



## **THE CITY OF SPRINGFIELD, MASSACHUSETTS**

**MAYOR CHARLES V. RYAN**

### **EXECUTIVE ORDER**

#### **AMERICAN WITH DISABILITIES POLICES**

WHEREAS, the City of Springfield (“City”) and the United States Department of Justice (“DOJ”) have signed a Settlement Agreement whereby the City agreed to comply with certain requirements of Title II of the American With Disabilities Act of 1990, (“ADA”) as amended; and

WHEREAS, it is the intent of my administration to initiate procedures to provide disabled individuals with safeguards to prevent the City from discriminating against qualified disabled individuals on the basis of their disability in City’s services, programs, or activities; and

WHEREAS, it is the intent of my administration not to discriminate on the basis of disability in its hiring or employment practices and to comply with all regulations promulgated by the U.S. Equal Employment Opportunity Commission under Title I of the American with Disabilities Act, as amended (“EEOC”);

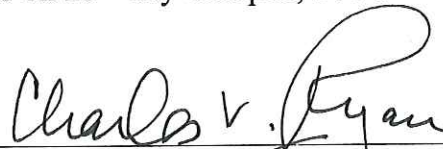
WHEREAS, it is the intent of my administration that the City will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in the City’s programs, services, and activities, including qualified sign language interpreters, documents in Braille, and other ways of communicating information accessible to people with speech, hearing, or vision impairments; and

WHEREAS, it is the intent of my administration that the City will make all reasonable modifications to existing policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all City programs, services, and activities. Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a City program, service, or activity, should contact the City's ADA Coordinator in accordance with these polices.

NOW THEREFORE, I, Charles V. Ryan, by the authority vested in me as Mayor of the City of Springfield, Massachusetts, do hereby order:

1. That the City adopt the Notice Under the American With Disabilities Act as attached hereto as Exhibit 1; and
2. That the City adopt the Grievance Procedures provided under the American With Disabilities Act as attached hereto as Exhibit 2; and
3. That the City adopt the Springfield Police Department's Policy Statement Regarding Effective Communication With People Who Are Deaf or Hard of Hearing under the American With Disabilities Act as attached hereto as Exhibit 3; and
4. That the City adopt the Springfield Police Department Guide For Law Enforcement Officers When In Contact With People Who Are Deaf or Hard of Hearing under the American With Disabilities Act as attached hereto as Exhibit 4.

This Executive Order shall take on 23<sup>rd</sup> day of April, 2004.

  
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Charles V. Ryan, Mayor  
City of Springfield



## NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT

In accordance with the requirements of title II of the Americans with Disabilities Act of 1990, the City will not discriminate against qualified individuals with disabilities on the basis of disability in the City's services, programs, or activities.

**Employment:** The City does not discriminate on the basis of disability in its hiring or employment practices and complies with all regulations promulgated by the U.S. Equal Employment Opportunity Commission under Title I of the Americans with Disabilities Act (ADA).

**Effective Communication:** The City will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in the City's programs, services, and activities, including qualified sign language interpreters, documents in Braille, and other ways of making information and communications accessible to people who have speech, hearing, or vision impairments.

**Modifications to Policies and Procedures:** The City will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all City programs, services, and activities. For example, individuals with service animals are welcomed in City offices, even where pets are generally prohibited.

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a City program, service, or activity, should contact the office of David Bissaillon, Director, Mayor's Office for Citizen's with Disability, City of Springfield, 36 Court Street, Springfield, MA 01103, (413) 787-6642, TTY (413) 787-6641, FAX (413) 787-6644 as soon as possible but no later than 48 hours before the scheduled event.

The ADA does not require the City to take any action that would fundamentally alter the nature of its programs or services, or impose an undue financial or administrative burden.

Complaints that a City program, service, or activity is not accessible to persons with disabilities should be directed to David Bissaillon, Director, Mayor's Office for Citizen's with Disability, City of Springfield, 36 Court Street, Springfield, Massachusetts (413) 787-6642, TTY (413) 787-6641, FAX (413) 787-6644.

The City will not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the cost of providing auxiliary aids/services or reasonable modifications of policy, such as retrieving items from locations that are open to the public but are not accessible to persons who use wheelchairs.

Attachment A to Settlement Agreement between the United States of America and the City of Springfield in DJ# 204-36-178

# CITY OF SPRINGFIELD

## Grievance Procedure under The Americans with Disabilities Act

This Grievance Procedure is established to meet the requirements of the Americans with Disabilities Act of 1990. It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in the provision of services, activities, programs, or benefits by the City. The City's Personnel Policy governs employment-related complaints of disability discrimination.

The complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number of complainant and location, date, and description of the problem. Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint, will be made available for persons with disabilities upon request.

The complaint should be submitted by the grievant and/or his/her designee as soon as possible but no later than 60 calendar days after the alleged violation to:

**David Bissaillon, Director**  
**Mayor's Office for Citizen's with Disability**  
**City of Springfield**  
**36 Court Street**  
**Springfield, Massachusetts 01103**  
**(413) 787-6642, TTY (413) 787-6641, FAX (413) 787-6644**

Within 15 calendar days after receipt of the complaint, David Bissaillon or his designee will meet with the complainant to discuss the complaint and the possible resolutions. Within 15 calendar days of the meeting, David Bissaillon or his designee will respond in writing, and where appropriate, in format accessible to the complainant, such as large print, Braille, or audio tape. The response will explain the position of the City and offer options for substantive resolution of the complaint.

If the response by David Bissaillon or his designee does not satisfactorily resolve the issue, the complainant and/or his/her designee may appeal the decision within 15 calendar days after receipt of the response to the Director of Health and Human Services, Helen Caulton-Harris or her designee.

Within 15 calendar days after receipt of the appeal, the Director of Health and Human Services or her designee will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting, the Director of Health and Human Services or her designee will respond in writing, and, where appropriate, in a format accessible to the complainant, with a final resolution of the complaint.

All written complaints received by David Bissaillon or his designee, appeals to the Director of Health and Human Services or her designee, and responses from these two offices will be retained by the City for at least three years (Health and Human Services).

**SPRINGFIELD POLICE DEPARTMENT**

**POLICY STATEMENT REGARDING**

**EFFECTIVE COMMUNICATION WITH**

**PEOPLE WHO ARE DEAF OR HARD OF HEARING**

**OVERVIEW**

It is the policy of this law enforcement agency (Agency) to ensure that a consistently high level of service is provided to all community members, including those who are deaf or hard of hearing. This Agency has specific legal obligations under the Americans with Disabilities Act and the Rehabilitation Act. To carry out these policies and legal obligations, the Agency instructs its officers and employees as follows:

- People who are deaf or hard of hearing are entitled to a level of service equivalent to that provided hearing persons.
- The Agency will make every effort to ensure that its officers and employees communicate effectively with people who are deaf or hard of hearing.
- Effective communication with a person who is deaf or hard of hearing involved in an incident -- whether as a victim, witness, suspect, or arrestee -- is essential in ascertaining what actually occurred, the urgency of the matter, and type of situation.
- Various types of communication aids – known as “auxiliary aids and services” – are used to communicate with people who are deaf or hard of hearing. These include use of gestures or visual aids to supplement oral communication; an exchange of written notes; use of a computer or typewriter; use of assistive listening devices (to amplify sound for persons who are hard of hearing); or use of qualified oral or sign language interpreters.
- The type of aid that will be required for effective communication will depend on the individual’s usual method of communication, and the nature, importance, and duration of the communication at issue.

- In many circumstances, oral communication supplemented by gestures and visual aids, an exchange of written notes, use of a computer or typewriter, or use of an assistive listening device may be effective. In other circumstances, qualified sign language or oral interpreters are needed to communicate effectively with persons who are deaf or hard of hearing. The more lengthy, complex, and important the communication, the more likely it is that a qualified interpreter will be required for effective communication with a person whose primary means of communication is sign language or speech reading. For example:

- If there has been an incident and the officer is conducting witness interviews, a qualified sign language interpreter may be required to communicate effectively with someone whose primary means of communication is sign language.

- If a person is asking an officer for directions to a location, gestures and an exchange of written notes will likely be sufficient to communicate effectively.

- To serve each individual effectively, primary consideration should be given to the communication aid or service that works best for that person. Officers must ask persons who are deaf or hard of hearing what type of auxiliary aid or service they need. Officers must defer to those expressed choices, unless there is another equally effective way of communicating, given the circumstances, length, complexity, and importance of the communication, as well as the communication skills of the person who is deaf or hard of hearing.

- The Agency is not required to provide a particular auxiliary aid or service if doing so would fundamentally alter the nature of the law enforcement activity in question, or if it would cause an undue administrative or financial burden. Only the Agency head or his or her designee may make this determination. For example:

- If the Agency has limited financial resources and providing a particular auxiliary aid would cost a large sum of money, the Agency head may determine that it would be an undue financial burden (note: the Agency's budget as a whole must be considered). In this situation, the most effective means of communication that does not involve an undue burden must be used.

- The input of people who are deaf or hard of hearing who are involved in incidents

is just as important to the law enforcement process as the input of others. Officers must not draw conclusions about incidents unless they fully understand -- and are understood by -- all those involved, including persons who are deaf or hard of hearing.

- People who are deaf or hard of hearing must never be charged for the cost of an auxiliary aid or service needed for effective communication.

### **ON-CALL INTERPRETIVE SERVICES**

- The Agency will maintain a list of sign language and oral interpreting services that are available (on-call 24 hours per day) and willing to provide qualified interpreters as needed. Each of these services will be chosen after having been screened for the quality and skill of its interpreters, its reliability, and other factors such as cost. The Agency will update this list annually.
- A qualified sign language or oral interpreter is one who is able to interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary. Accordingly, an interpreter must be able to sign to the deaf individual (or interpret orally to the person who does not use sign language) what is being said by the hearing person and to voice to the hearing person what is being signed or said by the deaf individual. The interpreter must be able to interpret in the language the deaf person uses (e.g., American Sign Language or Signed English) and must be familiar with law enforcement terms and phrases. Because a qualified interpreter must be able to interpret impartially, a family member, child, or friend of the individual who is deaf may not be qualified to render the necessary interpretation because of factors such as professional, emotional, or personal involvement, or considerations of confidentiality. Additionally, although a "qualified" interpreter may be certified, a certified interpreter is not necessarily "qualified," if he or she is not a good communications match for the deaf person (e.g., where the deaf person uses Signed English and the interpreter uses American Sign Language) or the situation (e.g., where the interpreter is unfamiliar with law enforcement vocabulary). Certification is not required in order for an interpreter to be "qualified."

### **TTY AND RELAY SERVICES**

- In situations when a nondisabled person would have access to a telephone, officers must provide persons who are deaf or hard of hearing the opportunity to

exchanges notes and points to information on the citation. A sign language interpreter is not needed.

**Example:** An officer responds to an aggravated battery call and upon arriving at the scene observes a bleeding victim and an individual holding a weapon. Eyewitness observed the individual strike the victim. The individual with the weapon is deaf, but the officer has probable cause to make a felony arrest without an interrogation. An interpreter is not necessary to carry out the arrest.

**Example:** An officer responds to the scene of a domestic disturbance. The husband says the wife has been beating their children and he has been trying to restrain her. The wife, who is deaf, requests an interpreter. The officer begins by exchanging notes but the woman's responses indicate a lack of comprehension and poor grammar. An interpreter is necessary to carry out an arrest. In this situation, it would be inappropriate to use a family member to assist with communication, even it is offered.

**Do you have to take a sign language interpreter to a call about a violent crime in progress or similar urgent situation involving a person who is deaf? No.** An officer's immediate priority is to stabilize the situation. If the person being arrested is deaf, the officer can make an arrest and call for an interpreter to be available later at the booking station.

**Contact numbers for your local sign language interpreters:**

**Mass Commission for the Deaf & Hard of Hearing— 788-6427**  
**Lyn Jervis—567-5159**  
**Kathy Cardellas—525-8191 or 575-8887**  
**Katherine Young—(860) 794-9231**

## **SPRINGFIELD POLICE DEPARTMENT GUIDE FOR LAW ENFORCEMENT OFFICERS**



### ***When In Contact with People Who are Deaf or Hard of Hearing***

As a law enforcement officer, you can expect to come into contact with people who are deaf or hard of hearing.

Title II of the Americans with Disabilities Act (ADA) of 1990 prohibits State and local government from discriminating against an individual with a disability. Municipal and State police and county sheriff departments are bound by this Federal law. Your office has adopted a more detailed policy regarding law enforcement officers' communication with people who are deaf or hard of hearing. You should become familiar with this policy.

**What does title II require of you when interacting with persons who are deaf or hard of hearing? Among other things, your communication with such an individual must be as effective as your communication with hearing people.**

**How do you communicate? Provide aids or services as necessary to ensure that the deaf or hard of hearing individual understands what you are saying and that you understand him or her. These include:**



place calls using a text telephone (TTY, also known as a telecommunications device for deaf people, or TDD). Officers must also accept telephone calls placed by persons who are deaf or hard of hearing through the Telecommunications Relay Service.

## **TECHNIQUES FOR OFFICERS TO COMMUNICATE EFFECTIVELY**

- Officers must review and have a working knowledge of *Guide for Law Enforcement Officers When In Contact With People Who Are Deaf or Hard of Hearing*. This document reviews how officers should communicate effectively in the types of situations officers will encounter. These situations include:
  - Issuing a noncriminal or motor vehicle citation.
  - Communicating with a person who initiates contact with an officer.
  - Interviewing a victim or critical witness to an incident.
  - Questioning a person who is a suspect in a crime.
  - Making an arrest or taking a person into custody.
  - Issuing *Miranda Warnings* to a person under arrest or in custody.
  - Interrogating a person under arrest or in custody.

## **PROCEDURES FOR OBTAINING AUXILIARY AIDS AND SERVICES**

- Officers must utilize the following auxiliary aids, when available, to communicate effectively:
  - Use of gestures
  - Use of visual aids
  - Exchange of written notes
  - Use of computers or typewriters
  - Use of assistive listening devices
  - Use of teletypewriters (TTY's)
  - Use of qualified oral or sign language interpreters