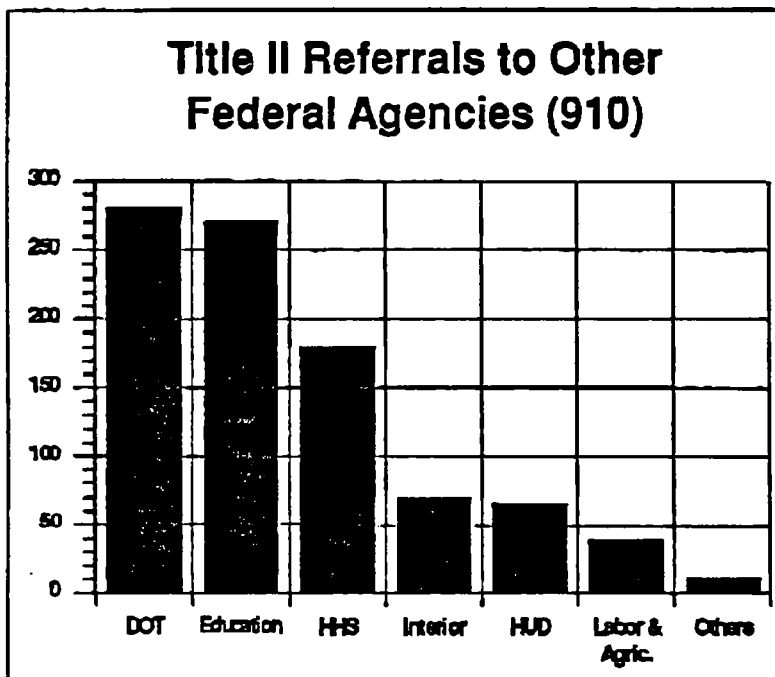
The Department investigates complaints involving public safety and the administration of justice (e.g., prisons, courts, police departments, fire departments) and other general government functions not assigned to other Federal agencies (e.g., personnel offices, election boards, municipal stadiums). The complaints allege a wide variety of violations, including physical inaccessibility, discriminatory policies, employment discrimination, and failure to provide auxiliary aids such as sign language interpreters and written material in alternate formats.



Title II complaint investigations follow the administrative enforcement model used by Federal agencies to enforce section 504 of the Rehabilitation Act of 1973, a forerunner of title II. These enforcement procedures are familiar to many State and local governments that receive Federal financial assistance.



The Section referred 910 of the 1669 total complaints received to the appropriate designated agencies: the Departments of Agriculture, Education, Health and Human Services, Housing and Urban Development, Interior, Labor, and Transportation. The Section routinely monitors referred cases.



The Process

The Coordination and Review Section staff investigate each complete complaint. When appropriate, in lieu of full-scale investigations, investigators use alternative dispute resolution techniques to resolve the issues.

 The Department may enter into a formal or informal agreement with a State or local government wishing to voluntarily come into compliance before an investigation is completed.

If a resolution is not reached or a settlement agreement cannot be negotiated, a formal Letter of Findings of noncompliance is issued. In cases where noncompliance is found, the Coordination and Review Section attempts to negotiate a voluntary compliance agreement with the entity. If these negotiations are unsuccessful, the case is referred to the Civil Rights Division's Public Access Section for litigation.

If an investigation is completed and no violation is found, a formal Letter of Findings of compliance is issued.

The Coordination and Review Section has issued 18 formal Letters of Findings of compliance. On June 14, 1993, the Section issued its first noncompliance Letter of Findings in which it found that a St. Louis County, Missouri, Court violated title II by providing auxiliary aids upon request only to individuals with business before the court or who seek employment at the court, but not to observers of courtroom proceedings. Negotiations in this case are ongoing and, if a resolution cannot be achieved, the case will be referred to the Public Access Section for litigation.

Formal Settlement Agreements

The Department has negotiated two formal settlement agreements.

Clearwater, Florida

On June 29, 1993, the Section entered into its first settlement agreement with a local police department. The complaint alleged that the police department had failed to provide an interpreter in the arrest of an individual who is deaf. The police department agreed to establish and publicize a written policy for providing interpreters whenever necessary for effective communication.

Paulding County, Ohio

On March 17, 1993, the Section entered into its first formal settlement agreement. In response to a complaint alleging that the county courtroom was inaccessible to individuals with mobility impairments, the County Board of Commissioners agreed to relocate court activities to an accessible site upon reasonable notice and to publicize its new policy.

Informal Complaint Resolutions

The Section has successfully resolved 50 complaints without litigation or formal settlement agreements. Some of these resolutions were achieved after an extensive negotiation process. In other cases, the public entity agreed to take action to resolve the issues directly upon learning of the complaint.

Examples of resolutions include the following:

Inaccessible Facilities

- A county agreed to resolve two complaints regarding the inaccessibility of programs offered in its courthouse. The county agreed to install an elevator and make other structural modifications and, in the interim, to provide alternative means for providing services to individuals with disabilities.
- A number of cities agreed to install elevators in their city halls and, in the interim, to move their programs to alternative accessible locations.
- A small city agreed to move all city meetings from the inaccessible second floor of the town hall to the city's accessible library. It also built ramps at two entrances to the town hall and remodeled restrooms in the town hall and library.
- A New England town agreed to build a roof over the ramp leading to its 150-year-old town hall to ensure that the ramp does not become blocked by snow.
- The officials of a small town admitted to parking in spaces reserved for individuals with disabilities. The town agreed to formulate and enforce a written policy prohibiting the misuse of such spaces.

Auxiliary Aids

- A Committee of Bar Examiners of a State bar agreed to allow a severely visually-impaired individual to use a personal computer with a high resolution monitor to take the bar exam.

- A State Department of Corrections agreed to provide an interpreter for a deaf inmate's parole hearing.
- A State District Court agreed to provide an assistive listening device to an individual who is hard of hearing for an upcoming court date.
- A city agreed to provide additional microphones during city council meetings to ensure more effective communication with persons with hearing impairments.

Policies and Procedures

- A State Board of Behavioral Science Examiners agreed to provide an accommodation to an individual with a learning disability in taking the oral examination for licensed clinical social worker.
- A police department agreed to allow a mobility-impaired individual to use his motorscooter on roads and sidewalks within city limits anywhere that conventional wheelchairs are allowed.
- A prison agreed to change its policies to allow a wife with a disability to visit her inmate husband.
- A State Department of Corrections agreed to relocate an inmate with a disability to a facility closer to his mother's home so that his mother could visit him and monitor his medical condition.
- A county government agreed to include individuals with disabilities in developing its self-evaluation and transition plans.
- A court agreed to move a court hearing to a pollution-free courtroom for a woman with severe chemical sensitivity.

- A State Board of Law Examiners agreed to allow an individual with a learning disability extra time to take the State bar examination as an accommodation to his disability.
- A police department agreed to change its policies and procedures on public contact after an individual with severe physical disabilities was treated in a demeaning manner at the scene of an automobile accident. The police officer involved received a reprimand and was required to attend sensitivity training.

Employment

- A county agreed to separate its medical and personnel records, as required by the ADA.

Investigations in Progress

Inaccessible Public Stadiums and Arenas

The Coordination and Review Section is investigating over 30 complaints alleging that public stadiums and arenas are inaccessible to individuals with mobility impairments. Several of these facilities have not yet been constructed, and it is alleged that the design plans do not meet the requirements of the ADA.

Licensing and Certification Examinations

A number of complaints have been filed against a major State Board of Law Examiners, and against other public licensing and accreditation boards, alleging that accommodations are not being provided to individuals with disabilities in order for them to take critical examinations. The Department is working with these Boards to develop statewide policies to accommodate people with disabilities.

Inaccessible Corrections Facilities and Programs

The Department is investigating three large State prison systems after receiving numerous complaints that inmates with mobility, hearing, and visual impairments were not being provided an equal opportunity to participate in correctional programs and activities.

Ineffective Communications in Emergency Telecommunications Systems

The Department is investigating complaints from individuals in several large cities alleging that their emergency "9-1-1" systems do not provide direct access for individuals who use telecommunications devices for deaf persons (TDD's).

For Further Information

To file a complaint, write to:

U.S. Department of Justice
Civil Rights Division
Coordination and Review Section
P.O. Box 66118
Washington, D.C. 20035-6118

(202) 307-2222 (Voice)
(202) 307-2678 (TDD)

The Public Access Section has established an ADA information line that is available 24 hours a day. Callers can choose to speak with an operator from 1 p.m. to 5 p.m. (EST) Monday through Friday, or at any time they can listen to recorded information or request technical assistance materials. The information line number is (202) 514-0301 (voice) or (202) 514-0383 (TDD).

U.S. Department of Justice

Public Access Section

FAX



Date: 10/22/93

To: Stan Herr

Organization: White House

Phone #: 456-2372

Fax #: 456-7028

From: John Wodatk

Organization: Public Access Section

Phone #: (202) 307-0663 (Voice & TDD)

Fax #: (202) 307-1198

Notes: The second batch.

of pages 27
(including cover sheet)

II of III



Department of Justice

FOR IMMEDIATE RELEASE
TUESDAY, OCTOBER 6, 1993

CR
(202) 616-2765
TDD (202) 514-1888

**JUSTICE DEPARTMENT SETTLES WITH UTAH COURT TO ENSURE DEAF
INDIVIDUALS MAY SERVE AS JURORS**

WASHINGTON, D.C. -- A Utah court has agreed to no longer exclude deaf individuals from jury service, under a settlement agreement announced today by the Department of Justice. Today's agreement resolves a complaint filed with the Justice Department alleging that the Salt Lake City district court required individuals who are deaf to provide their own interpreters in order to serve on jury duty.

The agreement with the Utah Administrative Office of the Courts is the first settlement agreement with a State court agency under title II of the Americans with Disabilities Act (ADA). Title II of the ADA prohibits discrimination against qualified individuals with disabilities on the basis of disability by State and local governments.

"Through their cooperation with the Department in resolving this complaint, the Utah Administrative Office of the Courts avoided costly litigation," said Acting Assistant Attorney General for the Civil Rights Division, James P. Turner. "It is

(MORE)

- 2 -

in the spirit of the ADA for local agencies to use scarce resources to comply with the law rather than to combat it."

The agreement, which affects all courts throughout Utah, incorporates the requirements of title II which obligate courts to provide appropriate auxiliary aids and services, including qualified interpreters, whenever necessary to give an individual with a disability an equal opportunity to participate in the court's programs.

The settlement agreement requires the Utah court agency to:

- o Establish a written policy on the provision of interpreters for jurors who are deaf or hard of hearing.
- o Secure, at the court's expense, the services of a qualified interpreter whenever necessary to ensure effective communication.
- o Publicize the policy through public notices in local newspapers.
- o Inform and instruct all appropriate district court officials responsible for conducting proceedings to comply with the policy.
- o Conduct at least four regional training seminars on how the Americans with Disabilities Act applies to jury trials and other court proceedings.

The agreement also permits the Justice Department to petition the U.S. District Court to seek specific performance of the agreement's terms if the court fails to comply.

#

93-306

SETTLEMENT AGREEMENT BETWEEN

THE UNITED STATES OF AMERICA

AND

THE UTAH STATE ADMINISTRATIVE OFFICE OF THE COURTS

Department of Justice Complaint Number 204-77-6

This matter was initiated by a complaint filed under title II of the Americans with Disabilities Act (ADA), 42 U.S.C. 12131-12134, with the United States Department of Justice (Department of Justice) against The Third Judicial District Court, Salt Lake County, Utah. The complaint was investigated by the Coordination and Review Section of the Civil Rights Division of the Department of Justice, under the authority of 28 C.F.R. pt. 35, subpt F. The complaint alleges that The Third Judicial District Court disqualified or otherwise excused individuals who are deaf or hard of hearing from jury duty unless they provide their own interpreting services.

The Department of Justice is authorized under 28 C.F.R. pt. 35, subpt. F, to investigate fully the allegations of the complaint in this matter to determine the compliance of The Third Judicial District Court with title II of the ADA and the Department's implementing regulation, issue findings, and, where appropriate, negotiate and secure voluntary compliance agreements. Furthermore, the Attorney General is authorized under 42 U.S.C. 12133, to bring civil action enforcing title II of the ADA should the Department fail to secure voluntary compliance pursuant to subpart F. In consideration of the terms of this Agreement as set forth below, the Attorney General agrees to refrain from undertaking further investigation or from filing civil suit in this matter.

The parties to this Agreement are the United States of America and the Utah State Administrative Office of the Courts, a public entity as defined by title II of the ADA. Pursuant to the provision of the ADA entitled "Alternative Means of Dispute Resolution," 42 U.S.C. 12212, the parties have entered into this Agreement. In order to avoid the burdens and expenses of possible litigation, the parties hereby agree as follows:

1. Title II of the ADA and its implementing regulation prohibit discrimination against qualified individuals with disabilities on the basis of disability in the services, programs, or activities of the district courts, such as jury service.

2. The district court must, upon notice, provide appropriate auxiliary aids and services when necessary to afford an individual with a disability an equal opportunity to participate in, and enjoy the benefits of, the district court's services, programs, or activities. Auxiliary aids and services include qualified interpreters.

3. An individual who is deaf or hard of hearing may not be excluded from jury service or otherwise treated differently because of the disability or because of the requirement for interpreting services.

4. The subject of this Settlement Agreement is the development of a policy to ensure that no otherwise qualified individual who is deaf or hard of hearing will be excluded from jury service because of the disability or because of the requirement for interpreting services.

5. The Utah State Administrative Office of the Courts has developed a written policy (attached), which requires that district courts provide qualified interpreters in those proceedings involving a prospective juror who is deaf or hard of hearing when necessary to ensure an equal opportunity to serve as a juror.

6. Beginning on the effective date of this Agreement, the Utah State Administrative Office of the Courts will inform and instruct all appropriate district court officials responsible for conducting proceedings to adhere to and comply with the provisions of this Agreement.

7. The Administrative Office of the Courts will, no later than January 31, 1994, conduct at least four regional training seminars addressing the practical application of the ADA and this Agreement in jury trials and other court proceedings.

8. Within thirty (30) days of the effective date of this Agreement, the Utah State Administrative Office of the Courts will publish the following notice or an equivalent on two separate occasions in a newspaper of general circulation serving Salt Lake County:

In accordance with the requirements of title II of the Americans with Disabilities Act, district courts of the State of Utah will not discriminate against qualified individuals with disabilities on the basis of disability in jury service. In order to ensure that a prospective juror who is deaf or hard of hearing is not denied an equal opportunity to serve as a juror because of the requirement for interpreting services, the district court will, upon notice, ensure such an equal opportunity by providing, at the court's expense, the services of qualified interpreters.

9. The Department of Justice may review compliance with this Agreement at any time. If it determines that this Agreement or any requirement thereof has been violated, it may institute civil action seeking specific performance of the provisions of this Agreement in an appropriate Federal court.

10. Failure by the Department of Justice to enforce this entire Agreement or any provision thereof with respect to any deadline or any other provision herein will not be construed as a waiver of the Department's right to enforce other deadlines and provisions of this Agreement.

11. This Agreement is a public document. A copy of this document or any information contained in it may be made available to any person. The Utah State Administrative Office of the Courts will provide a copy of this Agreement to any person upon request.

12. In the event that the Utah State Administrative Office of the Courts or the district court fails to comply in a timely manner with any requirement of this Agreement without obtaining sufficient advance written agreement with the Department as a temporary modification of the relevant terms of this Agreement, all terms of this Agreement will become enforceable in an appropriate Federal court.

13. The effective date of this Agreement is the date of the last signature below.

14. This Agreement constitutes the entire agreement between the parties on the matters raised herein, and no other statement, promise, or agreement, either written or oral, made by either party or agents of either party, that is not contained in this written agreement, will be enforceable. This Agreement does not purport to remedy any other potential violations of the ADA or

THE UTAH STATE

ADMINISTRATIVE OFFICE OF THE COURTS

POLICY ON JURY DUTY AND THE PROVISION OF INTERPRETING SERVICES

IT SHALL BE THE POLICY OF THE UTAH STATE ADMINISTRATIVE OFFICE OF THE COURTS THAT WHEN THE DISTRICT COURT HAS NOTICE THAT INTERPRETING SERVICES ARE REQUIRED TO ENSURE THAT A PROSPECTIVE JUROR WHO IS DEAF OR HARD OF HEARING HAS AN EQUAL OPPORTUNITY TO PARTICIPATE AS A JUROR, THE COURT WILL PROVIDE, AT THE COURT'S EXPENSE, THE SERVICES OF A QUALIFIED INTERPRETER(S).

BY ORDER OF THE UTAH STATE ADMINISTRATIVE OFFICE OF THE COURT THIS 5TH DAY OF OCTOBER 1993.



Department of Justice

FOR IMMEDIATE RELEASE
MONDAY, OCTOBER 4, 1993

CR
(202) 616-2765
TDD (202) 514-1888

**JUSTICE DEPARTMENT SUES TWO DENTAL OFFICES
FOR FAILURE TO TREAT PATIENTS WITH HIV AND AIDS**

WASHINGTON, D.C. -- In its first lawsuits to stop discrimination against people infected with the AIDS virus, the Justice Department today sued dental offices in Houston and New Orleans.

The suits were brought under Title III of the Americans with Disabilities Act which prohibits discrimination on the basis of disability in places that do business with the public.

"These lawsuits demonstrate that discrimination against people with HIV and AIDS will not be tolerated," said Attorney General Janet Reno. "Such discrimination is based on unfounded fear and factual misunderstandings. There is no medical or legal justification for discrimination against HIV-positive individuals, especially in health care."

Today's actions were filed against Castle Dental Center, a chain of dental and orthodontic facilities in Houston, Texas, and Dr. Drew B. Morvant, a dentist who practices in New Orleans, Louisiana.

(MORE)

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The complaint against Castle Dental Center, filed in Federal District Court in Houston, asserted that in 1992 it refused to continue treating a patient once it became aware that he was HIV-positive. The patient, who had received orthodontic treatment for eight months, received a letter which read: "Due to the recent discovery of your health problems, Castle Dental Center has decided to cease providing you with orthodontic treatment."

In the other case, filed in Federal District Court in New Orleans, the Justice Department alleged that a dentist denied dental services to two men, both of whom were informed that the office does not treat HIV-positive patients. One of the men recently died of AIDS.

The American Dental Association has indicated that there is no medical or scientific justification for excluding persons with HIV or AIDS from dental treatment, solely on the basis of their HIV-positive status. The federal government's Centers for Disease Control and Prevention (CDC) has consistently stated that HIV infected patients must not be denied medical care.

Both the CDC and the American Dental Association recommend the use of infection control procedures known as "Universal Precautions" to prevent the transmission of bloodborne diseases, including HIV, in the health care setting. The Occupational Health and Safety Administration requires that Universal Precautions be used in all dental facilities. According to the American Dental Association, the use of the Universal Precautions

(MORE)

- 3 -

reduces the risk of HIV transmission to an "infinitesimal" degree.

The Justice Department seeks an order requiring the dental offices to change their policies and provide complete and equal services to persons with HIV and AIDS. It also seeks civil penalties in each action, as well as compensatory damages for the three men who were refused treatment.

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93-299

(MORE)



Department of Justice

FOR IMMEDIATE RELEASE
WEDNESDAY, SEPTEMBER 29, 1993

CR
(202) 616-2765
TDD (202) 514-1888

TECHNICAL ASSISTANCE GRANTS AWARDED UNDER THE AMERICANS WITH DISABILITIES ACT

WASHINGTON, D.C. -- Information on the rights of people with disabilities will be available in local libraries across the country under a grant announced today by the Department of Justice. The grant is just one of nine, totaling \$1.7 million, that has been awarded to fund projects promoting compliance with the Americans with Disabilities Act (ADA).

Other grants will assist establishments ranging from museums and shoe repair shops to travel agencies and aquariums in understanding their obligations under the ADA.

Today's grants and seven others the Department announced on July 26 represent a total of \$3.1 million the federal government has provided to groups, businesses or government units that have rights or responsibilities under the ADA. The grants complement the Department's own ADA technical assistance services.

"Tough enforcement of the ADA is our policy and educating the public is a key element of that policy," said Attorney General Janet Reno. "Let no one rely on ignorance of the ADA to explain away discrimination against people with disabilities."

(MORE)

Today's grants will fund projects intended to reach such groups as mayors of large cities, officials of small towns, 34 million older Americans, 15,000 public and university library users and Americans who do not speak English or who speak English as a second language.

Grants were awarded to:

American Association of Museums--The association will develop materials to assist art, history, natural history, and science museums, historic buildings and sites, aquariums, botanic gardens, planetariums, zoos, and similar establishments in understanding their ADA compliance obligations.

American Association of Retired Persons--AARP will develop materials to guide older persons in understanding their rights under the ADA, produce materials to guide businesses and agencies that serve older persons in understanding their obligations under the ADA and the needs of older persons with disabilities and provide ADA training to service providers and advocates who work with older persons.

The Arc--The Arc will develop a packet of materials for Spanish and English-speaking persons with cognitive disabilities to explain their rights under the ADA, enlist its 140,000 members to reach out to their small local businesses to let them know where they can get accurate and reliable information about their ADA compliance obligations and extend operation of a telephone line providing ADA information and assistance.

(MORE)

Bazelon Center for Mental Health Law--The center will document a cooperative undertaking by South Carolina and an advocacy group representing persons with mental disabilities to identify ways in which the state's public benefit and social service programs discriminate against persons with mental illness and will develop and implement plans to correct the identified problems. An evaluation of the results will be shared with other states interested in working cooperatively with advocacy groups to eliminate discrimination in their benefit and service programs.

California Foundation on Employment and Disability--The foundation will provide ADA booklets and other information and promotional materials in 12 languages--Arabic, Armenian, Cantonese (Chinese), Dine (Navajo), Hindi (Asian Indian), Khmer (Cambodian), Korean, Mandarin (Chinese), Russian, Spanish, Tagalog (Filipino), and Vietnamese--to inform individuals in minority language communities, including small business owners and service providers, of their rights and obligations under the ADA.

Chief Officers of State Library Agencies--COSLA, through a grant to the Kansas State Library, will create and place a special collection of ADA materials--manuals, booklets, pamphlets, videotapes and reference lists--in 15,000 public and university libraries throughout the United States and design an information campaign that librarians can use to let the public

(MORE)

know that ADA materials are available in their library and will provide materials to guide them in understanding their ADA compliance obligations.

Council of Better Business Bureaus' Foundation--The council will produce ADA compliance guides for enterprises such as shoe repair shops, dry cleaners, and copy shops; travel agencies and tours; and professional offices such as lawyers and accountants. It will also produce a guide to bring members of the business community together with members of the disability community to discuss ways in which businesses can improve their markets by complying with the ADA.

National Association of Towns and Townships--NATaT will produce ADA materials to provide training for regional and state ADA technical assistance providers to help them explain the ADA to small towns and townships and also will provide training on how to use the materials at its annual conference, while promoting use of the materials through its newsletter.

Telecommunications for the Deaf Inc.--TDI will develop a packet of informational materials that can be used by "911" operators and other emergency service operators for self-training on the proper handling of calls from persons who use TDDs or computer modems and on testing and maintenance of their TDD

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- 5 -

equipment. TDI will work with the major associations of emergency service providers and other DOJ grantees to promote the use of the materials.

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93-288



Department of Justice

FOR IMMEDIATE RELEASE
FRIDAY, SEPTEMBER 17, 1993

CR
(202) 616-2777
TDD (202) 514-1888

MISSISSIPPI DELTA BLUES FESTIVAL
MADE ACCESSIBLE TO PEOPLE IN WHEELCHAIRS

WASHINGTON, D.C. -- The Department of Justice today announced that the 16th Annual Mississippi Delta Blues Festival, to be held in Greenville, Mississippi on September 17-19, 1993, will be accessible to wheelchair users as a result of the cooperative efforts of the Justice Department and the Festival's coordinator, the Mississippi Action For Community Education (MACE), following a complaint alleging that the Festival was in violation of the Americans with Disabilities Act.

The complaint alleged that the 1992 Festival was difficult and discouraging to attend because of the lack of parking and restroom facilities to accommodate persons with disabilities. The Public Access Section of the Civil Rights Division, which enforces title III, provided on-site technical assistance to MACE staff and worked closely with the group to eliminate barriers to access to this year's event.

Parking, seating, and restroom facilities will now accommodate persons with disabilities, and it will be possible for persons with disabilities to travel on the Festival grounds.

(MORE)

MACE has designated parking spaces for persons with disabilities, designated areas around the two stages at the Festival as accessible seating areas. It has also added accessible portable toilets to its bank of public portable toilets. MACE staff will be available to assist persons with disabilities upon request. The accommodations are being publicized in public service announcements and fliers produced for the Festival.

Acting Assistant Attorney General James P. Turner said he is pleased with the outcome. "The Americans with Disabilities Act has opened up yet another venue to persons with disabilities," he said. "I applaud MACE for its diligence and cooperation and in working with the Civil Rights Division. Our joint efforts have made blues music more widely accessible and will ensure that the Festival will be an event to be enjoyed by all."

Some 10,000 to 20,000 spectators attend the annual Festival in Greenville each year.

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93-279



Department of Justice

FOR IMMEDIATE RELEASE
MONDAY, JULY 26, 1993

CR
(202) 514-2007
TDD (202) 514-1888

**JUSTICE DEPARTMENT SETTLES ADA
COMPLAINTS AGAINST HOTEL & RESTAURANT**

WASHINGTON, D.C. -- The Department of Justice announced today that it has entered into two formal settlement agreements under the ADA that will open up access to a hotel in Washington D.C. and a famous restaurant in New York. The Department settled with the Jana Corporation, owner of the Quality Hotel Downtown in Washington, D.C., and Sardi's Restaurant in New York, New York. These agreements represent two more successful resolutions of complaints filed under title III of the Americans with Disabilities Act (ADA), which prohibits discrimination on the basis of disability by places of public accommodation.

Acting Assistant Attorney General James P. Turner stated, "The third anniversary of the enactment of the ADA is a fitting day to announce our progress on enforcing the law."

(MORE)

Quality Inn of D.C.

The agreement with the Jana Corporation resolves a complaint filed with the Department of Justice by Arnold Snyder, a sixty-nine year old war veteran who has poliomyelitis. Snyder, who must use either a wheelchair or motorized scooter for mobility, alleged that when he attempted to check into the Quality Hotel Downtown in October of 1992, he was informed by the hotel's front desk clerk that he would not be allowed to take his motorized scooter up to his hotel guest room. He was told that it would have to be stored in the basement.

The Quality Hotel states that mobility devices are allowed in the hotel's guest rooms. Nevertheless, under the out-of-court-settlement, the Quality Hotel Downtown has agreed to the following. It will:

- Pay Mr. Snyder \$10,000 in compensatory damages (the first cash award under a formal settlement agreement);
- Adopt and implement a written policy of nondiscrimination for guests and other persons with disabilities;
- Train all hotel employees to increase awareness of and sensitivity to issues concerning persons with disabilities.

Turner said that "the Justice Department is committed to not only enforcing the Americans with Disabilities Act, but also to encouraging hotels and other places of public accommodation to ensure that their employees are sensitive to the needs of persons with disabilities."

(MORE)

Sardi's

The agreement with Sardi's Restaurant resolves a complaint filed with the Department by an individual who uses a wheelchair. The complaint alleged that the restaurant's restrooms were wholly inaccessible to individuals who use wheelchairs and other mobility devices, such as motorized scooters, walkers, and crutches. After being contacted by the Department of Justice, Sardi's quickly agreed to install a unisex accessible restroom and to install appropriate signage indicating the location of the restroom.

Turner said, "this agreement represents the Department's commitment to ensuring that facilities that were in existence prior to the enactment of the ADA comply with their obligations to engage in readily achievable barrier removal." He added that "the installation of an accessible unisex restroom is a fine example of readily achievable barrier removal," and that "the Department appreciates Sardi's cooperation throughout the investigation and resolution of this matter."

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Department of Justice

FOR IMMEDIATE RELEASE
MONDAY, JULY 26, 1993

CR
(202) 514-2007
TDD (202) 514-1888

TECHNICAL ASSISTANCE GRANTS AWARDED UNDER THE AMERICANS WITH DISABILITIES ACT

WASHINGTON, D.C. -- The Department of Justice announced grant awards of \$1.4 million today to seven organizations to conduct technical assistance projects promoting compliance with the Americans with Disabilities Act (ADA). These grants are part of a FY 93-94 \$2.5 million dollar technical assistance program. Additional grants will be announced by the end of the summer.

"Educating the public is a key priority for our ADA enforcement program," declared Attorney General Janet Reno.

Grants were awarded to:

Access Video Fund

The Access Video Fund will produce a videotape entitled "Open to the Public" documenting the efforts of two cities to comply with title II of the ADA.

Adaptive Environments

Adaptive Environments will receive support for an ongoing project to incorporate universal design concepts -- the concepts on which the ADA standards for accessible design are based --

(MORE)

into the curricula of architecture, interior design, industrial design, and landscape architecture schools and programs.

Community Board Program

The Community Board Program will oversee a model project designed to develop effective mediation techniques to resolve ADA complaints. Mediators in San Francisco, Chicago, Denver, Boston, and Atlanta will be trained on the ADA and will then handle ADA cases. A study will document the effectiveness of ADA-trained mediators in assisting businesses and persons with disabilities in resolving complaints.

Disability Rights Education and Defense Fund

The Disability Rights Education and Defense Fund will continue a telephone information line that was created under a prior ADA grant to assist persons with disabilities, businesses, State and local government agencies, and the general public in understanding the requirements of the ADA.

Police Executive Research Forum

The Police Executive Research Forum (PERF) will produce materials for training police regarding the ADA rights of persons with mental illness. This project will be modeled on a prior ADA grant under which PERF produced materials to train police to recognize and respect the rights of persons who have epilepsy or other seizure disorders.

(MORE)



Department of Justice

FOR IMMEDIATE RELEASE
THURSDAY, JULY 15, 1993

CR
(202) 514-2007
TDD (202) 514-1888

JUSTICE DEPARTMENT SETTLEMENT WITH HOTEL
BRINGS GREATER ACCESS FOR PERSONS WITH DISABILITIES

WASHINGTON, D.C. -- The Department of Justice announced today that the 691-room Inter-Continental Hotel in Manhattan will make numerous changes over the next five years to improve access for people with disabilities--the first formal settlement the government has reached with a major hotel to correct alleged violations of the Americans with Disabilities Act (ADA).

Acting Assistant Attorney General James P. Turner of the Civil Rights Division said the agreement resolves a complaint filed under Title III of the ADA, which bans discrimination on the basis of disability. According to a complaint filed with the Department by a private party, the hotel had a critical barrier to access to its facility by people with disabilities. A subsequent Department investigation discovered a wider range of barriers, including the need for auxiliary aids for people with vision and hearing impairments.

"This agreement guarantees that persons with disabilities will be able to enjoy the full range of services at the

(MORE)

U.S. Conference of Mayors

The U.S. Conference of Mayors will provide material on the requirements of title II to more than 1,000 cities with populations of 30,000 or more, publish articles on the ADA in the association's monthly magazine, offer an ADA seminar at the association's annual conference, create a directory of city ADA coordinators, and select examples of good ADA practices as models for city officials charged with ensuring compliance with title II of the ADA.

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ADDENDUM

Video Fund

The Video Fund will produce a videotape version of a comprehensive ADA training program conducted by the Disability Rights Education and Defense Fund in 1992 under a contract with the Equal Employment Opportunity Commission and the Department of Justice.

Intercontinental Hotel and therefore represents a model for existing luxury hotels, " said Turner. "It shows that, when the Federal government and private industry work together, scarce resources can be spent on ramps and lifts, not on legal fees and court costs."

Under the agreement, the hotel will:

- Provide access for people with mobility impairments by installing ramps at its front entrance and lobby restaurant; modifying several public rest rooms; and installing a platform lift to the main meeting room and ballroom.
- Modify public telephones to make them accessible to people with mobility and/or hearing impairments by lowering phones; installing telecommunication devices for deaf persons (TDD's) at the front desk; and providing volume controls, shelves and outlets for portable TDD's.
- Alter 21 guest rooms of several types and price ranges to make them accessible to people with mobility impairments and equip those rooms and an additional 14 with auxiliary aids for people who are deaf or hard of hearing.
- Modify elevators so they are accessible to people with sight, hearing or mobility impairments.
- Change reservation and room assignment policies to assure that accessible rooms are made available to those who request them.

The hotel also agreed to ensure that retail stores renting space in its lobby improve service for people with disabilities by installing accessible doorbells, intercoms, or other devices at the entrance of each store; providing service through telephone orders, at the curb or in the lobby; and making available product lists in regular and large type, braille or

(MORE)

audio tape. The hotel will also provide shopping assistance to people who have difficulty maneuvering within the stores.

The complaint against the Intercontinental Hotel was one of more than 1,000 complaints that the Department is currently investigating alleging Title III violations. A majority of these complaints involve the failure to remove existing architectural barriers. The Department expects that most of these will be settled voluntarily.

In instances where entities fail to comply voluntarily, the Department can bring civil suits. Where appropriate, compensatory damages and civil penalties of up to \$50,000 for a first violation may be awarded. Today's action is the second formal settlement agreement that the Department has announced. The Department has filed two lawsuits, intervened in one additional case, and filed amicus briefs in four other ADA actions.

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93-200

U.S. Department of Justice

Public Access Section

FAX



Date: 10/22/93

To: STAN HERR

Organization: White House

Phone #: 456-2372

Fax #: 456-7028

From: JOHN Wodatch

Organization: Public Access Section

Phone #: (202) 307-0663 (Voice & TDD)

Fax #: (202) 307-1198

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PUBLIC AFFAIRS

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Department of Justice

FOR IMMEDIATE RELEASE
July 2, 1993

CR
(202) 514-2007
TDD (202) 514-1888

JUSTICE DEPARTMENT SETTLES FIRST POLICE DEPARTMENT ADA CASE

WASHINGTON, D.C. -- The U.S. Department of Justice announced today that it has resolved a complaint filed against a Florida police department for failing to provide an interpreter in the arrest of a deaf individual.

This represents the first settlement agreement with a local police agency under the recently-enacted Americans with Disabilities Act, which prohibits discrimination against people with disabilities.

Acting Assistant Attorney General for Civil Rights James P. Turner said the settlement with the Clearwater, Florida police department requires the city to provide an interpreter whenever necessary to ensure effective communication any time police interact with people who are deaf or hard of hearing.

The Justice Department initiated this action in response to an administrative complaint alleging that the Clearwater police department failed to provide an interpreter to a deaf individual who was arrested and jailed overnight. Under Title II of the ADA, public entities, such as police departments and municipal governments, must provide appropriate auxiliary aids and services whenever necessary to ensure effective communication with individuals with disabilities.

Turner said, "the enthusiastic cooperation of the Clearwater Police Department avoided litigation and led to the establishment of new policy guidance. This guidance," added Turner, "serves as an excellent model for other police departments throughout the country which must comply with the ADA."

The agreement requires the Clearwater police to:

Establish a written policy on effective communication in police situations involving persons who are deaf or hard of hearing.

Secure the services of a qualified interpreter whenever necessary to ensure effective communication during a police

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PUBLIC AFFAIRS

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investigation, prior to an arrest or the issuance of a non-criminal citation, or during an interrogation.

Publicize the new policy through public notices in local newspapers.

The agreement also permits the Justice Department to petition the U.S. District Court to seek specific performance of the agreement's terms if the police department fails to comply.

Turner stated that many of the Title II complaints received by the Justice Department involve interactions between deaf persons using sign language and police departments.

SETTLEMENT AGREEMENT BETWEEN
THE UNITED STATES OF AMERICA

AND

CLEARWATER POLICE DEPARTMENT, CLEARWATER, FLORIDA

DEPARTMENT OF JUSTICE COMPLAINT NUMBER 204-17M-20 (FORMERLY 192-T2-00443)

This matter was initiated by a complaint filed under title II of the Americans with Disabilities Act (ADA), 42 U.S.C. 12131-12134, with the United States Department of Justice, Civil Rights Division, Coordination and Review Section, against the Clearwater Police Department, Clearwater, Florida. The complaint alleges that an individual who is deaf and uses sign language for communication was arrested by the Clearwater Police Department without being afforded the right to communicate through an interpreter when communication became difficult between the arresting officer and the individual. Pursuant to the provision of the ADA entitled "Alternative Means of Dispute Resolution," 42 U.S.C. 12212, the parties have entered into this Agreement.

The Department of Justice is authorized under 28 C.F.R. Part 35, Subpart F, to investigate fully the allegations of the complaint in this matter to determine the compliance of the Clearwater Police Department with title II of the ADA and the Department's implementing regulation, issue findings, and, where appropriate, negotiate and secure voluntary compliance agreements. Furthermore, the Attorney General is authorized under 42 U.S.C. 12133, to bring civil action enforcing title II of the ADA should the Department fail to secure voluntary compliance pursuant to Subpart F. In consideration of the terms of this Agreement as set forth below, the Attorney General agrees to refrain from undertaking further investigation or from filing civil suit in this matter.

The parties to the Agreement are the United States of America and the Clearwater Police Department. The parties agree that this Agreement is not an admission of liability and should not be construed as an admission by the Clearwater Police Department of any liability. In the interests of securing compliance by voluntary means, the parties hereby agree as follows:

1. The ADA applies to the Clearwater Police Department because it is a public entity as defined in 42 U.S.C. 12131.
2. Title II of the ADA and its implementing regulation prohibit discrimination against qualified individuals with disabilities on the basis of disability in the services, programs, or activities of the Clearwater Police Department.

3. An individual who is deaf or hard of hearing may not be denied an equal opportunity to participate in or benefit from the Clearwater Police Department's services, programs, or activities or otherwise treated differently because of the disability or because of the need for qualified interpreting services.

4. The Clearwater Police Department will furnish appropriate auxiliary aids and services when necessary to afford an individual with a disability an equal opportunity to participate in, and enjoy the benefits of, the Clearwater Police Department's services, programs, or activities. Auxiliary aids and services include qualified interpreters, computer aided note taking, written materials, and note pad and pen.

5. In any situation involving an individual who is deaf or hard of hearing, the Clearwater Police Department will give the individual the opportunity to request the auxiliary aid or service of his or her choice. The Clearwater Police Department will give primary consideration to the expressed choice of the individual unless the Police Department can demonstrate that another effective means of communication exists or that use of the means chosen would result in undue financial and administrative burdens.

6. The Clearwater Police Department has developed a written policy, which is attached, to provide that in those situations where the provision of interpreting services is necessary to ensure effective communication, the Clearwater Police Department will, upon reasonable notice, provide qualified interpreting services.

7. Within thirty (30) days of the effective date of this Agreement, a notice regarding the Clearwater Police Department's policy will be published on two separate occasions in a newspaper of general circulation serving the City of Clearwater. The notice will state that "Pursuant to the requirements of title II of the Americans with Disabilities Act, the Clearwater Police Department will not discriminate against qualified individuals with disabilities on the basis of disability in the Clearwater Police Department's services, programs, or activities," in addition to the statement of the Police Department's policy.

8. Copies of the policy will be provided to members of the public upon request.

9. The Clearwater Police Department agrees to inform and instruct all its employees who are in any way responsible for the conduct of any proceedings to adhere to and comply with the policy.

10. This Agreement is a public document. A copy of this document or any information contained in it may be made available to any person by the Clearwater Police Department or the Department of Justice on request.

11. The Department of Justice may review compliance with this Agreement at any time. If it determines that this Agreement or any requirement thereof has been violated, it may institute civil action seeking specific performance of the provisions of this Agreement in an appropriate Federal court.

12. The Department of Justice's failure to enforce this entire Agreement or any provision thereof with respect to any deadline or any other provision herein will not be construed as a waiver of the Department of Justice's right to enforce other deadlines and provisions of this Agreement.

13. In the event that the Clearwater Police Department fails to comply in a timely manner with any requirement of this Agreement without obtaining sufficient advance written agreement with the Department of Justice as a temporary modification of the relevant terms of this Agreement, all terms of this Agreement will become enforceable in an appropriate Federal court.

14. The effective date of this Agreement is the date of the last signature below.

15. This Agreement constitutes the entire Agreement between the parties on the matters raised herein, and no other statement, promise, or agreement, either written or oral, made by either party or agents of either party, that is not contained in this written Agreement, will be enforceable. This Agreement does not purport to remedy any other potential violations of the Americans with Disabilities Act or any other Federal law. This Agreement does not affect the Clearwater Police Department's continuing responsibility to comply with all aspects of the Americans with Disabilities Act.

For the Clearwater Police
Department:



Sid Klein, Chief of Police

For the United States:



Stewart B. Oneglia, Chief
Coordination & Review Section
Civil Rights Division
U.S. Department of Justice
P.O. Box 66118
Washington, D.C. 20035-6118

Date June 24, 1993

Date June 29, 1993

CLEARWATER POLICE DEPARTMENT**POLICY ON****EFFECTIVE COMMUNICATION IN SITUATIONS
INVOLVING INDIVIDUALS WITH HEARING IMPAIRMENTS**

It is the policy of the Clearwater Police Department that in those situations involving individuals with hearing impairments, the Clearwater Police Department must, upon reasonable notice, furnish appropriate auxiliary aids and services whenever necessary to ensure effective communication.

1. Auxiliary aids and services include qualified interpreters, written materials, note pad, and other effective methods of making aurally delivered materials available to individuals with hearing impairments.

2. When an auxiliary aid or service is required to ensure effective communication, the Clearwater Police Department must provide an opportunity for individuals with hearing impairments to request the auxiliary aids and services of their choice and will give primary consideration to the choice expressed by the individual. "Primary consideration" means that the Clearwater Police Department must honor the choice, unless it can show that another equally effective means of communication is available, or that use of the means chosen would result in a fundamental alteration in the service, program, or activity or in undue financial and administrative burdens.

3. This policy addresses only those situations where a police officer, after consulting with the individual with a hearing impairment, determines that the services of a qualified interpreter are necessary to ensure effective communication:

a. During An Investigation.

1) Suspect. A qualified interpreter must be provided if the factual situation is so complex or lengthy that written communication is ineffective. A qualified interpreter must be provided before the officer makes a probable cause arrest. If the officer cannot wait until a qualified interpreter arrives because the officer has to respond to another more urgent call, the officer has two alternatives:

i) If the investigation does not involve a serious offense, the officer can postpone the investigation until the officer can return to the scene with a qualified interpreter present. If the qualified interpreter is unable to respond or if the officer cannot return to the scene, then the officer must document his or her investigation as completely as possible and file the appropriate report.

ii) If the investigation involves a significant case, the officer, before leaving the scene, must contact the appropriate Investigations Division supervisor and advise the supervisor of the case. The supervisor will determine if a detective will be called in to assist. If the supervisor determines that a detective will not be responding and if the officer cannot return to the scene, then the officer must document his or her investigation as completely as possible and file the appropriate report.

2) Victim or critical witness. If an investigating officer is unable to communicate effectively with a victim or critical witness by using a note pad or by using some other means of communication, then the investigating officer must secure the services of a qualified interpreter(s). If the investigating officer cannot wait until a qualified interpreter arrives because the officer has to respond to another more urgent call, the office has three alternatives:

i. If the investigation does not involve a serious offense, then the officer can have a qualified interpreter dispatched to the victim's or critical witness' location and request that the Clearwater Police Department re-contact the officer when the interpreter arrives. If a qualified interpreter is unable to respond or if the officer cannot return to the scene, the officer must document his or her investigation as completely as possible and file the appropriate report.

ii. If the investigation does not involve a serious offense, then the officer can ask the victim or critical witness to come voluntarily to the station and wait until a qualified interpreter arrives at which time the investigating officer can return to the station to complete the investigation. If a qualified interpreter is unable to respond or if the officer cannot return to the station, the officer must document his or her investigation as completely as possible and file the appropriate report.

iii. If the victim or critical witness is critical to establishing probable cause for an arrest in a significant case or for completing the investigation of a significant case, then the investigating officer, before leaving the scene, must contact the appropriate Investigations Division supervisor and advise the supervisor of the case. The supervisor will determine if a detective will be called in to assist. If the supervisor determines that a detective will not be responding and if the officer cannot return to the scene, then the investigating officer should document his or her investigation as completely as possible and file the appropriate report.

b. Prior to An Arrest or the Issuance of a Non-Criminal Citation. In those situations where a police officer has sufficient probable cause to make an arrest or issue a non-criminal citation without having to interview the suspect with a



Status Report

October, 1993

Enforcement of the Americans with Disabilities Act Title III

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Background

- Title III of the Americans with Disabilities Act (ADA), which bans discrimination on the basis of disability by public accommodations, went into effect generally on January 26, 1992.
- Public accommodations such as restaurants, hotels, theaters, doctors' offices, pharmacies, retail stores, museums, libraries, parks, private schools, and day care centers, may not discriminate on the basis of disability. Private clubs and religious organizations are exempt.
- Reasonable changes in policies, practices, and procedures must be made to avoid discrimination.

Auxiliary Aids

- Auxiliary aids and services must be provided to individuals with vision or hearing impairments or other individuals with disabilities, unless an undue burden would result.

Physical Barriers

- Physical barriers in existing facilities must be removed, if removal is readily achievable. If not, alternative methods of providing the services must be offered, if they are readily achievable.
- All new construction in public accommodations, as well as in "commercial facilities" such as office buildings, must be accessible. Elevators are generally not required in buildings under three stories or with fewer than 3,000 square feet per floor, unless the building is a shopping center, mall, or a professional office of a health care provider.
- Alterations must be accessible. When alterations to primary function areas are made, an accessible path of travel to the altered area (and the bathrooms, telephones, and drinking fountains serving that area) must be provided to the extent that the added accessibility costs are not disproportionate to the overall cost of the alterations. Elevators are required as described above.
- Entities such as hotels that also offer transportation must generally provide equivalent transportation service to individuals with disabilities. New fixed-route vehicles capable of carrying more than 16 passengers must be accessible.

Enforcement

- The Public Access Section of the Civil Rights Division of the Department of Justice has responsibility for investigating and litigating complaints alleging violations of title III. It also handles the Department's litigation under title II (covering actions by State and local governments) of the Act.
- The Public Access Section has encouraged voluntary compliance by providing education and technical assistance to business, industry, and members of the general public.
- Where public accommodations are alleged to be out of compliance, the Section has opened complaint investigations, entered into many important settlement agreements, filed four lawsuits, intervened in a fifth and participated as amicus in five others.

Remedies

- Individuals may bring private lawsuits to obtain court orders to stop discrimination, but money damages cannot be awarded.
- Individuals can also file complaints with the Attorney General who may file lawsuits to stop discrimination and obtain money damages and penalties.

Active Investigations and Compliance Reviews

The Department attempts to resolve most complaints through informal or formal settlement agreements and is authorized to file civil actions and seek monetary damages and civil penalties.

The Public Access Section has received complaints from individuals in 50 States, the District of Columbia, and Puerto Rico. The section is currently investigating over 1200 complaints lodged against all categories of entities covered by the ADA. The complaints allege a wide variety of violations, including discriminatory policies, lack of auxiliary aids, and failure to remove barriers in existing facilities.

The Department will soon begin compliance reviews of new construction and alterations projects that are in the planning phases for facilities around the country. These reviews follow a December 12, 1992, notification to all contractors and architects with active projects in 15 States of the ADA's alterations requirements (effective January 26, 1992) and new construction requirements (effective January 26, 1993.)

First Consent Decree

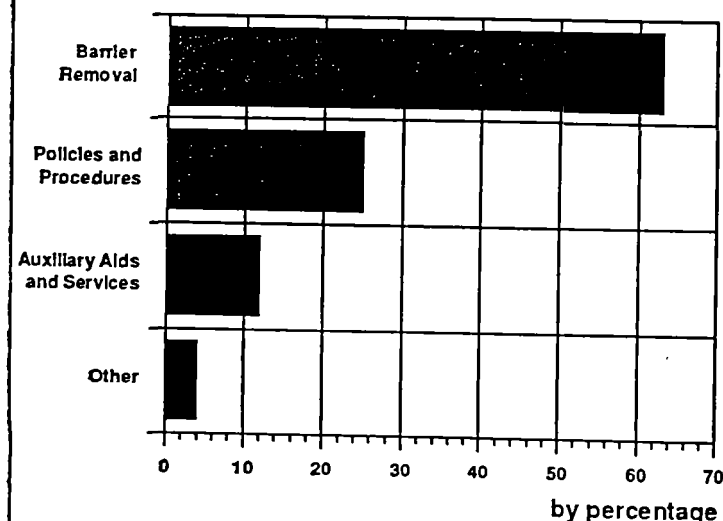
U.S. v. Venture Stores, Inc., Illinois

On May 26, 1993, a Federal District Court judge signed a consent decree resolving a lawsuit filed by the Department against Venture Stores, Inc., a St. Louis, Missouri, firm that operates more than 90 discount department stores in eight states.

Under the agreement, Venture will now accept state ID cards as identification and will make payments to the four individual complainants.

The Department's complaint charged that Venture's check payment policy violated the ADA because it permitted only those customers with drivers' licenses to pay for merchandise with a personal check. Individuals who did not have a drivers' licenses because of their disabilities could not pay by check even if they had a state-issued identification card, unless they obtained a special check-cashing card.

Complaints by Type



Litigation

U.S. v. Becker CPA Review, Inc., District of Columbia

On December 28, 1992, the Department of Justice filed its first lawsuit under the ADA, against Becker CPA Review for failing to provide effective auxiliary aids to students with hearing impairments. Becker, the nation's largest CPA review course, prepares over 10,000 students a year to take the national certified public accountant exam. The Department is seeking (1) a permanent change in Becker's policy so that sign language interpreters are provided to those who need them; (2) civil penalties; and (3) damages for the original complainant, two other people with hearing impairments who have reported that they were not accommodated, and any others who may have had similar experiences.

Pinnock v. International House of Pancakes (IHOP), California

The Department has intervened in a private action in which the defendant is challenging the constitutionality of the ADA. The plaintiff claims that IHOP failed to undertake readily achievable barrier removal and to provide auxiliary aids and services. Pursuant to Federal statute, the Attorney General was notified of the defendant's constitutional challenge, so that the United States would have the opportunity to intervene in the matter and defend the constitutionality of the statute. The Department's brief was filed on July 27, 1993.

Kinney v. Yerusalim, Pennsylvania

A class of persons with mobility impairments sued the City of Philadelphia and charged that the City violated title II of the ADA by failing to install curb cuts whenever it resurfaced its streets. The Federal District Court found in favor of plaintiffs, and the City appealed. On May 10, 1993, the Department filed a friend of the court brief in the United States Court of Appeals for the Third Circuit. In its brief, the United States argued that the lower court correctly found a violation of title II. The United States also argued that the lower court properly held there is no "undue burden" defense in a case involving alterations, which include street resurfacing.

Livingston v. Guice, North Carolina

The plaintiff, who uses a wheelchair, filed suit in Federal District Court alleging that the State of North Carolina and a State court judge violated title II of the ADA by preventing her from entering a courtroom through the only accessible entrance known to her. On March 4, 1993, the Department filed, as amicus curiae, a memorandum in response to defendants' motion to dismiss. The Department argued that the States have no Eleventh Amendment immunity from ADA suits, that there is a private right of action for damages under title II, and that the court should not postpone a decision in this case until the Department acted on a related administrative complaint.

Galloway v. Superior Court of the District of Columbia, District of Columbia

A blind person filed suit in Federal District Court charging that the Superior Court's policy of excluding persons from jury service based solely on their disability violates title II of the ADA and section 504 of the Rehabilitation Act of 1973. The District Court found a violation of both statutes. On May 4 and 21, 1993, the Department filed, as amicus curiae, memoranda supported the plaintiff's argument that compensatory damages are available remedies under both the ADA and section 504. The District Court agreed, in an oral opinion issued on July 26, 1993, and awarded the plaintiff \$30,000 in damages.

Medical Society of New Jersey v. New Jersey State Board of Medical Examiners, New Jersey

The Medical Society of New Jersey filed suit challenging certain questions on the State medical board's application for renewal of medical licenses. The Department filed a brief as amicus curiae on September 30, 1993, arguing that broad questions pertaining to a history of psychiatric illness or a history of drug or alcohol abuse, not drawn to focus on current impairments of a physician's fitness to practice medicine, are discriminatory under Title II of the ADA.

U.S. v. Morvant, Louisiana
U.S. v. Castle Dental Center, Texas

On October 4, 1993, the Department brought suits against a dentist in New Orleans and a dental center in Houston alleging that they have violated title III of the ADA by refusing to provide dental treatment to individuals who have tested positive for HIV. These are the first suits brought by the Department involving HIV and AIDS. The Department believes that there is no scientific or medical justification for excluding persons with HIV or AIDS from dental or orthodontic treatment solely on the basis of their HIV+ status.

Formal Settlement Agreements

In some cases, a voluntary agreement is reduced to writing as a formal settlement agreement, which is signed by both the Department and the respondent. A formal settlement agreement includes provisions for enforcement, but does not involve court action.

First Settlement Agreement Under Title III

In March 1993 the Department entered into its first formal settlement agreement under title III. The agreement resolved a complaint that a branch of the Municipal Credit Union in New York City could only be entered by steps and was therefore inaccessible to people who use wheelchairs, as well as to people with other mobility impairments. The complaint alleged that the Credit Union had failed to take steps to remove barriers to access and that such removal was readily achievable. The Credit Union agreed to install a permanent ramp at the entrance, to notify its customers of the change, post appropriate signs, and instruct the staff to provide any requested assistance to individuals with disabilities.

Inter-Continental Hotel, New York

In July 1993 the Department reached a formal settlement agreement with the Inter-Continental Hotel in midtown New York, a member of a chain of prestigious hotels in major cities. The hotel will

make numerous changes to its 691-room facility and procedures over the next five years, including removing physical barriers in public areas such as the front entrance, lobby, and ballroom, as well as in 21 guest rooms; providing television decoders, telephone handset amplifiers, visual smoke alarms, and visual door knock and telephone indicators in 35 guest rooms; making elevator modifications to provide access for persons with vision impairments; and modifying reservation and room assignment policies to ensure that accessible rooms are made available to those who request them.

Quality Hotel Downtown, Washington, DC

In July 1993 the Department entered into a formal settlement with the owner of the Quality Hotel Downtown in Washington, D.C., resolving a complaint that hotel staff had not permitted a hotel guest to use a motorized scooter as a mobility device to get to his room. The hotel agreed to pay the complainant \$10,000 in damages and to require all hotel employees to undergo training on the requirements of the ADA.

Sardi's Restaurant, New York

In July 1993 the Department entered into a formal settlement with the owner of Sardi's Restaurant in New York, New York, resolving a complaint that the restaurant's restrooms were inaccessible for persons who use wheelchairs or other mobility devices. Sardi's agreed to install an accessible unisex restroom and signage indicating the location of the restroom.

Informal Resolution of Complaints

A number of complaints have been successfully resolved without litigation or a formal settlement agreement. In some instances, the public accommodation promptly agreed, after learning of the complaint, to take action to resolve the issues. In others, extensive negotiation took place. Following are some examples of successful outcomes.

Existing facilities: barrier removal

- A national retail chain agreed to provide accessible parking at its stores nationwide, and a major rental car company agreed to provide accessible parking at a major metropolitan airport and to institute valet parking service when needed by customers with disabilities.
- A bank agreed to install a ramp to make its front entrance accessible for people who use mobility devices.
- A convenience store of a well-known franchise agreed to make three of its checkout aisles, including one express lane, accessible for people who use mobility devices.
- A credit union agreed to lower an ATM machine to make it accessible for persons who use wheelchairs.
- A health club agreed to install a lift to enable a wheelchair user to participate in an arthritis rehabilitation program in the club's swimming pool.
- Organizers of the Mississippi Delta Blues Festival, which draws some 10,000 to 20,000 spectators each year, took a number of steps to make its parking, seating, restrooms, and festival grounds accessible for people with disabilities when the festival was held last month in Greenville, MS.

Communications: auxiliary aids

- Several movie theatres have agreed to provide assistive listening devices for patrons who have hearing impairments.
- A variety of other public accommodations, including a practicing attorney, a midwife service, a psychiatric hospital, an art institute, and a program to reduce domestic violence have agreed to provide sign language interpreters to communicate effectively with clients who are deaf or hard of hearing.

Discrimination in policies

- A mortgage company agreed to pay damages to a complainant who alleged that the company rejected, on the basis of his disability, his application for refinancing his mortgage loan. The mortgage company paid to the complainant direct expenses that were sustained as a result of refinancing his mortgage elsewhere, and other damages, with a total payment of \$6,000.
- A rental car company revised its policy relating to cash qualifications for rental car customers. Previously, customers who did not have credit cards could only rent a car with cash if they had a verifiable employment history. A person with a disability who was unemployed due to the disability, and who did not have a credit card, was denied service altogether. Now customers may complete a written application that includes disability-related income as an alternative to employment information.
- A retirement home agreed to eliminate its policies of not permitting wheelchairs in the dining room and charging a surcharge for room service for individuals who could not enter the dining room without their wheelchairs.
- A movie theatre that had prevented a woman from bringing a box of cookies into the theatre for her diabetic child agreed to modify its policy against outside food and beverages by making an exception in the case of medical necessity.
- A drugstore chain agreed to modify its policy against permitting animals in its stores by making an exception in the case of service animals such as guide dogs.
- A famous restaurant in New York City that had turned away a customer who was wearing sneakers due to a mobility impairment agreed to modify its dress code by making an exception when necessary to provide service to a person with a disability.

Certification

The ADA authorizes the Department to certify that State or local laws or building codes meet or exceed the ADA's minimum accessibility requirements. In enforcement proceedings, compliance with a certified code constitutes rebuttable evidence of compliance with the ADA.

The Department provides technical assistance to State and local governments and to private organizations seeking to develop accessibility codes that are equivalent to the ADA.

The Public Access Section recently issued its first response to a request for certification of a State accessibility code. The May 20, 1993, letter to the State of Washington is in the form of technical assistance and is not a formal preliminary determination of equivalency or nonequivalency. It includes a side-by-side analysis of the State's standards and the ADA standards.

The Department is also reviewing the 1992 revision of the American National Standards Institute (ANSI) Standard for Accessible and Usable Buildings and Facilities (CABO/ANSI A117.1-1992), in response to a request from the Council of American Business Officials for technical assistance.

Education and Technical Assistance

The Public Access Section is responsible for the Civil Rights Division's technical assistance program, which encourages voluntary compliance with the ADA through education, training, and information, and through grants to nonprofit organizations for similar activities. As part of this effort, the Section has produced handbooks, manuals, and fact sheets. It has mailed millions of copies of these documents and the ADA regulations issued by the Department, provided speakers for hundreds of conferences and

seminars, handled thousands of calls through its information line, and awarded \$6.5 million in grant funds for ADA technical assistance projects.

In 1993 the Public Access Section expanded the program by completing several directed mailings of ADA information in addition to continuing its ongoing distribution activities. Information about the ADA was mailed to 15,000 architects and contractors with active projects, 9000 public libraries, 500 AIDS service providers, and 5.9 million businesses.

Grants are awarded primarily to address the needs of targeted audiences. The projects being undertaken through the most recently awarded grants are:

The Access Video Fund will produce a videotape documenting efforts that are being made to achieve compliance with title II of the ADA.

Adaptive Environments has received support for an ongoing project to incorporate universal design concepts -- the concepts on which the ADA standards for accessible design are based -- into the curricula of architecture, interior design, industrial design, and landscape architecture schools and programs.

The American Association of Museums will develop materials to assist art, history, natural history, and science museums, historic buildings and sites, aquariums, botanic gardens, planetariums, zoos, and similar establishments in understanding their ADA compliance obligations.

The American Association of Retired Persons (AARP) will develop materials to guide older persons in understanding their rights under the ADA, develop materials to guide businesses and agencies that serve older persons in understanding their obligations under the ADA and the needs of older persons with disabilities, and provide ADA training to service providers and advocates who work with older persons.

The Arc will develop a packet of materials for Spanish and English-speaking persons with cognitive disabilities to explain their rights under the ADA, enlist its 140,000 members to reach out to their small local businesses to let them know where they can get accurate and reliable information about their ADA compliance obligations, and extend operation of a telephone line providing ADA information and assistance.

The Bazelon Center for Mental Health Law will document a cooperative undertaking by the State of South Carolina and an advocacy group representing persons with mental disabilities to work together on identifying ways in which the State's public benefit and social service programs discriminate against persons with mental illness, and to develop and implement plans to correct the identified problems. An evaluation of the results will be shared with other States that are interested in working cooperatively with advocacy groups to eliminate discrimination in their benefit and service programs.

The California Foundation on Employment and Disability will provide ADA booklets and other information and promotional materials in twelve languages -- Arabic, Armenian, Cantonese (Chinese), Dine (Navajo), Hindi (Asian Indian), Khmer (Cambodian), Korean, Mandarin (Chinese), Russian, Spanish, Tagalog (Filipino), and Vietnamese -- to inform individuals in minority language communities, including small business owners and service providers, of their rights and obligations under the ADA.

The Chief Officers of State Library Agencies (COSLA), through a grant to the Kansas State Library, will create and place a special collection of ADA materials -- manuals, booklets, pamphlets, videotapes, and reference lists -- in 15,000 public and university libraries throughout the United States. COSLA will also design an information campaign that librarians can use to let the public know that ADA materials are available in their library and will provide materials to guide librarians in understanding their ADA compliance obligations.

The Community Board Program will oversee a model project designed to develop effective mediation techniques to resolve ADA complaints. Mediators in San Francisco, Chicago, Denver, Boston, and Atlanta will be trained on the ADA and will then handle ADA cases. A study will document the effectiveness of ADA-trained mediators in assisting businesses and persons with disabilities in resolving complaints.

The Council of Better Business Bureaus' Foundation will produce ADA compliance guides for enterprises such as shoe repair shops, dry cleaners, and copy shops; travel agencies and tours; and professional offices such as lawyers and accountants. It will also produce a guide to bring members of the business community together with members of the disability community to discuss ways in which businesses can improve their markets by complying with the ADA.

The Disability Rights Education and Defense Fund will continue a telephone information line that was created under a prior ADA grant to assist persons with disabilities, businesses, State and local government agencies, and the general public in understanding the requirements of the ADA.

The National Association of Towns and Townships (NATaT) will produce ADA materials to provide training for regional and state ADA technical assistance providers to help them explain the ADA to small towns and townships. NATaT will also provide training on how to use the materials at its annual conference and promote use of the materials through its newsletter.

The Police Executive Research Forum (PERF) will produce materials for training police regarding the ADA rights of persons with mental illness. This project will be modeled on a prior ADA grant under which PERF produced materials to train police to recognize and respect the rights of persons who have epilepsy or other seizure disorders.

Telecommunications for the Deaf, Inc. (TDI) will develop a packet of materials that can be used by "911" operators and other emergency service operators for self-training on the proper handling of calls

from persons who use TDDs or computer modems and on testing and maintenance of their TDD equipment. TDI will work with the major associations of emergency service providers and other DOJ grantees to promote the use of the materials.

The U.S. Conference of Mayors will provide material on the requirements of title II of the ADA to more than 1,000 cities with populations of 30,000 or more, publish articles on the ADA in the association's monthly magazine, offer an ADA seminar at the association's annual conference, create a direc-

tory of city ADA coordinators, and select examples of good ADA practices as models for city officials charged with ensuring compliance with title II of the ADA.

The VIDEO Fund will produce a videotape version of a comprehensive ADA training program conducted by the Disability Rights Education and Defense Fund in 1992 under a contract with the Equal Employment Opportunity Commission and the Department of Justice.

Sources for Technical Assistance

The Public Access Section has established an ADA information line that is available 24 hours a day. Callers can choose to speak with an operator from 1 p.m. to 5 p.m. (EST) Monday through Friday, or at any time they can listen to recorded information or request technical assistance materials. The information line number is (202) 514-0301 (voice) or (202) 514-0383 (TDD).

Copies of documents mentioned in this publication, other than T.A. manuals, can be obtained by writing to:

Freedom of Information/Privacy Act Branch
Room 7337
Civil Rights Division
U.S. Department of Justice
Washington, DC 20530

The address of the Public Access Section is:

U.S. Department of Justice
Civil Rights Division
Public Access Section
Post Office Box 66738
Washington, DC 20035-6738

In addition, the U.S. Department of Education has funded centers in ten regions of the country to provide ADA technical assistance to the public. These centers can be reached by calling (800) 949-4232 (voice & TDD).



Status Report

October, 1993

Enforcement of the Americans with Disabilities Act Title II

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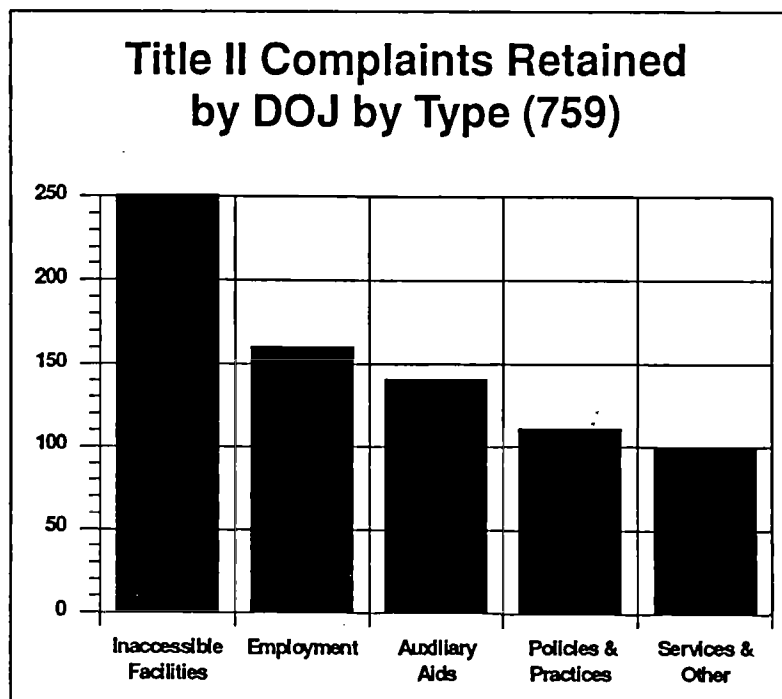
Background

- Title II of the Americans with Disabilities Act (ADA) prohibits discrimination against qualified individuals with disabilities on the basis of disability by State and local governments. The law generally went into effect on January 26, 1992.
- The Coordination and Review Section of the Department of Justice's Civil Rights Division coordinates the enforcement of title II by Federal agencies, and investigates complaints for which the Department of Justice is the designated agency.

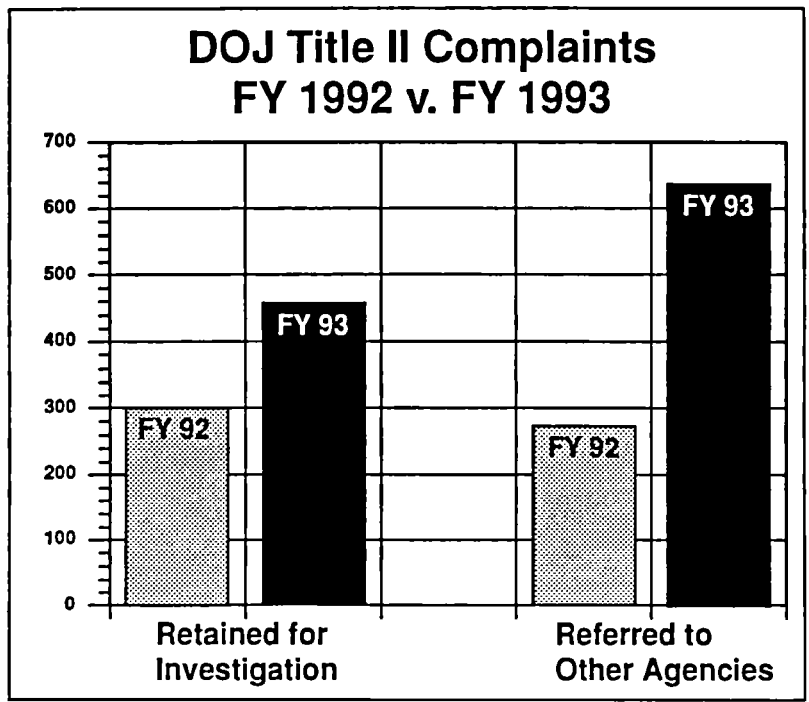
Complaint Investigations

The Coordination and Review Section has received 1,669 complaints alleging violations of title II since January 26, 1992. Of this number, 759 have been retained for investigation by the Department, which is one of the eight Federal agencies designated to conduct title II complaint investigations. Of this number, 301 were received in FY 1992 and 458 were received in FY 1993.

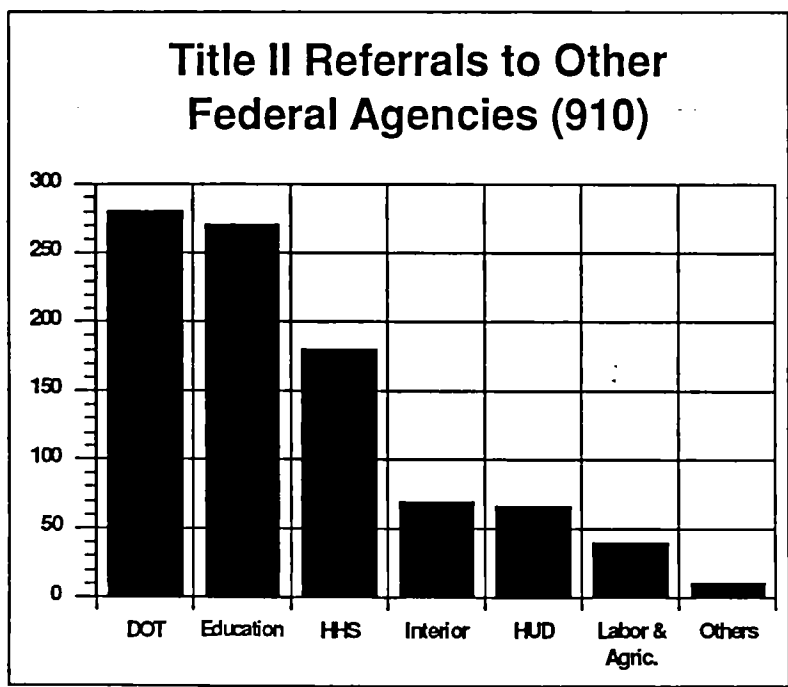
The Department investigates complaints involving public safety and the administration of justice (*e.g.*, prisons, courts, police departments, fire departments) and other general government functions not assigned to other Federal agencies (*e.g.*, personnel offices, election boards, municipal stadiums). The complaints allege a wide variety of violations, including physical inaccessibility, discriminatory policies, employment discrimination, and failure to provide auxiliary aids such as sign language interpreters and written material in alternate formats.



Title II complaint investigations follow the administrative enforcement model used by Federal agencies to enforce section 504 of the Rehabilitation Act of 1973, a forerunner of title II. These enforcement procedures are familiar to many State and local governments that receive Federal financial assistance.



The Section referred 910 of the 1669 total complaints received to the appropriate designated agencies: the Departments of Agriculture, Education, Health and Human Services, Housing and Urban Development, Interior, Labor, and Transportation. The Section routinely monitors referred cases.



The Process

The Coordination and Review Section staff investigate each complete complaint. When appropriate, in lieu of full-scale investigations, investigators use alternative dispute resolution techniques to resolve the issues.

The Department may enter into a formal or informal agreement with a State or local government wishing to voluntarily come into compliance before an investigation is completed.

If a resolution is not reached or a settlement agreement cannot be negotiated, a formal Letter of Findings of noncompliance is issued. In cases where noncompliance is found, the Coordination and Review Section attempts to negotiate a voluntary compliance agreement with the entity. If these negotiations are unsuccessful, the case is referred to the Civil Rights Division's Public Access Section for litigation.

If an investigation is completed and no violation is found, a formal Letter of Findings of compliance is issued.

The Coordination and Review Section has issued 18 formal Letters of Findings of compliance. On June 14, 1993, the Section issued its first noncompliance Letter of Findings in which it found that a St. Louis County, Missouri, Court violated title II by providing auxiliary aids upon request only to individuals with business before the court or who seek employment at the court, but not to observers of courtroom proceedings. Negotiations in this case are ongoing and, if a resolution cannot be achieved, the case will be referred to the Public Access Section for litigation.

Formal Settlement Agreements

The Department has negotiated two formal settlement agreements.

Clearwater, Florida

On June 29, 1993, the Section entered into its first settlement agreement with a local police department. The complaint alleged that the police department had failed to provide an interpreter in the arrest of an individual who is deaf. The police department agreed to establish and publicize a written policy for providing interpreters whenever necessary for effective communication.

Paulding County, Ohio

On March 17, 1993, the Section entered into its first formal settlement agreement. In response to a complaint alleging that the county courtroom was inaccessible to individuals with mobility impairments, the County Board of Commissioners agreed to relocate court activities to an accessible site upon reasonable notice and to publicize its new policy.

Informal Complaint Resolutions

The Section has successfully resolved 50 complaints without litigation or formal settlement agreements. Some of these resolutions were achieved after an extensive negotiation process. In other cases, the public entity agreed to take action to resolve the issues directly upon learning of the complaint.

Examples of resolutions include the following:

Inaccessible Facilities

- A county agreed to resolve two complaints regarding the inaccessibility of programs offered in its courthouse. The county agreed to install an elevator and make other structural modifications and, in the interim, to provide alternative means for providing services to individuals with disabilities.
- A number of cities agreed to install elevators in their city halls and, in the interim, to move their programs to alternative accessible locations.
- A small city agreed to move all city meetings from the inaccessible second floor of the town hall to the city's accessible library. It also built ramps at two entrances to the town hall and remodeled restrooms in the town hall and library.
- A New England town agreed to build a roof over the ramp leading to its 150-year-old town hall to ensure that the ramp does not become blocked by snow.
- The officials of a small town admitted to parking in spaces reserved for individuals with disabilities. The town agreed to formulate and enforce a written policy prohibiting the misuse of such spaces.

Auxiliary Aids

- A Committee of Bar Examiners of a State bar agreed to allow a severely visually-impaired individual to use a personal computer with a high resolution monitor to take the bar exam.

- A State Department of Corrections agreed to provide an interpreter for a deaf inmate's parole hearing.
- A State District Court agreed to provide an assistive listening device to an individual who is hard of hearing for an upcoming court date.
- A city agreed to provide additional microphones during city council meetings to ensure more effective communication with persons with hearing impairments.

Policies and Procedures

- A State Board of Behavioral Science Examiners agreed to provide an accommodation to an individual with a learning disability in taking the oral examination for licensed clinical social worker.
- A police department agreed to allow a mobility-impaired individual to use his motorscooter on roads and sidewalks within city limits anywhere that conventional wheelchairs are allowed.
- A prison agreed to change its policies to allow a wife with a disability to visit her inmate husband.
- A State Department of Corrections agreed to relocate an inmate with a disability to a facility closer to his mother's home so that his mother could visit him and monitor his medical condition.
- A county government agreed to include individuals with disabilities in developing its self-evaluation and transition plans.
- A court agreed to move a court hearing to a pollution-free courtroom for a woman with severe chemical sensitivity.

- A State Board of Law Examiners agreed to allow an individual with a learning disability extra time to take the State bar examination as an accommodation to his disability.
- A police department agreed to change its policies and procedures on public contact after an individual with severe physical disabilities was treated in a demeaning manner at the scene of an automobile accident. The police officer involved received a reprimand and was required to attend sensitivity training.

Employment

- A county agreed to separate its medical and personnel records, as required by the ADA.

Investigations in Progress

Inaccessible Public Stadiums and Arenas

The Coordination and Review Section is investigating over 30 complaints alleging that public stadiums and arenas are inaccessible to individuals with mobility impairments. Several of these facilities have not yet been constructed, and it is alleged that the design plans do not meet the requirements of the ADA.

Licensing and Certification Examinations

A number of complaints have been filed against a major State Board of Law Examiners, and against other public licensing and accreditation boards, alleging that accommodations are not being provided to individuals with disabilities in order for them to take critical examinations. The Department is working with these Boards to develop statewide policies to accommodate people with disabilities.

Inaccessible Corrections Facilities and Programs

The Department is investigating three large State prison systems after receiving numerous complaints that inmates with mobility, hearing, and visual impairments were not being provided an equal opportunity to participate in correctional programs and activities.

Ineffective Communications in Emergency Telecommunications Systems

The Department is investigating complaints from individuals in several large cities alleging that their emergency "9-1-1" systems do not provide direct access for individuals who use telecommunications devices for deaf persons (TDD's).

For Further Information

To file a complaint, write to:

U.S. Department of Justice
Civil Rights Division
Coordination and Review Section
P.O. Box 66118
Washington, D.C. 20035-6118

(202) 307-2222 (Voice)

(202) 307-2678 (TDD)

The Public Access Section has established an **ADA information line** that is available 24 hours a day. Callers can choose to speak with an operator from 1 p.m. to 5 p.m. (EST) Monday through Friday, or at any time they can listen to recorded information or request technical assistance materials. The information line number is (202) 514-0301 (voice) or (202) 514-0383 (TDD).