



PREPARING TO PROVIDE ACCOMMODATIONS: Recommendations for Prosecutors' and Other Legal Offices

People with disabilities and Deaf people are victims of violent crime at three times the rate of people without disabilities.¹ They also experience some of the greatest obstacles to accessing justice. These barriers make it difficult, if not impossible, to fully participate in the legal system, whether as witnesses in a case, victims asserting their rights in a criminal case, or parties in litigation. Federal law requires prosecutors' offices, private law firms, and non-profit organizations to ensure their responses and services are accessible to victims with disabilities so they can participate in the legal system.^{2,3} An important way to increase access to justice is by providing victims with accommodations.

What is an accommodation?

Titles II and III of the Americans with Disabilities Act (ADA) require government agencies and places of public accommodation to make all services available to people with disabilities. This includes providing and paying for auxiliary aids and services, such as sign language interpreters and Braille materials, to ensure equal access. It also includes making reasonable modifications to policies, procedures, and practices. Together, we refer to these as accommodations.

This document is part of a toolkit that includes a how-to guide for asking about and providing accommodations. Before staff begin implementing those recommendations, it is essential that your office has the resources and supports in place to help staff seamlessly provide accommodations. Being unable to meet a victim's accommodation request can create a barrier for them to get the help they need. In addition to the attorney-client relationship, it can also damage your office's relationship with others in the disability and Deaf communities. This document outlines several actions your office can take to make sure your staff are prepared to provide accommodations to survivors in a timely manner.

How to prepare your office to provide accommodations



Develop or revise an accommodations policy

Because you often cannot tell if someone has a disability just by looking at them, your accommodations policy should require staff to ask all victims if they need any accommodations.

An effective accommodations policy communicates to your staff and survivors your office's commitment to helping victims with disabilities and Deaf victims access the support they need. It should also describe when and how to ask; outline the steps to take when a request is made, including how to meet requests in a timely manner; and explain how to confirm if provided accommodations are effective. When developing or revising policies, it is important to work with disability rights advocates, including people with disabilities whose lives will be directly impacted by the policy.



Budget for accommodations

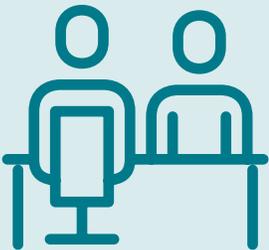
Your office will likely receive more accommodation requests once your staff start asking every victim about the need for accommodations. While some of these requests will not have any costs associated with them, such as reading written information out loud, others will have costs that may not currently be outlined in your budget. Include a dedicated line item for accommodations in your budget to ensure you have money available to meet the needs of victims with disabilities and Deaf victims.

How to prepare your office to provide accommodations (continued)



Develop partnerships

Disability and Deaf service organizations can provide a wealth of information, including how to increase a person's access to your services and identify community resources from which your office can rent or buy equipment to support communication or mobility, such as a medical supply agency. They can also help you create or enhance your accommodations policy and build relationships with the disability and Deaf communities. Establishing a connection with sign language interpreting agencies or individual interpreters who specialize in legal proceedings will help your staff more quickly fill interpreter requests.



Train staff

Once you have developed or revised your policy, train staff on how to implement it. It is also important to provide staff with basic information on working with survivors with disabilities and Deaf people, such as common barriers to safety and justice, types of disabilities and functional limitations, disability etiquette, and Deaf culture. A disability or Deaf service organization may be able to provide this training for your staff or support your office in developing a training.



Monitor and re-assess

After you have implemented your updated accommodations policy, develop a plan to regularly monitor its effectiveness. Check in with survivors who have received accommodations and staff who provided them about what has and has not worked. Track how many and what type of requests your office receives. This information will help you strengthen your policy and practices and more accurately budget for accommodations in the future.



To learn more about providing accommodations, visit reachingvictims.org/resource/just-ask.

- 1 Erika Harrell, *Crime Against Persons with Disabilities, 2009–2014 - Statistical Tables* (Washington, DC: U.S. Department of Justice, Bureau of Justice Statistics, 2016).
- 2 The Americans with Disabilities Act (ADA) went into effect on January 26, 1991. Title III of the ADA, 42 U.S.C. §§12181–12183 (1990), provides people with disabilities the right to equal access to public accommodations. Both Title III of the ADA, and the U.S. Department of Justice regulation pursuant to Title III, 28 C.F.R. Part 36, specifically include the offices of lawyers in the definition of public accommodations. 42 U.S.C. §§12181; 28 C.F.R. §36.104.
- 3 Victims' rights generally include the rights to be treated with dignity and respect and to a meaningful role in criminal justice, neither of which can be afforded without accommodation. See *Crime Victims' Rights Act*, 18 U.S.C. §3771 (1984).

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