

General Order

Houston Police Department



ISSUE DATE:

November 14, 2017

NO.

200-19

REFERENCE: This newly created General Order supersedes all prior conflicting Circulars, Directives, and General Orders

SUBJECT: AMERICANS WITH DISABILITIES ACT

POLICY

The Houston Police Department shall ensure quality services are provided to all persons and shall comply with provisions of the Americans with Disabilities Act (ADA). All employees shall afford persons with *disabilities* the same rights, dignity, and access to police services as are provided to all citizens.

The Americans with Disabilities Act, Title II provides under 42 U.S.C. (U.S. Code) Section 12132 and 28 C.F.R. (Code of Federal Regulations) Part 35, that no *qualified individual with a disability* shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by a public entity. The Houston Police Department is a public entity.

DEFINITIONS

ADA Coordinator. Departmental representative designated by the Chief of Police who shall resolve grievances concerning the availability and/or use of auxiliary aids and services. The department's ADA Coordinator is the lieutenant over the department's Alternative Dispute Resolution Unit.

Disability. With respect to an individual: (a) a physical or mental impairment that substantially limits one or more *major life activities* of such individual; (b) a record of such an impairment; or (c) being regarded as having such an impairment. An individual meets the requirement of "being regarded as having such an impairment" if the individual establishes that he or she has been subjected to an action prohibited under 42 U.S.C. Chapter 26 because of an actual or perceived physical or mental impairment whether or not the impairment limits or is perceived to limit a *major life activity*.

Major Life Activities. Include, but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working.

Public Establishment. Location that an individual without a disability is commonly given access. Public establishments include, but are not limited to: business establishments, educational facilities, government establishments, hotels, medical facilities, modes of transportation, and restaurants.

Qualified Individual with a Disability. An individual with a disability who, with or without reasonable modifications to rules, policies, or practices, the removal of architectural, communication, or transportation barriers, or the provision of auxiliary aids and services, meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by a public entity including the Houston Police Department.

Service Animal. A dog that has been individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. The ADA regulations also include a provision for miniature horses in the definition of service animal. The work or tasks performed by a service animal must be directly related to the individual's disability. The crime deterrent effects of an animal's presence or the provision of emotional support, well-being, comfort, or companionship are not considered work or tasks for purposes of the definition of a service animal.

1 SERVICE ANIMALS

The owner of a service animal must keep the service animal properly harnessed or leashed unless the person's disability prevents use of these devices. In this instance, the owner must be able to direct the animal by voice, signal, or other effective means to maintain control of the animal.

Owners of service animals may, but are not required to, present service animal cards or certificates, or have their animal wear special vests, leashes, or collars that identify their animal as a service animal. A person who uses a harness or leash normally used by persons with disabilities for service animals in order to represent an untrained animal as a trained service animal is guilty of a misdemeanor crime.

Service animals are permitted in all *public establishments* with the exception of places of worship. When accompanied by an approved trainer, service animals in training are afforded the same access rights as trained service animals that are with a person with a disability. Denying entry or service to a person with a disability who uses a service animal is discrimination and a misdemeanor crime. However, there are certain exceptions for *public establishments* that cannot accommodate a miniature horse pursuant to the ADA.

When a disability is not obvious, a *public establishment* is allowed to ask the owner of a service animal the following two questions:

- a. Is the service animal required because of a disability?
- b. What work or task has the animal been trained to perform?

Public establishments are not allowed to:

- c. Inquire about the nature of a person's disability.
- d. Require medical documentation.
- e. Require a special identification card or training documentation for the service animal.
- f. Request that the service animal demonstrate its ability to perform the work or task.

Officers who respond to calls for service involving persons with disabilities who are denied admittance to *public establishments* should educate the persons involved and attempt to resolve the situation before taking enforcement action.

2 DEPARTMENT SPONSORED PUBLIC MEETINGS

Department sponsored meeting announcements such as Positive Interaction Program (PIP), town hall, and other public meetings that are posted to the department website shall include the following notice:

“For persons requesting reasonable accommodations due to a disability to attend this meeting, please contact (*name of HPD employee with administrative oversight of the meeting*) at (*telephone number*) and/or (*email address*) at least 72 hours (3 business days) prior to the start of this meeting.”

The announcement shall be in accessible format (MS Word document or text format) in order to ensure that visually impaired citizens have access to the information.

When contacted by a citizen requesting an accommodation to attend a department sponsored meeting, the HPD employee who has oversight of the meeting shall acquire as much detailed information as possible from the individual requesting accommodations regarding the specifics of the request. If feasible, every effort shall be made to ensure reasonable accommodations are put in place.

If the department employee who has administrative oversight of the public meeting is uncertain how the accommodation should proceed after acquiring as much information as possible from the citizen requesting the accommodation, then the employee should contact the department's ADA Coordinator.

Whenever a visually impaired person requests the same material that is commonly distributed at a department sponsored meeting, then the material distributed to the visually impaired individual shall be in font size 18 or larger in Arial, Tahoma, or Verdana (block) font.

3 EMPLOYEES REQUESTING ACCOMMODATIONS AT DEPARTMENT FACILITIES

Employees who request an accommodation for their disability shall consult with their immediate supervisor or the ADA Coordinator to determine the best course of action. Medical documentation from an approved medical or health professional and departmental correspondence shall be generated in any official accommodation request.

The employee making the request for accommodation based on a disability is not required to notify or submit medical documentation through the chain of command. Supervisor's handling an accommodation request shall ensure the requesting employee's privacy is protected and shall store all documents in a confidential manner.

Accommodation requests handled at the division level require approval of the division commander. The division shall be responsible for maintaining any documentation related to the accommodation. The ADA Coordinator should be contacted for any questions and/or direction to ensure the request and accommodation meet federal guidelines.

If the accommodation requested is outside the division's purview, then the issue shall be sent to the ADA Coordinator for review. Medical documentation and interoffice correspondence addressed to the ADA Coordinator is required to begin the review process. The ADA

Coordinator shall review the documentation and consult with HPD's Office of Legal Services and the City of Houston ADA Coordinator. The HPD ADA Coordinator shall then approve, deny, or suggest another reasonable accommodation.

The HPD ADA Coordinator shall schedule an interactive process meeting with the requesting employee. Approval of the accommodation request will depend on the feasibility of the request and the nature of the resources available to the department.

If there is no disclosure of the employee's medical condition by the employee, then the department will be unable to honor the accommodation request.

4 RELATED GENERAL ORDERS AND REFERENCE MATERIAL

300-11, **Discrimination, Harassment, and Other Prohibited Conduct**

500-01, **Effecting Arrests and Searches**

500-02, **Handling and Transporting Prisoners and Other Persons**

500-13, **Dealing with the Deaf or Hard of Hearing**

42 U.S.C. (U.S. Code) §12102 and §12132

28 C.F.R. (Code of Federal Regulations) Part 35 of the Americans with Disabilities Act,
Title II

Chapter 121, Human Resources Code



Art Acevedo
Chief of Police