



**Request for City Council Committee Action  
From the City Attorney's Office**

Date: September 25, 2008  
To: Ways & Means/Budget Committee  
Referral to:

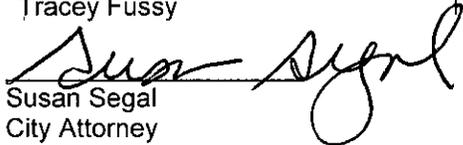
**Subject:** Lisa Burch v. City of Minneapolis

**Recommendation:** That the City Council approve the settlement of this case by payment of \$10,000.00 payable to Lisa Burch and her attorney, Emily Teplin, from Fund/Org. 6900 150 1500 4000 and authorize the City Attorney's Office to execute any documents necessary to effectuate settlement.

**Previous Directives:**

Prepared by: Tracey Fussy Phone: (612) 673-2254

Approved by:

  
Susan Segal  
City Attorney

Presenter in Committee: Susan Segal, City Attorney

**Financial Impact:**(Check those that apply)

- No financial impact (If checked, go directly to Background/Supporting Information).  
 Action requires an appropriation increase to the \_\_\_ Capital Budget or \_\_\_ Operating Budget.  
 Action provides increased revenue for appropriation increase.  
 Action requires use of contingency or reserves.  
 Business Plan: \_\_\_ Action is within the plan. \_\_\_ Action requires a change to plan.  
 Other financial impact (Explain): \$10,000 from Fund/Org. 6900 150 1500 4000  
 Request provided to department's finance contact when provided to the Committee Coordinator.

**Community Impact:** Other

**Background/Supporting Information:**

Complainant Lisa Burch, who is deaf, contacted 911 via her TTY and video-rely system four times on July 12, 2005, to report her son was missing. At 12:30 a.m. Burch requested an American Sign Language (ASL) interpreter. Over an hour after the initial request, 911 operators sought an ASL interpreter. An ASL interpreter was provided five hours after her initial request.

The American's with Disabilities Act requires emergency personnel who provide public services, such as 911 operators and police officers, to provide the same level of service for persons with disabilities as they do for persons without disabilities. With respect to deaf and hard of hearing persons, the Act requires police officers to provide effective communication. Burch's primary language is ASL and she is not proficient in the English language. ASL has its own specific dialect and signs for the sounds of words, which is dissimilar to the English language. Accordingly, writing notes, and signing individual letters to form English words does not

provide the same level of communication as speaking or writing a language to someone proficient in that language. Although the officers made attempted to locate an ASL interpreter, the MPD did not have a system in place to guarantee that an ASL interpreter would be available at any time of day or night. Unfortunately an ASL interpreter was not available due to the time of the day and because of a convention for certified interpreters in Texas. Officers located an ASL interpreter around 5:00 a.m.

Burch brought a Charge of Discrimination through the Minnesota Department of Human Rights (MDHR). The investigation concluded there was probable cause that Respondent committed an unfair discriminatory practice in violation of Minn. Stat. §363A.12, Subd. 1. The MDHR concluded that the MPD failed to provide effective communication with Burch because it did not provide an ASL interpreter for five hours after Burch's initial request. The MDHR noted that given the size of the City and the high volume of calls it receives, it is likely that ASL interpreters will be needed on short notice on a regular basis. Case law indicates that an ASL interpreter should be provided upon request in certain situations within an hour. Burch's situation was on of those situations because it involved a serious incident and protracted involvement with police officers. Although the MPD had a list of volunteer ASL interpreters from which to seek an interpreter, no ASL interpreters were required to be on-call. Reliance on that volunteer list was not a reliable method to ensure an ASL interpreter would be available if needed.

Burch demanded \$20,000 and a number of policy changes to settle the case. The Disability Law Center and the Minneapolis Police Department have been working together for the past eighteen months to effectuate the requested policy changes. The policy changes included requiring an ASL interpreter be provided in certain situations upon the request of the deaf or hard of hearing person with two hours. After negotiations a proposed settlement agreement was reached in the amount of \$10,000, in addition to some of the requested policy changes. The settlement amount has been reviewed and approved by the City Attorney Litigation Committee. The Minneapolis Police Department has also had a chance to review the file and agrees to the settlement. Therefore, staff recommends approval of the settlement.