**Police, Courts, Prisons, & Re-Entry Series:**
**Police and Disability Rights**

There are laws that help people with disabilities protect themselves when interacting with the police. This means that police cannot discriminate against a person because a disability makes them act differently or need accommodations.

**This fact sheet answers the following questions:**

1. What are my rights when the police stop me?
2. What is reasonable accommodation when it comes to police?
3. Do I have a right to have my service animal with me?
4. What types of reasonable accommodations do police have to make?
5. What can I do if the police violated my rights?
6. How do I file a complaint against the police?
7. How long do I have to file a lawsuit against the police?
8. How do I get reports or video from the police?
9. What can I do instead of calling the police when someone is in crisis?

**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](https://www.aclu.org/know-your-rights/stopped-by-police#:~:text=What%20to%20do%20if%20you,any%20decisions%20without%20a%20lawyer.) for your general rights with the police.

You have **the right to be free from discrimination and to reasonable accommodations.** As a person with a disability, you have rights from the [Americans with Disabilities Act (ADA),](https://www.ada.gov/resources/commonly-asked-questions-law-enforcement/) 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 while thinking about your disability needs.

* You do not have to ask for an accommodation under the ADA, but it can help to tell the police about any disability needs that they should accommodate.
* If police arrest you for disability-related conduct that is not actually illegal, you may have a false arrest claim.

Police must give reasonable accommodations the entire time they are with you, from stops on the street, arrest, interrogation, 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. 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.
		- Speaking slowly, clearly, and visibly for speech- or lip-reading.
		- 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 simple commands instead of complex sentences.
		- Asking a person with mobility needs about the best way to move to another location, and being careful with their mobility device.
		- Reading documents or written instructions 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, including the officers’ badge and car numbers and the agency they work for.
	+ Get contact information for witnesses.
	+ If you are hurt, get medical attention right away and take pictures of your injuries.
	+ File a written complaint with the agency’s internal affairs division or civilian complaint board.

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

**Follow the police agency’s rules for making a complaint**: Most police agencies have their own way for making a complaint about police misconduct. You should follow their system and keep a copy of everything you submit. Below are some specific agency systems.

**Chicago Police Department**:

* + - * You can file a complaint with the Civilian Office of Police Accountability (COPA) at <https://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 Sherriff**:

* + - Complaints can be filed with the internal office of professional review at <https://www.cookcountysheriffil.gov/contact/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 State Police:**

* Fill out this [officer complaint form](https://www.ptb.illinois.gov/media/1737/notice-of-violation.pdf) and email it to PTB.Complaints@Illinois.gov.

**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.” For federal cases, this is usually two years from the time it 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](https://www.988california.org/) or a crisis response team in your area.

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

* [Chicago’s Crisis Assistance Response and Engagement (CARE) team](https://www.chicago.gov/city/en/sites/community-safety/home/CARE-Dashboard.html).
* 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.

**Have More Questions?**

Contact Equip for Equality.

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[www.equipforequality.org/solutions/police-courts-prisons-and-reentry](http://www.equipforequality.org/solutions/police-courts-prisons-and-reentry/)

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