

What If I Ask For An Accommodation, But The Program Doesn't Give It To Me?



If a program has told you they won't give you an accommodation, you should ask if they have a "Grievance Process." A Grievance Process is a process that allows you to complain about a program denying your request.

You should also consider talking with a lawyer. If you can't afford a lawyer, call your local legal services office.

Filing an ADA Complaint with the United States Department of Justice

If a program has told you they won't give you an Accommodation, you can also write a complaint to:

U.S. Department of Justice
Civil Rights Division
950 Pennsylvania Ave., NW
Disability Rights Section – NYAV
Washington, DC 20530
For more information, call:
800-514-0301 (voice)
800-514-0383 (TDD)

What Do I Do To Prove That I Asked For And Was Denied An Accommodation?

It is good to have proof that you asked for an Accommodation.

When you request an Accommodation, always:

- 1) Keep a copy of the request with the date you sent the request written on it.
- 2) If you can't make the request in writing, write down when you requested it and what you requested.
- 3) Write down the date and time you gave the request to the program.
- 4) If you can, send the request by certified mail. Or, ask the person who takes the request to sign your copy.
- 5) Save any documents that respond to your request.

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THE CRIMINAL JUSTICE SYSTEM

REQUESTING AN
ACCOMMODATION UNDER
THE AMERICANS WITH
DISABILITIES ACT ("ADA")



Florida Institutional Legal Services, Inc
12921 SW 1st Rd., Ste. 107 -#346
Newberry, FL 32669
Phone (352) 375-2494
Fax (352) 331-5202

This brochure contains general information that is current through the date of publication (10/5/09). It should not be used as a substitute for legal advice. If you have questions about this information, then you should talk with a lawyer.

What Is an “ADA Accommodation?”

An ADA Accommodation is when a person with a disability needs a program to change so the person can use the program.

Programs have to make some changes so that people with disabilities can use them. You don't have to pay for the changes.

Here are examples of changes to programs in the criminal justice system:



Ex. #1:

A person who is non-verbal can only talk to others using sign language. When that person talks to the Judge in Court, then the Court must provide a qualified sign language interpreter.



Ex #2:

A person with a disability does not understand what they read without help from another person. When that person has to sign a legal paper, the Court must explain the paper so the person with a disability understands it before they sign.

How Do I Request An Accommodation From...



The Police

If you're Arrested and need an Accommodation, tell the police officer:

- You have a disability.
- What disability you have.
- You have a special need.

If the officer says he won't give you an Accommodation, don't keep asking the same officer. If you're taken to a police station, tell other officers about your disability. Your family, friends or care providers can also call the police station to tell them about your special needs.



The Criminal Court

If you have a disability and have to go to Criminal Court, you can ask for an Accommodation for your disability. Your family, friends or care providers can also ask for the Accommodation.

Tell your Defense Attorney you need an Accommodation. Your Defense Attorney can also ask for the Accommodation.

Each Florida circuit court has an ADA coordinator. To find your circuit's ADA coordinator, visit:

http://www.flcourts.org/gen_public/pubs/bin/ADA_directory.pdf

You can also call your county courthouse and ask for the ADA coordinator's contact information.



The County Jail

If you have a disability and are in jail, you can ask for an Accommodation for your disability.

Your family, friends or care providers can also ask for an Accommodation.

To ask for an Accommodation from the jail:

- 1) Call the jail.
- 2) Ask for the "Classification Office."
- 3) Tell the Classification Office that an inmate at the jail has a disability. Explain the disability. Explain the Accommodation needed.
- 4) Ask for the Classification Office's fax number. Fax a copy of the Accommodation request to their office.