



ILLINOIS FAMILY VIOLENCE COORDINATING COUNCILS

Accessibility Review Tool: Law Enforcement

This review was created to assist law enforcement departments to evaluate their accessibility to people with disabilities in a collaborative, trauma-informed manner. People with disabilities include individuals with mental illnesses, intellectual and/or developmental disabilities, vision/hearing loss, chemical sensitivities and physical disabilities. The review process can assist in identifying steps to increase access to law enforcement and reduce unintended consequences of law enforcement interventions. Once the review is completed, the department can prioritize action steps they want to take to improve response to people with disabilities. Law enforcement response to violence against people with disabilities is critical to assuring that victims with disabilities have equal access to the criminal justice system in a compassionate, proactive, individualized manner.

The review can be self-administered, peer-administered or administered with support from a neutral third-party. For self-administration, a police chief or sheriff might complete the form or work with a small internal group to complete the form as a team. For peer-review, a law enforcement department could ask for a neighboring department to come in and complete the review. Two departments might complete this for each other in partnership. In order to have a neutral third-party complete the administration, the department would have to find a trusted person or agency in the community to assist, such as; a Center for Independent Living. (www.incil.org)

The review was created by the Illinois Family Violence Coordinating Council's Responding to Victims with Disabilities Committee. The review includes the following categories: Accessibility/Accommodations, First Response, Investigation, Environment/Culture, Training, General Orders, Collaboration, and Trauma-Informed.

The experience of a victim with a disability is shaped by many factors and it begins long before the victim comes in contact with law enforcement. Context matters. Just like the officer takes into account the context of the scene, the experience of a victim with a disability is influenced by things beyond the immediate interaction with an individual law enforcement officer. The Department culture, general orders, staffing levels, volume of calls, comfort and confidence level of responding officers, etc. have some bearing on the interaction between the officer and the victim with a disability. The review process encourages examination of both environmental and individual factors impacting immediate response, investigation and follow up.

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Accessibility/Accommodations

Some people with disabilities will need an accommodation to fully participate in the investigative process. Many accommodations are related to communications, such as: American Sign Language (ASL) Interpreters; individualized communication devices; pictures to communicate by pointing; plain language by the law enforcement officer/investigator; answering only 'yes' and 'no' questions; extended response time to answer questions; writing words instead of speaking words; etc. It is important to find out if a person needs an accommodation to communicate so the person has access to the criminal justice process. This is not only the right thing to do, it is the law.

It is also important that people have physical access and attitudinal access to the criminal justice process. The questions below will assist a department in assuring access to victims with disabilities.

AREA	Yes	No	Unknown	Opportunities
Has the department had a self-evaluation or other review of physical accessibility to determine compliance with the standards set by the Americans with Disabilities Act? If so, did the review include: parking, restrooms, entry/exit, doors, elevators, hallways?	date			
Does the department have a transition plan or other current plan of correction based upon these findings?	date			
Does the department have standard forms available in alternative formats? Braille? Large print? Disc?				
Does the department have a list of qualified American Sign Language (ASL) interpreters available 24/7 and contact information?				
Does the department have working agreements with qualified ASL interpreters in the area?				

Accessibility/Accommodations continued

AREA	Yes	No	Unknown	Opportunities
Does the department understand their legal obligation to provide accommodations to victims with disabilities?				

First Response

The first response to a person with disabilities can set the tone for the entire investigation. It is important for law enforcement first responders to be aware of general tips and techniques in responding to victims with disabilities.

There are occasions in which the first response may include transporting the victim to a hospital, clinic or a safe place. In many communities, transportation is a huge barrier for people with disabilities. If someone uses a wheelchair, public transportation may only be available certain days and hours; and typically this transportation requires a 24-48 hour notice.

AREA	Yes	No	Unknown	Opportunities
Do first responders understand the procedure to follow in situations when evidence may be present on adaptive equipment, such as a wheelchair, communication device, etc., which is necessary for the person to communicate and/or maintain independence?				
Do first responders know how to ask someone if they need any accommodations?				
Do first responders know how to communicate with someone who has an intellectual or developmental disability?				

First Response continued

AREA	Yes	No	Unknown	Opportunities
Do first responders know some basic tips on communicating with someone with a mental illness?				
Do first responders know some basic tips on how to communicate with someone who is blind or who has low vision?				
Do first responders know some basic tips on how to communicate with someone who is Deaf/hard of hearing, including how to work with interpreters?				
Do first responders know basic etiquette to use when interacting with someone who uses a mobility device such as a wheelchair?				
Are first responders aware that sirens and lights may cause some people with disabilities to have serious difficulties (e.g., seizures, spasticity, escalated anxiety, etc.)?				
Do first responders know what community resources are available to transport someone with a disability?				

Investigation

Investigating domestic violence and sexual assaults against people with disabilities is an important element in making offenders accountable. There are many considerations at the intersection of violent crimes, investigations, and victims with disabilities which make these cases very complex. These investigations tend to take more time and skill but can lead to successful outcomes for the victim, investigators, prosecutors and the community.

Investigation continued

AREA	Yes	No	Unknown	Opportunities
<p>Are investigators aware of the Illinois Model Protocols for Law Enforcement for working with victims with disabilities?</p>				
<p>Before meeting the person and to extent possible, does the investigator:</p> <p>Determine if the person has a disability and how that disability might impact the investigative process?</p> <p>Determine if the victim uses any adaptive equipment, such as hearing aid, wheelchair, communication device, etc.?</p> <p>Determine if the victim has any attention difficulties?</p> <p>Determine how the victim best communicates their wants and needs?</p> <p>Determine what makes it easier for the victim to understand what others communicate?</p> <p>Assure the setting for the interview is accessible to the victim?</p> <p>Assure that others who may have influence on the victim are not able to see or hear the interview?</p>				

Investigation continued

AREA	Yes	No	Unknown	Opportunities
Do investigators create a safe and non-judgmental environment that encourages honesty and sharing?				
Do investigators allow the person to share what happened before asking a lot of questions?				
Do investigators establish the course of conduct in cases of domestic and/or sexual violence, which includes Pre-Assault Behavior, Violent Incident(s), and Post-Assault Behavior?				
Do investigators understand how to collect evidence related to an individual's capacity to give consent for sexual activity when indicated during the investigative process?				
When domestic violence or sexual assault occurs within a group home, residential setting, day program or institution, do investigators know the evidence collection tips in the protocol?				
Do investigators document the type and extent of the victim's disability to help in determining the appropriate charge level as well as possible accommodations or supports necessary for equal access to the criminal justice system?				

Environment/Culture

People with disabilities have a history of oppression, segregation and discrimination. Although people with disabilities experience violent crimes on a regular basis, many are afraid to report to law enforcement because they fear they will not be taken seriously or that accommodations will not be made so they can participate. The environment or culture of the department can make victims with disabilities feel welcome and respected. Officer response is impacted by environmental factors such as call volume, staffing levels, availability of resources as well as individual factors like previous experience with people with disabilities, personal attitudes and comfort and confidence level. The interaction between law enforcement and a victim with a disability happens within a context.

AREA	Yes	No	Unknown	Opportunities
Is respectful language used by personnel in referring to people with disabilities (for example, do not use words such as retarded, autistic kid, crazy, etc.)?				
Are violent crimes against people with disabilities fully investigated whether or not the officer/investigator thinks the victim can testify?				
Are officers motivated to pursue justice for victims with disabilities?				
Are officers allowed to spend extra time with a victim with a disability?				

Training

In order to successfully respond to victims of domestic violence and sexual assault who have disabilities, training is needed to assure that law enforcement personnel have the knowledge, skills and tools needed. Ongoing, continuing education is needed. Training is one method to improve officer confidence and comfort level in responding to crimes against people with disabilities. It is encouraged that all officers receive training not just special liaisons.

Training continued

AREA	Yes	No	Unknown	Opportunities
<p>Has everyone been trained on the Illinois Model Protocols for Law Enforcement for working with victims with disabilities?</p>	Date			
<p>Have personnel been trained on:</p> <ul style="list-style-type: none"> Myths and facts about people with disabilities? Attitudes about people with disabilities? Different kinds of disabilities? Communicating with people with autism, intellectual and/or developmental disabilities and other disabilities? Language and sensitivity? Technology and communicating with Deaf people? (Video relay, apps) Pictorial communication? Indicators of violence in the lives of people with disabilities? Offender tactics and characteristics? Interview techniques? Investigative strategies? 				

Training continued

AREA	Yes	No	Unknown	Opportunities
Have personnel been trained on: Evidence collection? Trauma-informed investigations?				
Have people with disabilities assisted with training of personnel?				
Have personnel been trained on the ADA, examples of accommodations used in the courtroom from case law, and related state laws on mandated reporting and joint investigations?				

General Orders

General Orders are the foundation of any law enforcement department. Many law enforcement departments are just now beginning to include general orders regarding victims with disabilities. Doing so, not only sets the stage for effective response and investigation, it also allows for sustainability of efforts in this area.

It is crucial that general orders establish that reports of domestic violence and sexual assault of people with disabilities be fully investigated regardless of the type of disability the victim has or the relationships between the victim and the suspect(s).

AREA	Yes	No	Unknown	Opportunities
Is there a general order regarding needed accommodations for victims with disabilities? If yes, does the order include utilizing the accommodation preferred by the victim?				

General Orders continued

AREA	Yes	No	Unknown	Opportunities
Is there a general order regarding mandated reporting to Adult Protective Services and/or IHDS Office of the Inspector General as well as joint investigations with mandatory reporting entities?				
Is there a general order that provides guidance on working with adult victims who have legal guardians?				
Is there a general order that law enforcement shall participate in coordinated efforts with other appropriate agencies to improve the response to victims with disabilities (i.e., disability agencies, Centers for Independent Living, victim services, etc.)?				
Is there a general order requiring officers/investigators to receive training in working with victims with different kinds of disabilities? ASL Interpreters?				
Do all general orders state when they will be reviewed, updated and when officers/investigators will be re-trained throughout the course of their work?				

Collaboration

Collaborating with community partners is a critical aspect of positive criminal justice outcomes. Collaborating with disability service agencies and self-advocacy groups in the community can provide resources, support, and tools for both law enforcement and victims with disabilities. There may be existing collaborative teams to connect with. In any situation, it is valuable to know about and have contacts within each disability agency in your community.

AREA	Yes	No	Unknown	Opportunities
<p>Does the department collaborate with disability organizations and/or self-advocacy groups in the community? If yes, do collaborative efforts include:</p> <p>Centers for Independent Living (CIL)?</p> <p>Community Mental Health Centers?</p> <p>Depression and Bipolar Support Alliance (DBSA)?</p> <p>Developmental Disability agencies?</p> <p>National Alliance on Mental Illness (NAMI)?</p> <p>Rehabilitation services?</p> <p>Court Disability Coordinator (CDC) in the local courthouse?</p> <p>Illinois Assistive Technology Program Device Loan Program?</p>				
<p>Has the department utilized the CIL to conduct a self-evaluation or accessibility review?</p>	date			

Collaboration continued

AREA	Yes	No	Unknown	Opportunities
Does the department have a working agreement (formal or informal) with the Center for Independent Living?				
Does the department have a relationship with community disability organizations?				
Does the department utilize disability agencies or self-advocacy groups to assist with: Training? Review of General Orders?				

Trauma-Informed

Trauma impacts victims of violent crimes in varying ways and understanding this is very helpful to the investigative process. When law enforcement officers are sensitive to the impact of trauma on victims, victims are more likely to participate fully in the process. Trauma-informed investigations result in fewer false reports and better outcomes for everyone, with increased likelihood of offender accountability. Domestic violence and sexual assault takes away a victim's sense of control and their connection to themselves, others, and the world around them. An officer's response can help them feel safe, regain a sense of control over their own lives and re-connect with themselves and others. Law enforcement's role is central to recovery as well as access to justice.

AREA	Yes	No	Unknown	Opportunities
Are officers/investigators aware of the impact of trauma on people with disabilities?				
Do officers/investigators understand that memory is impacted by traumatic events and that victims can participate in the investigation better after they receive, in general, 2 days' rest, food and support?				

Trauma-Informed continued

AREA	Yes	No	Unknown	Opportunities
Are officers aware of the impact of trauma on victims' sense of safety, power and connection? If yes, do they utilize strategies that promote the victim regaining a sense of safety, power and connection?				
Do officers understand the importance of allowing a person to share their experience as a part of the healing process from trauma before asking a lot of questions?				
Do officers understand the context of the crime for the victim, i.e. culture of compliance, past history of relationships?				

This review tool is designed to support your efforts to improve the experience of crime victims with disabilities throughout their involvement with law enforcement from the initial call to the crime scene to follow-up investigation and court appearances. Enhancing the response to violence against people with disabilities is an ongoing process which is best accomplished through a collaborative effort between law enforcement, community disability service agencies, and people with disabilities.

Comments from Review:

Action Steps Recommended:

Signature

Date

For more information about the Department of Justice’s guidelines on self-evaluations under the Americans with Disabilities Act:

<http://www.ada.gov/taman2.html#II-8.2000>

For more information about the Americans with Disabilities Act (ADA):

www.ada.gov

This project was supported by Grant No. 2014-WE-AX-0025 awarded by the Office on Violence Against Women, U.S. Department of Justice. The opinions, findings, conclusions, and recommendations expressed in this publication/program/exhibition are those of the author(s) and do not necessarily reflect the views of the Department of Justice, Office on Violence Against Women.