




USING THE ADA AS A CIVIL RIGHTS ACTION FOR POLICE AND GOVERNMENT MISCONDUCT

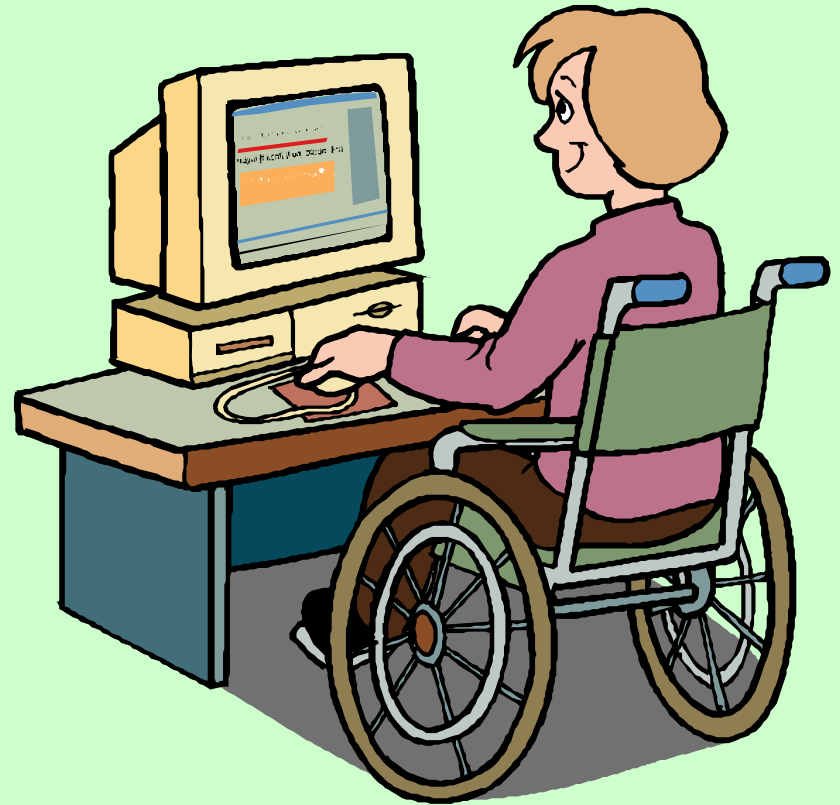
Getting Relief
&
Avoiding §1983 Obstacles

I. DOCTRINES OF DIFFICULTY IN §1983 ACTIONS

- A. Qualified ("Good Faith") Immunity
 - B. Interlocutory Appeal
 - C. Municipal Immunity
 - D. Appellate Courts' Propensity to
Construe and (Mis)Interpret Facts
 - E. Sovereign Immunity
- 

II. AMERICANS WITH DISABILITIES ACT (ADA)

- **TITLE I** Employment
- **TITLE II** Government programs & facilities
- **TITLE III** Private sector programs & facilities



ADAAG Rules !!

- A) NO MUNICIPAL or "GOOD FAITH" IMMUNITIES
- B) YES, THERE IS SOVEREIGN IMMUNITY
--- BUT LIMITED !

SECTION 504 SAFETY NET



- C) STANDING and
CLASS ACTIONS v. VIRTUAL CLASS RELIEF
 - > Person with disability
 - > Perceived as
 - > Associated with

& Need not attempt vane act

III. TITLE II POSSIBILITIES INSTEAD OF, OR IN ADDITION TO §1983 ACTION

A. SELF-EVALUATION and TRANSITION PLAN

B. JAIL and PRISONS



1. HIV (& improving health care overall?)

2. Suicidal and Mentally Ill Prisoners

ADA HELPS INFORM §1983 STANDARDS?

>>> And Remember: **Section 504 Safety Net**

3. Interpreters and Options

& Accommodating Blind Inmates

4. Prison Litigation Reform Act (PLRA) **Caveat**

5. Private Prison and Jail Facilities

Title III & §1983 (for damages)



C. POLICE ACTIVITIES



1. Use of Force - **big problem area**
2. Suicide Calls for Assistance and Mental Health Emergencies - **even bigger problem area**
3. Interpreters and Options
& Accommodating Blind Persons



D. PAROLE & PROBATION

- specialized
case
workers

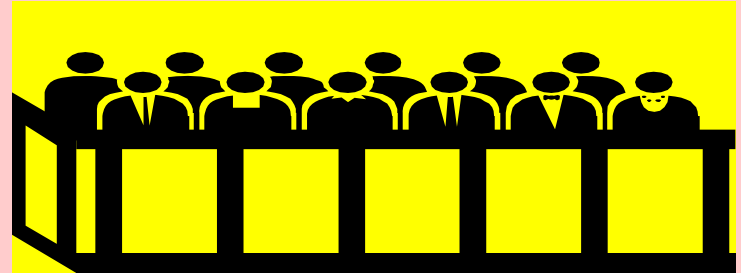


E. ADMINISTRATION OF JUSTICE

- A. Physical Access and Program Access at the Courthouse
- B. Juries - physical & proceedings & into the jury room
- C. Interpreters and options, yet again



**F. DAMAGES,
JURY TRIALS &
BURDEN OF PROOF**



**G. ATTORNEY'S FEES,
COSTS &
LITIGATION
EXPENSES**

(Better \$\$\$ than \$1988?)

Other Rights of People with Disabilities

Always check state law !!





TEXAS CIVIL RIGHTS PROJECT

EQUALITY - JUSTICIA - DIVERSITY - COMUNIDAD