



GUIDE TO PROVIDING ACCOMMODATIONS:

Prosecutors and Other Attorneys

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. Federal law requires government agencies and places of public accommodation, including prosecutors and civil legal and victims' rights attorneys working for private firms or non-profit agencies, 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 people with accommodations. Victims may need accommodations to work with your office or during the court process.

Ask Everyone and Ask Often

Why ask everyone?

One in 4 Americans has a disability. For many, their disability may not be visible. For this reason, it may not be possible to tell if someone needs accommodations just by looking at them. Best practice is to ask everyone you work with if they need any accommodations.

When?

Ask during your first interaction with a survivor. Continue to ask at every new step in the process or new activity the victim will participate in.

Why ask often?

A survivor may have a better sense of what they need as they learn more about the legal process. They may also feel more comfortable talking about their needs as they build trust with an attorney, prosecutor, or victim advocate. Additionally, their needs may change over time based on where they are in the legal process.



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



Set the stage.

Explain why you are asking about accommodations.

For example: “We want to make sure every victim gets the help they need. We also want to make sure victims can participate in the legal system, including people with disabilities and Deaf people. We know that some disabilities may not be visible. We also know that some people may not feel comfortable asking about accommodations on their own, so we ask everyone if they need any accommodations.”

Describe your services and the legal process.

People need to understand how the legal process works in your jurisdiction and how your office can help them. During your first meeting with a survivor, explain privilege and how you will work with them, including any tasks they may need to do, such as filling out paperwork or remembering specific dates and times of events. This will help them determine if they need any accommodations to meet with you. It is also important to provide a basic overview of the legal process at this time, which will help the survivor determine if they need any accommodations when they go to court. Each time you meet with the victim, review the legal process. For example, if you are meeting with a survivor to go over their testimony, let the survivor know what to expect, including what the courtroom looks like, who will be in the room, what their role is, and where they will sit. This will help a survivor determine if they need any accommodations to testify.

Did you know?

Many of these accommodations are free and easy to provide and can make a significant impact on a victim’s ability to participate in the legal system. For more examples of accommodations, refer to our **Accommodations Tip Sheet**.



Ask and listen.

✓ Ask.

1. Start by asking if the person needs any accommodations to work with you or go to court. Here are some examples of how to ask:

- Is there anything I can do to make it easier for you to meet with me and talk about what happened to you?
- Are there any additional supports you need to go to court?
- Do you need any accommodations to work with our office/participate in this case?

2. If the victim needs more context, you can ask more specific questions, such as:

- Are there any additional supports you need to understand or fill out the forms?
- Is there something we can do to make it easier for you to give testimony in court? Giving testimony means telling the court what happened.
- Are there any supports you need to prepare your victim impact statement?

✓ Listen.

People with disabilities and Deaf people know best what they need and how to meet those needs. People with the same disability may have different needs, so do not make assumptions about what will work for a person.

3. Give examples. Here are some things you can say to help survivors identify accommodations they may need:

- I can write down what we talked about if you're having trouble remembering or focusing on what I'm saying.
- I can read written information out loud.
- I can get a sign language interpreter so we can communicate.
- We can tour the courthouse before the hearing.
- We can take a break during the meeting or deposition if you start to feel overwhelmed.
- We can request a recess, or break, during hearings and trial testimony if you start to feel overwhelmed, need to gather your thoughts, or take medication.
- We can request that a specially-trained dog be present while we're in court to make you feel more comfortable.
- I can provide you with a diagram of the legal process. Each time we meet, we can review where we are in the process and who is involved.

STEP 3



Provide accommodations.

Provide the requested accommodations as soon as possible, keeping in mind that some survivors may not be able to stay safe and heal without them. It is the responsibility of your office to cover any costs associated with providing access to meetings and depositions. It is the responsibility of the court to provide accommodations for legal proceedings.

STEP 4

Check in and make changes.

Finding the right accommodation can take time. After providing an accommodation, check with the survivor to see how it is going. Is the survivor/client able to fully participate in their interactions with you and court proceedings? If not, what would work better?

Tip for working with D/deaf clients

In addition to the sign language interpreter provided by the court, it is advisable that each attorney, especially those directly representing a client, provide an additional interpreter to interpret private conversations with their client.

What is an accommodation?

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

When explaining what an accommodation is to a victim, use plain language. For example:

“Some people with disabilities and Deaf people need prosecutors and other attorneys to make changes to the way we work with them so that the person with a disability can prepare for and participate in legal proceedings. These changes can include providing the person with equipment, such as a portable ramp; getting a sign language interpreter; or doing something to support the person, like reading forms out loud or in plain language.”

Accommodations in court

Federal law requires courts to provide and cover the costs of reasonable accommodations for legal proceedings.⁴ To ensure they do, you or your staff should contact the court’s ADA compliance officer ahead of time. If an accommodation is not provided, you may need to file a motion with the court arguing the accommodation requested is necessary and reasonable given your client’s or witness’ disability.⁵ Under state and federal crime victims’ rights law, accommodations are not just for testifying. For example, a survivor can request an accommodation to help them understand what is happening in the courtroom.



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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 2010.
- 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).
- 4 The Department of Justice guidance states:
56 Fed.Reg. at 35567
The Department wishes to emphasize that public accommodations must take steps necessary to ensure that an individual with a disability will not be excluded, denied services, segregated or otherwise treated differently from other individuals because of the use of inappropriate or ineffective auxiliary aids. In those situations, requiring an interpreter, the public accommodations must secure the services of a qualified interpreter, unless an undue burden would result. See *Interpreters a Requirement for Meaningful Access*, National Crime Victim Law Institute, Newsletter of Crime Victim Law, Fall/Winter 2013
- 5 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.

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