



# JUSTICE

POLICE, COURTS, PRISONS & RE-ENTRY



## Police and Disability Rights

This fact sheet answers:

- What are my rights when the police stop me?
- What is reasonable accommodation when it comes to police?
- What can I do if the police violated my rights?
- How do I file a complaint against the police?
- And more

Disability rights laws protect people with disabilities during interactions with the police. This means that police cannot discriminate against a person because they have a disability. It also means police must provide reasonable accommodations and effective communication to meet their disability needs. In other words, police may have to do things differently to make sure people with disabilities are not harmed.

## What are my rights when the police stop me?

You have **the right to remain silent**. Whether you have a disability or not, you do not have to talk to the police.

You do not need to consent, or say yes, to a search. If you are arrested, you have the right to a lawyer and the government must give you one if you cannot afford one.

See the [ACLU Stopped By Police Fact Sheet](#) for your general rights with the police.

You have **the right to be free from discrimination and to get reasonable accommodations**. As a person with a disability, you have rights from the [Americans with Disabilities Act \(ADA\)](#), Section 504 of the Rehabilitation Act (Section 504) and the Illinois Human Rights Act. This means that police officers cannot discriminate against you because of your disability. It also means they must make reasonable accommodations to the way they do things to make sure you are treated fairly.

## What is reasonable accommodation when it comes to police?

A reasonable accommodation means a change in the usual way that the police do things in order to treat you fairly for your disability needs.

You do not have to make a formal request for an accommodation under the ADA, but the police do need to know that a disability accommodation is needed. For that reason, you will need to tell them about the type of disability you have and how it impacts you during the interaction.

You should ask for the types of accommodations that you know are the most helpful to you.

The “accommodation” must be something that helps with the disability needs but it also has to be safe for everyone involved.

If police arrest you for disability-related actions that are not actually illegal, you may have a false arrest claim.

Reasonable accommodations can be required for any kind of police interaction where there are disability needs, from stops on the street to calls for help; arrests and interrogations; witness interviews and any other police “service” or activity.



## Do I have a right to have my service animal with me?

**Yes.** If you have a service animal that is under your control, you have the right to stay with your service animal during the arrest process.

## What types of reasonable accommodations do police have to make?

Reasonable accommodations are specific to the person with the disability and their needs during the police interaction. People with physical, cognitive, developmental, and mental health disabilities are all protected by the ADA. They all have the right to reasonable accommodations if needed, no matter what type of disability.

Some examples of accommodations are:

- Giving more time to understand and respond to the officers' orders.
- Stepping back to create space.
- Giving devices and interpretation services to meaningfully communicate.
- Letting someone stim if they need to, instead of assuming that stimming means they did something bad.
- Using different ways of communicating. Asking a person with mobility needs about the best way to move to another location, and being careful with their mobility device.
- Reading documents out loud for a person with a visual impairment.

If someone calls the police for you in an emergency, make sure that person knows about your disabilities, medications, and accommodations that you need.

## What can I do if the police violated my rights?

- When you can, write down everything you remember, the time and place where it happened, and the officer's name, badge, and car number. Get contact information for witnesses too.
- Take photographs of injuries or locations.
- If you are hurt, get medical attention right away.
- File a written complaint with the agency's internal affairs division or civilian complaint board.

## How do I file a complaint against the police?

Most law enforcement agencies have their own way to make a complaint about police misconduct. You can make a complaint even if they don't have a dedicated agency by sending the complaint to the head of the agency (like the chief of police) or the department's internal affairs team. You should follow their rules and keep a copy of everything you send. You could also bring it to your local state representative and ask them to help. Below are some complaint options for specific agencies and for all law enforcement agencies in Illinois.

### Chicago Police Department:

- You can file a complaint with the Civilian Office of Police Accountability (COPA) at [www.chicagocopa.org/complaints](http://www.chicagocopa.org/complaints).
- You can also file an anonymous complaint with the Office of the Inspector General at <https://home.chicagopolice.org/services/file-an-anonymous-complaint/>

**Cook County Sheriff:**

- Complaints can be filed with the internal office of professional review at <https://cookcountysheriffil.gov/office-professional-review> or through the Cook County Office of the Inspector General at <https://www.cookcountyil.gov/service/filing-complaint-office-independent-inspector-general>.

**Illinois Law Enforcement Training & Standards Board (ILETSB):**

- The ILETSB oversees all police officers in Illinois, including state troopers, city police and sheriff's deputies. They have the power to revoke an officer's certification, which means the officer cannot work anywhere in the state.
- You can file a complaint here: <https://www.ptb.illinois.gov/resources/make-an-allegation/>

**Illinois Attorney General's Office:**

- If you think a police officer violated your civil rights, you can file a complaint with the Illinois Attorney General. Their office addresses patterns and practices of unlawful or unconstitutional conduct by police departments.
- You can file a complaint here: <https://illinoisattorneygeneral.gov/File-A-Complaint/#:~:text=Filing%20a%20Civil%20Rights%20Complaint>

**How long do I have to file a lawsuit against the police?**

If you want to file a lawsuit about your interaction with the police, remember that for most legal claims there is a deadline to file in court. That deadline is called a "statute of limitations." This is usually two years from the time it happened for federal cases and one-year for state law claims.

**Should I file a lawsuit or submit an informal complaint?**

Whether you should file a lawsuit or submit a complaint depends on your goal. If you believe the officers violated your legal rights and you would like to get compensation or some form of remedy for the incident, then you may want to file a lawsuit. If your goal is for the officers or agency involved to be disciplined or investigated, then you may want to file a complaint. You can file a complaint if the officers engaged in misconduct or acted unprofessionally, even if it did not violate the law.

You can also do both, but if you are considering filing a formal lawsuit about an incident, you should try to talk to attorneys who handle those cases first before submitting a complaint as a precaution.

If criminal charges were filed against you from the incident, you should talk to a criminal defense attorney before making any complaints or statements about what happened.



## How do I get reports or video from the police?

To get more documents from the police about the incident, you can use the Freedom of Information Act (FOIA) to ask for records from the police department. Most departments have a system or a person who handles FOIAs. For smaller departments, it may be through the city or county. Ask the department to ask for that process.

**IF YOU HAVE TROUBLE WITH THE COMPLAINT PROCESS DUE TO YOUR DISABILITY, YOU CAN ASK FOR HELP FROM EQUIP FOR EQUALITY.**

## What can I do instead of calling the police when someone is in crisis?

The police are not always the best people to help with medical or mental health emergencies. Talk with your friends, family, or other people you trust about ways that they can help during a crisis. Other options include calling 988 or a crisis response team in your area.

Here are some things you can instead of calling the police:

- [Contact Chicago's Crisis Assistance Response and Engagement \(CARE\) team.](#)
- Find a local crisis provider in your area: [www.dhs.state.il.us/page.aspx?item=30893](http://www.dhs.state.il.us/page.aspx?item=30893)
- Call 988 for the 24/7 Suicide & Crisis Lifeline that gives free and private phone help to people in distress by a trained crisis counselor.
- Call 311 for the Mobile Crisis Response and Shelter Referral Program (MCRSRP) if you are homeless.
- Call 211 for information and the names of places that may be able to help. 211 also helps connect people to food, housing, utility payment help, health care, transportation, childcare, employment, mental health, disaster information and help, and more. ■

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## Have More Questions?

Contact Equip for Equality.

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[www.equipforequality.org/stop\\_abuse](http://www.equipforequality.org/stop_abuse)