Disability Rights online News

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Disability Rights Online News is a monthly update about the Civil Rights Division's activities in the area of disability rights. The Division enforces laws prohibiting discrimination based on disability in employment, housing, access to businesses serving the public, access to government programs and services including voting and public transportation, and unconstitutional conditions in institutions of confinement.

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CIVIL RIGHTS DIVISION COMMEMORATES 100th AGREEMENT MILESTONE FOR PROJECT CIVIC ACCESS

On August 5, citizens from across the nation gathered at the Justice Department to celebrate the signing of the 100th agreement reached through "Project Civic Access." Through Civic Access, municipalities work cooperatively with the federal government to bring local physical spaces, emergency services, employment practices, polling places, and other aspects of public life into compliance with the Americans with Disabilities Act (ADA). The event commemorated the 14th anniversary of the ADA with twenty-four new Project Civic Access agreements. (continued on page 2)

ADA IMPROVES QUALITY OF LIFE

The August 5th Project Civic Access event included a roundtable discussion with citizens and government leaders. Among them young Ross Soleil Palmer of Santa Fe, New Mexico, pictured below with his mother Raya Soleil, shared how the Americans with Disabilities Act provides him with new opportunities and improves his quality of life. Ross, a nine year old boy with cerebral palsy, seized the microphone to express personally his appreciation to Assistant Attorney General Acosta, senior Justice Department officials, and other leaders present for the expanded access the ADA affords him and others.

Ross Palmer: "I want to say that the Americans with Disabilities Act allowed me to get places, gave me more to do. I will be able to go places and get around the neighborhood a lot easier and safer. Thanks."

(Other highlights are featured in this issue, beginning on page 2.)

(100th Agreement Milestone, con't)

Attendees included Assistant Attorney General for Civil Rights R. Alexander Acosta, Principal Deputy Associate Attorney General Brian D. Boyle, city and county government representatives, community advocates, and residents with disabilities from seven communities. All of the seven communities entered into agreements under Project Civic Access.

"As a result of today's agreements, people with disabilities will be able to participate fully in fundamental aspects of American life," stated Assistant Attorney General Acosta.

"Today we salute the local governments and officials who have made this initiative a success by willingly reaching out to all of their citizens, both with and without disabilities," said Assistant Attorney General Acosta. "As a result of today's agreements, people with disabilities will be able to participate fully in fundamental aspects of American life, including attending town hall meetings, viewing government websites, accessing emergency services, and voting at their local polling places. Their increased participation benefits all Americans."

In his remarks, Assistant Attorney General Acosta announced the signing of twenty-four new Project Civic Access agreements, bringing the total to one hundred settlements. The communities which entered into these settlement agreements were Juneau, Alaska; Fountain Hills, Arizona; San Rafael, California; Vail, Colorado; Vail Recreation District, Colorado; Hayden, Colorado; Coral Gables, Florida; Citrus County, Florida; Chatham County, Georgia; Davenport, Iowa; Jeffersonville, Indiana; Frederick, Maryland; Brunswick, Maine; Burton, Michigan; Butler County, Missouri; Cape May, New Jersey; Taos County, New Mexico; Highland County, Ohio; Deschutes County, Oregon; Deschutes County 9-1-1 Service District, Oregon; Monroe County Conservation District, Pennsylvania; Minnehaha County, South Dakota; Lakewood, Washington; and Green Bay, Wisconsin.

Following these remarks, city and county government representatives, community advocates, and individuals with disabilities from seven communities around the country participated in a round table discussion highlighting the positive impact that Project Civic Access has had in their communities. The communities represented were Juneau, Alaska; Flagstaff, Arizona; Davenport, Iowa; Brunswick, Maine; Santa Fe, New Mexico; Taos County, New Mexico; and Green Bay, Wisconsin. Participants discussed the strategies they used to comply with the ADA and praised the spirit of cooperation fostered by Department staff.

ROUND TABLE HIGHLIGHTS

At the Project Civic Access event, city and county government representatives, community advocates, and individuals with disabilities from seven communities around the country shared their experiences with Project Civic Access and the positive impact it has had in their communities.

AAG Acosta with ADA Coordinator Jose Ortiz, Mayor Pro-Tem Carol Robertson Lopez, and Raya Soleil of Santa Fe, New Mexico

Mr. Ortiz: "Prior to the Department of Justice actually coming through Santa Fe I hadn't ever really stopped to think about the ADA. It

(Round Table Highlights, con't)

kind of opened up a new world for me and it made me aware of what it takes to be accessible. I want to again thank the Department of Justice for having come through and having provided us the opportunity to do this."

Raya Soleil of Santa Fe, New Mexico

Raya Soleil: "My son Ross here has taught me more in this lifetime than I ever imagined I could learn. And I didn't realize in the five years that ADA was having its life before my son had his that I would be accessing and allowing my son to have the kind of functioning life he's now beginning to have. And it was because the federal government had something in place that I could use on his behalf."

John Sparks of Davenport, Iowa

John Sparks: "My name is John Sparks. I live in Davenport, Iowa. I became disabled 17 years ago when I was in a motorcycle accident and became paralyzed. After going to college and getting a degree in programming the city of Davenport offered me a program position. I was very scared at first to accept because I didn't know how I would be able to perform duties in such a large organization. I just want to take this time to thank the city of Davenport, the ADA, Project Civic Access, and the Department of Justice as a whole.

"With all the changes the city of Davenport has made or plans to make, I will be able to do more activities with my family. We have a ten-year-old boy, Eric, and a five-year-old girl, Emily . . . [and] even though they were not required to, the city of Davenport has acquired accessible golf carts. My son and I have always enjoyed going to the driving range and driving balls, but now I can actually take a cart and go around the course with him. That means so much to me.

"They are also going to be doing projects like making junior theater accessible where my little girl loves to dance and sing. And before it would be something that my wife could take her to classes and do, but now I'll be able to partake in that."

Craig T. Malin
City Administrator of Davenport, Iowa

Craig Malin: "It also struck me that freedom and equality require access. Actually freedom and equality and dignity require access. So the city of Davenport is an enthusiastic participant in Project Civic Access. And I'd like to thank the Department of Justice again and I'd like to thank them especially for allowing me to make the acquaintance of Ross [Palmer of Santa Fe]."

(Round Table Highlights, con't)

Jamie Leigh Howard
Mayor of Davenport, Iowa

Jamie Leigh Howard: "On behalf of Davenport we want to thank you, the Department of Justice, for the opportunity to participate in the Department's Project Civic Access program. This program not only assists in improving Davenport's physical facilities but it's even deeper than that, it builds on communicating the acceptance and tolerance of our disabled citizens. So thank you Department of Justice for helping Davenport to grow and helping her to be the best she can be."

Earl D. Clark of Juneau, Alaska

Earl Clark: "I'd like to thank the Department of Justice for the written material that we desperately needed. It's been excellent, it's been helpful, and many of the things that we have tried to accomplish could not have been accomplished unless we had that material to read, think about, argue about and encourage us to go forward on the particular issue. We have used federal and state money to develop two accessible fishing docks.

"One for fresh water fishing, a fresh water fishing dock, where people with various degrees of disability, including those in wheelchairs, can go down, set up their fishing pole, enjoy fishing like everybody else.

"There is a 25-foot tide range right there. So that fishing dock moves constantly up and down, up and down. And the ramp that goes down to it moves up and down and up and down. But people in wheelchairs and other people who have different degrees of disability can get to that dock."

Juneau, where fishing is a major recreational activity for tourists and citizens alike, built an accessible fishing platform that adjusts to the community's extreme tides without reducing its accessibility for people who use wheelchairs or other mobility devices.

(Round Table Highlights, con't)

Karen Cooper
City Council Member Flagstaff, Arizona

Karen Cooper: "We want people to come as tourists to Flagstaff and we can accommodate them if they're disabled. We want students to come to Northern Arizona University, and Flagstaff is a welcoming place for those with disabilities. And I think that this is going to be nothing but a greater opportunity in the future for us all."

Sammy L. Pacheco
County Manager of Taos County, New Mexico

Sammy Pacheco: "We certainly feel that our goal is not only legal compliance but also to present a clear picture to the community as well as to the state and the nation that we are committed to the spirit and letter of ADA and Project Civic Access. . . This was not just another unfunded federal mandate where you basically sink or swim on your own. I think Mr. Acosta and his group of people, as well as DOJ and Project Civic Access, ought to be commended.

"This is a program that should be followed by every federal government office in that when they have a responsibility that they want to have the states and local governments assume, they need to offer us a helping hand. And this particular program, Mr. Acosta, has proven that."

Sara L. Boesser
Building Inspector of Juneau, Alaska

Sara Boesser: "It was a wonderful experience to go around watching someone else do all those measurements, but also just to be able to learn from the experts from the Department of Justice and learn some of the things that we didn't know.

"Juneau's desire is to be the most accessible city in the state. And so we realize that we're setting an example not just for our county but for people from all over the world. And I just want to say that the most unexpected pleasure from all of it is the help that DOJ has given us with plan review questions every since.

"The more of that service you can offer building departments around the world, the more they're going to give you good service from their end."

(Round Table Highlights, con't)

Patricia C. Harrington Assistant Town Manager and ADA Coordinator of Brunswick, Maine, with Assistant Attorney General Acosta

Patricia Harrington: "I think that having that little extra push by the Department of Justice, even if the desire was already there, does really give you an opportunity to even go further. And it was especially motivational to be able to hear Santa Fe and Flagstaff today. So thank you for inviting me, and I'll take this enthusiasm back home and share it. Thank you." [Applause]

Assistant Attorney General Acosta's Remarks of Aug. 5, 2004

Early in his administration, President George W. Bush issued all of us in this administration a directive: "Whenever any barrier stands between you and the full rights and dignity of citizenship, we must work to remove it." And he gave a very simple reason. "We have to do this in the name of simple decency and simple justice." That challenge to us is called the New Freedom Initiative.

The Civil Rights Division has taken that challenge seriously, and we have worked hard to see it through. Our record has been strong. Since fiscal 2001 we have reached over 1,000 agreements, consent decrees, and informal resolutions of disability rights matters. We have filed 75 lawsuits. And, we have built a successful mediation program, achieving nearly 800 resolutions on disability related complaints.

Achieving compliance, whether it is through litigation or alternative dispute resolution, remains the core of our mission. Full compliance with federal disability law depends on a willing and robust litigation effort. But, it is important to emphasize that we cannot rely on litigation alone. Your presence here today is a testament to what can happen when we engage in compliance assistance and when we engage in cooperative relationships. You have made strong efforts to engage in that compliance assistance and cooperative relationships.

Our ADA.gov website last year received over 25 million hits. Thus far in this year, we have received almost 24 million hits, averaging 64,000 hits a day; 64,000 instances when Americans from around this nation have visited our website and received answers to their questions. Our ADA hotline fields 120,000 calls per year. Callers receive one-on-one assistance about specific requirements.

With the upcoming elections, we have published extensive guidance for local election officials teaching them how to make polling places accessible. And, for the first time ever, the Department of Justice this year will be training civil rights election monitors and observers on voting accessibility requirements. These

Assistant Attorney General Acosta with Councilwoman Karen Cooper and Vice Mayor and Councilman Albert White of Flagstaff, Arizona

(AAG Remarks, con't)

Assistant Attorney General Acosta with Building Inspector Sara Boesser and Assemblyman Marc Wheeler of Juneau, Alaska

resources will go a long way toward heading off problems before we get into litigation.

It is important to emphasize that, for this to work, we must have effective and clear rules and regulations. We continue to clarify our own regulations to make sure that they are easily understood and that they provide the required access.

Let me take a few moments to talk about an initiative that I think is very important -- the ADA Business Connection. More than 50 million Americans across our nation have a disability. That's about 18 percent of our population; about 50 million potential customers for businesses. And, if you stop and think about it, it's actually more than that, because, when an individual with a disability goes to a restaurant or a movie theater, it's not just them, but it's their family and their friends.

According to a Department of Labor study, these 50 million individuals wield $175 billion in purchasing power. And that doesn't begin to count the purchasing power of their families and their friends. These Americans are incredibly loyal customers. When they find a place that is accessible, they will go back and they will tell their own friends about this place. This is a wide, untapped market.

In fact, individuals with disabilities wield twice the purchasing power of teenagers. Think about how much energy is spent by American businesses marketing to teenagers. What this tells you is that there is an untapped market for business.

And that is the message of our ADA Business Connection. Individuals with disabilities for example spend $35 billion annually in restaurants alone. So, our Business Connection makes the message clear that accessibility is not only required by law, but makes business sense. We travel the nation, bringing businesses together with individuals with disabilities in their community. We have businesses that have brought accessible services talk to other businesses about why this makes business sense.

I was at a small business conference recently and I came across a manufacturer of a speech recognition program for the Blackberry. I asked them, "Have you been marketing to individuals with disabilities?" They said, "No." They said, "We don't know how. It will probably be too expensive."

This struck me as remarkable shortsighted. If there is a use for voice recognition, it is with individuals with certain disabilities. The fact that they are not marketing to these individuals makes no business sense. If businesses get the right information, if they realize that there is a market, they will increase accessibility for themselves.

> "Whenever any barrier stands between you and the full rights and dignity of citizenship, we must work to remove it," said President George W. Bush.

I want to talk about another area in which we've been particularly active, enforcement of CRIPA, the Civil Rights of Institutionalized Persons Act. Under CRIPA the Department of Justice is authorized to investigate patterns and practices of violations of federally protected rights at state-operated institutions. Our investigations have unearthed some truly horrifying facts: neglect and abuse; residents being punched and kicked by staff; and suicidal children being left unattended and unsecured.

(AAG Remarks, con't)

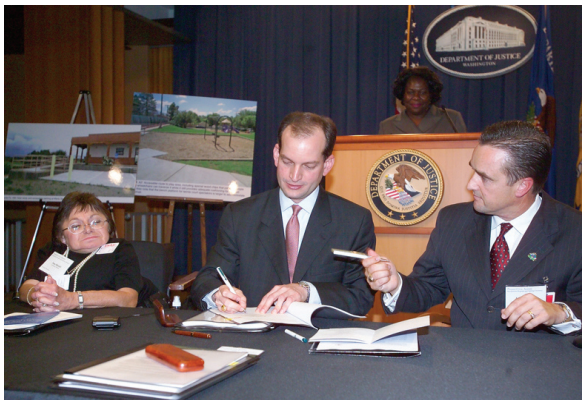
At one facility in Louisiana we found evidence of staff dragging residents across the carpets; of staff kicking residents; of staff placing a blanket over a resident's head and proceeding to hit him, to punch him; of staff slapping a six-year old resident on the head and putting a rag over her nose and mouth; and of staff pulling a resident's hair so hard that her head went from side to side. We now have that facility under a CRIPA decree. And we have brought other facilities under CRIPA decrees.

"If businesses get the right information, if they realize that there is a market, they will increase accessibility for themselves," said Assistant Attorney General Acosta.

Our record with respect to CRIPA is strong. Since 2001 we have opened 44 investigations, nearly doubling the rate of investigations over the prior three and a half years. And, already this year we have brought 13 investigations under the Civil Rights of Institutionalized Persons Act. Let me add that this is not only a civil problem, this is a criminal problem. Between private individuals, such conduct is assault; it should be no different in an institution.

Our approach in these cases is clear: when the state takes responsibility for some of the most vulnerable in our society it shoulders an obligation to provide legally adequate care and to protect them from harm.

Let me turn to Project Civic Access, the reason that brings us together today. Last month, President George W. Bush honored the ADA on its 14th anniversary and spoke about Project Civic Access as a method to integrate individuals with disabilities more fully into community life. Through Project Civic Access we go into communities and we work to ensure that people with disabilities have equal access to public facilities. We go to courthouses, libraries, parks, cities, city halls, recreational facilities, and, where appropriate, even to fishing docks.



Assistant Attorney General Acosta with Jane Rueckl and Mayor James Schmitt of Green Bay, Wisconsin

Our teams have spent hours, days, months, traveling the country with the accessibility guidelines, with tape measures, working with city officials. Often the city officials that accompanied them made changes right on the spot. Where they couldn't make changes on the spot, they committed to make the changes and notified us when the changes were made.
This has made a world of difference. Your work means that city halls, libraries and courthouses in dozens of cities are now open, that doors and elevators are now accessible, that playground and picnic areas are no longer exclusive.

A lot of these fixes are very simple. There's a picnic table poster out in the hallway, that simply points out by extending the picnic table a little bit you allow individuals with disabilities to roll wheelchairs up to the picnic tables and participate more fully.

And it just takes individuals with heart and with time to make these changes. And that's exactly what happened. And in short this means freedom. It means a new freedom, access to use, to enjoy civic opportunities on the same basis as everyone else. And that really is the promise of the ADA. After today's ceremony we will have signed 100 settlement agreements, 100 towns whose public facilities and programs promise this new freedom.

(AAG Remarks, con't)

In my work as the head of the Civil Rights Division I've traveled to other countries. And I've seen no other nation that has entertained such a sweeping alteration of its built environment and public services to make sure that all citizens are welcome.

In his first minutes as president, George W. Bush spoke of an unfolding American promise. On the steps of the Capitol, in his inaugural address, he spoke of an unfolding American promise that everyone belongs, that everyone deserves a chance, and that no insignificant person is ever born. And he called this promise the grandest of the American ideals. And that really is why we're here today, to fulfill that promise and that ideal. Thank you.

ACCESS TO CIVIC LIFE, A RIGHT GUARANTEED TO ALL AMERICANS

Most Americans take for granted their ability to attend a civic meeting, use public sidewalks, call 9-1-1 in an emergency, or show up at the polls to vote for candidates of their choice. For many people with disabilities, these seemingly routine aspects of American life have posed daunting challenges.

In 1990, Congress passed the Americans with Disabilities Act (ADA), which sought to welcome persons with disabilities into the mainstream of American life. Today, all city and county governments must comply with the requirements of the ADA. The ADA commands that all local government programs, services, and activities must be accessible. This includes public education, public health and social services, public sidewalks and parking, public parks and recreation, public meetings, election activities, court activities, the activities of police, fire, and emergency management services, as well as the city's or county's employment practices.

The ADA's requirements for cities, counties, and other forms of local government went into effect in January 1992. Initially, the Department of Justice's enforcement efforts concentrated on resolving discrete problems brought to its attention through citizen complaints. Subsequently, the Department has developed a more comprehensive approach to compliance -- Project Civic Access. Under Project Civil Access, the Department performs a bottom up review of entire municipalities' and counties' public spaces and services.

Department investigators have surveyed state and local government facilities and evaluated government programs around the country to determine if they are, in fact, accessible to people with disabilities. Department investigators have now worked with over 100 state and local governments to bring them into compliance with the ADA. The initiative has addressed not only accessibility for those with physical disabilities but also those with vision, speech, hearing, or other non-physical disabilities.

Project Civic Access is a wide-ranging initiative to ensure that state, county, city, town, and village programs and activities comply with the ADA, allowing

Through Project Civic Access, the Department has found that the vast majority of communities are aware of their ADA obligations and have made progress in meeting them.

(Access to Civic Life, con't)

Some Project Civic Access reviews follow complaints received by the Department, but many are conducted on the Department's own initiative. The Department works to conduct reviews in every state, to include locations with a range of population sizes, and to include locations that are demographically diverse. Programs surveyed include the activities of city and town halls; courthouses; police, fire, and sheriff's departments; centers for health care, childcare, teen, and senior activities; libraries; convention centers; stadiums; emergency shelters; polling places; and parks and recreational facilities.

Through Project Civic Access, the Department has found that the vast majority of communities are aware of their ADA obligations and have made progress in meeting them. Investigators discuss their findings with local officials and draft settlement agreements to resolve any outstanding issues.

Typical issues addressed during the Project Civic Access compliance reviews include:

- whether physical modification of facilities or relocation of services are required to provide accessibility;
- procedures for relocating inaccessible activities, such as town meetings and county court proceedings, to accessible locations upon request;
- whether there are viable alternate means of making services accessible, such as the availability of absentee balloting;
- whether accessibility standards are met when facilities and sidewalks are physically altered;
- whether assisted listening systems are provided in assembly areas (e.g., legislative chambers, court rooms, municipal auditoriums);
- the adequacy of 9-1-1 emergency response services for citizens with hearing or speech impairments;
- the adequacy of telephone communications in other governmental functions;
- whether government websites are usable by citizens with vision impairments;
- procedures and time frames for requesting and securing other auxiliary aids, such as sign language interpreters, when needed for effective communication);
- whether there is permanent and conspicuous notice to the community of their ADA rights and the government's ADA obligations; and
- whether there is an ADA grievance procedure in communities employing more than 50 persons.

ADA COMPLIANCE ASSISTANCE AVAILABLE TO ALL

The ADA is the first civil rights law to require the government to help people and organizations understand their rights and responsibilities under the law. This is no small task: the ADA covers more than six million businesses, 80,000 units of State and local government, and 50 million people with disabilities.

To meet this challenge, the Department maintains a toll-free ADA information line and an ADA website. Through the information line, callers can order a wide range of free technical assistance materials addressing a wide range of ADA topics. Callers can also speak to an ADA specialist who can offer expert advice on how the ADA applies in their specific situation. The website is an on-line resource where users can read or download a large variety of ADA technical assistance publications, settlement agreements, press releases, and other information published by the Department. Over one million people use these services annually.

Some of the materials available through the website and information line are written specifically for state and local governments. These resources ease the burden of compliance with the ADA and help increase accessibility for all. The booklets entitled "ADA Guide for Small Towns" and The "ADA and City Governments: Common Problems" review the ADA's requirements and offer practical examples of ways they can be met in cities and small towns. Another publication, the "ADA Checklist for Polling Places," is a 43-page guide for election officials to ensure that their voting process is accessible. These are just some examples of a range of publications the Department offers that focus on civic access.

User-friendly compliance assistance materials aimed at State and local governments can be obtained from the ADA website at www.ada.gov or from the ADA information line at 1-800-514-0301 (Voice) or 1-800-514-0383 (TTY).

Both the website and the information line offer other materials written for businesses and the general public.

The ADA requires Federal agencies to help people and organizations understand their rights and responsibilities under the law. This is no small task: the ADA covers more than six million businesses, 80,000 units of state and local government, and 50 million people with disabilities!