



**Rhode Island
Disability Law Center**

The Designated Protection and
Advocacy System for Rhode Island

March 28, 2017

Chief John M. LaCross
Barrington Police Department
100 Federal Road
Barrington, RI 02806

Dear Chief LaCross:

Last year, the RI Disability Law Center and the ACLU of Rhode Island sued the Woonsocket Police Department on behalf of a profoundly deaf person who was arrested and detained overnight in jail on a minor offense. Our client was not provided technology to allow him to place a phone call, nor was he provided an interpreter to enable him to communicate with the police during his detention. Among other issues raised, the lawsuit argued that the Department's failure to procure an interpreter or provide other means to effectively communicate with the detainee violated a number of federal and state laws barring discrimination on the basis of disability.

We are pleased to report that in January, we successfully settled the lawsuit. The Department agreed, among other provisions in the settlement agreement, to adopt and implement a detailed "Effective Communication Policy" which provides guidance to officers on how to meet their legal obligations in working with people who are deaf or hard of hearing. The Department also agreed to provide communication devices, and notice to the public about their rights to auxiliary aids and services free of charge as required by law. Additionally, the Department agreed to train staff on how to obtain an interpreter and utilize communication devices, and on best practices in working with people who are deaf or hard of hearing.

We hope this information about the Woonsocket lawsuit and its resolution will prompt you to review your own Department's practices and policies, which could be out of date and out of compliance with federal regulations. For example, if your policy was adopted before 2011, it may not comport with Americans with Disabilities Act regulations on the subject that were revised in 2011. Similarly, we know that many policies reference the use of communication technology called TTYs; however that technology will soon be obsolete, so a departmental policy's reliance on TTY as a communication device would not be prudent.

The U.S. Department of Justice has prepared information on this topic for police and law enforcement agencies that is available at <https://www.ada.gov/policeinfo.htm>, and the Woonsocket Settlement and policy are available at <https://www.aclu.org/news/settlement-reached-lawsuit-against-woonsocket-police-unlawful-arrest-and-detention-deaf-person>. If you

have technical questions about adopting or revising an effective communication policy that comports with the law, we recommend you first confer with legal counsel and/or your litigation insurance carrier. The Disability Law Center is also available to provide guidance.

We hope you find these resources helpful and that you will promptly take all the necessary steps to ensure that your police department is in compliance with the ADA and other anti-discrimination laws in working with people who are deaf or hard of hearing.

Thank you for your attention to this.

Sincerely,

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