ROUGH DRAFT

**2018 Jacobus tenBroek Disability Law Symposium**

**“Fifty Years after tenBroek: The Right to Live in the World Today and Tomorrow”**

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“Law Enforcement and Disability”

8:30 a.m.

--- his work was called street corner psychiatrist. They lack reliable and efficient access to mental health resources. As a consequence, the largest psychiatric inpatient facilities in the United States are actually jails.

»» This is a quote by Margaret Man it's something I remind myself of as I'm working with police departments, I remind myself when I'm working with community activists. I remind myself of this when I'll working with the parents of seniors at Towson High School. What are we going to do? What's the situation? How do we address these problems these complex, time consuming and potentially dangerous problems? I want to talk about dangerousness. We call police officers to the scene involving someone who's in a mental health crises because we don't have anything else to do. Family members have exhausted all of their resources, are frightened and can't literally can think of anything else to do because we know they have been managing with complex situations for quite a long time before they call the police. When the police are called to a situation, they're called there to assist whether the person meets the criteria for emergency and evaluation. What that means is, police officers are required to determine whether the person is a danger to him or herself or others. And when that is the framework and the rubric around which police officers occupy that space, sometimes things go terribly wrong. I'm not going to talk about the police involvement in police officer involved shootings of people with mental illness. I can say, Leigh Ann has some statistics that she's going to share. At a minimum we know from the Washington Post analysis that a quarter of police officer -- so they looked at the thousand shootings that occurred over the past two years. Each year a thousand shootings resulted in death. A quarter of of them involved somebody they can clearly state had a mental illness. This is kind of what we had been thinking. But it's really, really important for us to be understanding the nature and extent of those situations. That's not what this presentation is about. But I'm happy to talk with you about that at another time. More generally we're talking about something that we call "specialized policing responses." The reason we obtained or took on this terminology was in a way to have sort of an umbrella term that described all of the police-based programs around how to improve the response to people with mental illnesses. These programs, the Specialized Policing Response Programs are based in law enforcement, that means that law enforcement agencies have made a significant commitment, dedication to changing their policy and practice around responding to these calls. We estimate there are more 1,000 of these programs worldwide, very difficult to practice them as I described previously. It's not an active endeavor. Because it's hard to determine exactly what the agencies are doing. We know we have three primary variations. My research over the last 20 years has revealed that these are really the foundation of what police departments and in their communities are doing. The first is called "crisis intervention teams" or CIT. This you probably heard about. It began in Memphis in the late 80s following a police officer who shot and killed aadd person with mental illness. They have worked nationally and internationally to help people adopt crisis intervention teams. Every single word in this sentence is a self-selected cadre of officers trained to identify signs and symptoms of mental illness, de-escalate the situation, bring the person to an efficient round the clock treatment center. I got it all into one sentence. But it's extremely difficult to do this. And what we find is that it takes communities years to develop these programs and a very difficult time to maintain them. And I'll talk a little bit more about them. There are also what we Call Co-Responder Teams. Co-Responder teams involve a specially trained officer whore pairs with a mental health clinician in a police. Car, they respond to scene, not the first responder, but they go after the scene's been stabilized and their purpose is to connect the person with mental health services and treatment. By having the mental health provider in the car and on the scene, we deal with some of the very important HIPPA compliance issues, right. Police officers can't know if the person has an ongoing relationship with a clinician and a certain healthcare center. But the mental health care provider can. And the third model is called follow-up teams. See how very descriptive these are, especially trained officers work closely with their mental health partner to identify people who repeatedly come into contact with police, and they develop customized solutions to those situations. And what we're seeing on the last 20 years that I've been studying this is sometimes communities start with a CIT program and they add on a specialized co-responder team. Then they also start follow up. So it's multiple layers. I'm making the argument that it's multiple layers because communities face different problems. And I should say that the co-responder teams began in California, in San Diego County, Los Angeles County as they began to lose money to support mental health clinicians and the police were facing this really big problem. They sort of had an ah-ha experience. The police said let's fund these mental health crises workers, thus the police have them correspond with law enforcement and try to help people get into treatment. So I've been working -- all this research has been funded predominantly by the Bureau of Justice Assistance. We have created the law enforcement and mental health partnership program. We've created a whole range of resources that are available. Can I give you the websites for those. It's he tool kit, right. It's essentially a tool kit. How do we conduct training? How do we develop the programs? How do we make them last? The main thing I want to talk about today are the essential elements. Some people call them core elements. We have a variety of different terms out there. Our group at BJA created these element. There are ten of them, isn't that convenient. They were created by a broad range of practitioners and other subject matter experts. They provide a common framework for program design and implementation to promote positive outcomes. If you don't do what is included, if you don't follow all the steps, you can't expect to have the outcomes. And they're sensitive to jurisdictional needs and characteristics. So this is not a plug and play model. We don't take this particular program and implement it in the exact same way in that other community. It requires adaptations. And the adaptations have to do with the characteristics that the jurisdiction, and I'll talk a little bit more about what I mean there. So as such, they reflect a process-oriented approach, right. Not a model replication approach. And there are differences. Like you could talk to Sam Cochran, could be standing here, he's the prince of the crisis intervention team. Sam would have a very different approach. And so we sort of come together on this over what I would think of as an overarching way to help people with mental illness who encounter police. So the first essential element is collaborative planning and implementation. If you do not collaborate with a wide range of stakeholders you are very, very likely to miss something important about your community. In my presentation we're talking about mental health and mental mental illness. But Leigh Ann will talk about intellectual and developmental disabilities. If that's a issue in your community you need to have the Arc, or Leigh Ann, you'll have to tell me if there are more than just the Arc working on this, at the table working with the police departments to try to identify what the problems are in your community and how you're going to identify them. These collaborative groups are supposed to be continuing on with the program throughout the program's life. But it is one of the things that often gets dropped. Right now I'm working on an assessment in a police department they wants us to do a top-to-bottom look at their response to people with mental illnesses. I have a feeling one of the things we're going to find is that they might have lost that connection with their community. They're doing all the right training. Officers are responding within a certain amount of appropriate time. People are ending up going to mental health service more than jail. But they may be missing this really clue that holds these programs together. The second element is program design. And by that I mean, this is when your community looks at what the problems are, and determines what features of your -- what problems you and what program responses would apply to those. And this is really important. The crisis intervention team model was created because somebody died. And the someone who died had mental illness and should not have died. This was a terrible tragedy. So they were very focused on preventing critical incidents right from a crises turning into a critical incident. And so they were focused on getting someone who had training in de escalation to the scene very fast because these happen very quickly over minutes and seconds sometimes. That was their approach to make people safer. If you don't have that problem in your community, this might not be what you need. Not to say that it couldn't happen anywhere, it certainly could. But you might have a problem with more people ending up in jail who have mental illness and you know they don't belong there. So officers need an alternative to arrest. It's different from wanting to improve safety at the scene. So these are really critical differences that communities need to work out together. Sometimes you'll have more than one problem, right. And you might have to prioritize and go from there. Critical to all of these programs is the third element which is "specialized training". So CIT hinges on a 40-hour training that involves a lot of experiential learning. One of the things about CIT training, I want to say it's crisis "team", intervention team. It's not training. People have interpreted it that because the training is so well thought out and so different from what law enforcement officers typically get. It becomes so successful that lots of police departments want to train everyone. And this is kind of a little bit of a hiccup in our program development, because, that's not the model. The model for crisis intervention teams is a select cadre of law enforcement officers, officer whose volunteer and say, pick me. This is my passion. I want to help people with mental illness in my community. There are some who believe you can't train someone to be passionate about responding to people with mental illness. I don't necessarily think that's true. But you know, that's what makes us different and makes it interesting. I'll talk a little bit about why some communities will choose to train everyone. Some communities choose only a small subset of volunteers because that's the nature of policing to them. So we need to consider that there are different philosophies about policing. And this program needs to fit within that philosophy of policing just as it needs to fit within the program structure in your community. The fourth element and I'll start speeding up here a little bit is call taker and dispatch protocols. So call taker gets the call, dispatchers dispatch to the police officers. Sometimes that's the same person in large police departments, it's two separate people. Call takers is respond for getting enough information about what's happening to inform it is respond, level one, level two. None of that is standard either, whatever your department decides to use to say, we have a person who's is mentally ill who is not taking his medication, mom is scared. She thinks there might be a gun in the house. Guess what happens? Lots of police officers respond. Right. So part of what we try to do is make sure the call taker is getting accurate information, right. Because what if there is no gun in the house? The call taker needs to ask that. There's no weapon. The mom says there's no weapon. This will impact the way the police officers respond. So that information is really critical. Call takers and dispatchers have excruciatingly small amounts of training. Because guess what? They need to be answering the phone. So this is a complex issue of getting these call takers and dispatchers trained, getting the policies and protocols in place to implement them so officers can respond to the scene with more information. I knew a situation where a family, the person was -- did have Autism he would get distressed, leave his home. The police officers learned from his family that he really loved Mountain Dew so the cops started carrying Mountain Dew. Two minute, oh, no. So any way, the next item is really, really critical. It's stabilizing the scene, figuring out what's going on and deciding what you're going to do for the person who has mental illness. Where is is the best place to go? If officers do not have a place to go that's not jail, people end up in jail. When family members, neighbors other community members are saying, you need to do something. Police officers are trained to do something. We need to provide them with different things to do. I'll leave off the others because it's not as important. They're not as important as the first five. But really important. Fundamental to this is the availability of treatment, supports and services for people who are mental illnesses. We can train as many police officer as we want to, but if we don't have a place for them to take people, very little is going to change in terms of long-term outcomes for people who have mental illness in their communities. Key features that these programs hinge on community collaboration, effective collaboration, you need to identify community problems and their causes. You need to identify community characteristics, including the philosophy of your police department. And you need to select a program that's tailored to those programs and those characteristics needed to see success. Thank you very much. (Applause).

»» Thank you very much. Melissa. And we will now take Matt Dietz. Do have your slides up, Matt? But we changed them when you say so you must tell us when you want a new one. Keep in mind, a lot of your audience is blind, so if you could identify what's there. Go ahead.

MATTHEW DIETZ: Hey, Matt?

»» We can't hear you, Matt?

»» Come on, Matt. (Laughter).

MATTHEW DIETZ: Hi, can you hear me now. Okay. Is this good? Okay. (Laughter) Okay. We're all set. Good morning my name is Matthew Dietz. I'm sitting here from Miami. I wish I was there. I'm Director of Litigation of Disability Independence Group in Miami Florida. And today what I'm going to walk you through is my case, Rios-Soto vs. the city of North Miami. This is a real life example of police interactions with a person with a disability. This is as cutting-edge as you're going to get. Because this is the arguments that I'm currently making in court in had Southern District of Florida. The first slide, there is a picture of Mr. Rios who's sitting there with the toy truck in his hand. And Charles Kinsing who has his arms up in the air. Now let me take you through what actually happened. And then what we're going to do is we're going the watch a video of the interrogation itself. Next slide. This all started at 5:01 in July of last year. There was a call into dispatch. This is the only issue in which they there was mention of a gun. The call into dispatch states "guy in the middle of the road. He appears to have a gun. He has it to his head. And there's a guy trying to talk him out of it. I think guy is a mentally disturbed kid. I don't know if it's a gun but it's shaped like a gun. He's sitting in the middle of the road." That's what is sent off to the dispatcher. A minute later the first officer appears, 44 minutes later. At 5:05 a command station was set up. At the time Charles shouts he's a behavioral therapist that works with Rios-Soto who has Autism. He shouts out he has a toy truck in his hand, a toy truck! That's all. There's no need for guns. The officer is about -- there are two officers that are about 20-feet away. Mr. Homland who's the commander at the scene says he looks like he's holding up his gun. The officer less than 30 seconds later says, the object was a toy car. Bernadeau says I have a visual, does not appear to be a firearm. Then, well it shouldn't be five minutes, it should be 5:07. About 30 seconds later -- this is about a minute and a half after the first mention of the toy car. The officer balances his M-4 Carbine across the hood of his vehicle and makes 3 shots. Not automatic shots, three separate shots from the M4 carbine semiautomatic. At that time, instead of shooting the intended victim, Rios-Sota, the officer hits Charles with one of the shots in his leg. Arnaldo is sitting there, not knowing what's happening with the toy truck in his hand screaming. So what they do is then the officers run towards Rios-Sota and secures the scene. They run towards him with the assault rifle up. The officer places Mr. Rios-Soto on the ground, arrested and handcuffed him. They frisked around, searched his entire body. They left him and Charleston on the pavement until the ambulance came, which was about ten minutes later there. There were people all around. Once the ambulance comes, officer Warner puts Rios-Soto in the car and leaves him in the car. Rios-Soto is autistic. He has an intellectual disability. He communicates it consists, where he repeats what other folks say, or also he repeats lines from his favorite movie, which includes Robocop, Jurassic Park and Transformers. So he's sitting in the car by himself making animalistic sounds, what they claim are animalistic sounds, and Screeching noises because he's scared. The detective comes on the scene. The detective comes and interviews Rios-Soto in the officer's car. He was immediately -- it was immediately clear to him that he was incapable of providing a statement. He says that in his interview. Everything I'm saying here is part of the discovery, parts of the reports that came out. None of it is my assumptions or anything that I am making up. The detective told officer Warren that Rios was to be held in a different officer's patrol car, taken to the station to give a statement. This was after he knew that he couldn't. The officer noted that Rios had a low mental capacity level and was not "all there. " Ten minutes, later the owner of the group home came to the scene because his employee was shot, and one of his residents was there. He goes and he asks to take Rios home. Then he waits there for half an hour before he sees the detectiVe. And the detective goes to Mr.Bower and says, Rios is being held in protective custody. Because he was acting kind of loopy. And then Bower explains what Autism is to the detective and he say, he isn't loopy. That's his disability. He's autistic. He has a 40 IQ. He doesn't understand what's happening. I'm coming to bring him home. And then he say, we're going the take him into the police station. We're holding him in protective custody. And then Arnaldo half an hour, he was taken to the the police station where he was interrogated for 3.5 minutes. Then a hour later he was finally taken back to the group home. At the group home, when he was there, he was very upset. He was very angry. He couldn't control himself. He struck out at others. And then as soon as he could, he ran away from the group home back to the scene of the crime -- went to the scene of the crime, started pounding on the sidewalk where the blood way, screaming "police don't shoot, don't shoot." He was taken to a psychiatric facility where he was for 34 days, even though he had developmental disability. And we'll get into that in a second. And then finally he was brought into Carlton Palms, which he stayed for a few months. Now he's in a group home. Let's go to the next slide. Now, we're going to play a clip of the 3.5 minutes of the interrogation. Can someone press play on this?

»» I think someone has to press play. It's over there.

»» It's not responding, Matt.

»» When I try it, it doesn't produce any sound here, Matt.

»» Are the subtitles up?

»» No, it not running.

»» Does not appear to be run, Matt.

»» You have to switch to another program.

»» We didn't realize we were going to need several computers for your presentation, Matt.

MATTHEW DIETZ: Not a problem Dr. Mow Maurer, I'll be more than happen to he email the interrogation. The interrogation goes on for 3.5 minutes where it's clear throughout the entire interrogation that Arnaldo had a developmental disability. There is no question about his disability, the fact that he's copying everything the officer says, and what strikes me most is he goes, "did you want to hurt Charles Kinsey?" He go, "yes, sir." He was very polite. Robocop is his favorite movie. He knows how the behave when he needs to behave. He was sitting there, saying yes, sir, copying what he's saying. Asking questions that would deliberately evoke an answer that would incriminate him if this was bona fide investigation. It was clear by the end of the interrogation to the officer and the detective, who you see at the bottom of the screen that this was a farce. And the only reason why they wanted Arnaldo Rios-Soto there was to exonerate the officer to try to say he thought he had a gun, to try the admit that he did something wrong. And when you do see the video, the video is on my website, and I'll provide links to it, it actually shows that Arnaldo's in pain from the handcuffs, he gets up and he wants them off. He doesn't understand why they're on. He can't -- let's go to the next slide. In the case the biggest problem that I saw in this was, police officers do not know what a developmental disability and do not know what the difference is from a developmental disability on one hand and mental illness on the other. There's a lot of news on people being -- involuntary commitment in there, people being Baker Act that are autistic, or have a meltdown, or, it's assumed by the police that that is -- that that is indicative of mental illness. It is not. The standard for involuntary commitment in Florida is the person has to have a mental illness. And then without clear treatment the person is likely to suffer from neglect, or refuse to care for himself or herself, and such neglect posed a real and present threat of substantial harm to his or her well being. And it is not apparent that such harm may be avoided through the help of willing family members or friend, or the provision of services. So a police officer has to make the determination of whether or not the person qualified. And usually for developmental disabilities, they don't fit within the statute which means that there's probable cause without having a comorbidity for lack of a better word of mental illness along with a developmental disability. Let's go to the next slide. So this is what I'm hammering on in my case. The definition of mental illness. Mental illness means that an impairment of the mental or emotional process that exercise conscious control of one's actions or of the ability to perceive or understand reality. Then it goes for the purpose of this part, this term does not include a developmental disability as defined in charter 393 intoxication or conditions manifested only by antisocial behavior or substance abuse. This is being abused. This is where the problem is. Because people with a developmental disability or people that act abnormally, antisocially, are considered to be subject to being put in a psychiatric facility. Let's go to the next slide. So, why is that bad? Well... we all know why that's bad. But a psychiatric facility is not a place for a person with a developmental disability. There should be behavioral crises treatment for folks that have developmental disability, in the event the meltdown is that bad. With regard to Arnaldo when he was in the mental hospital, in the psychiatric facility for 30 days more than half of the money over, $50,000 was spent on medications. So, there was psychiatrists who had no idea what to do. He would bite people. He would push people. He was very uncomfortable. They put him in group therapy sessions. They gave -- there was antipsychotic medications. Psychosocial intervention, which did nothing for him. Therapy, which did nothing for him, and supported psychotherapy. In my opinion, whenever a psychiatric facility takes a person with a developmental disability to the extent they do not have a comorbidity and they can not communicate, to me, it's Medicaid fraud. The difference is in behavioral crisis treatment, you have a behavioral analyst. You have a licensed psychologist who's used to dealing with people with developmental disabilities. You do a functional analysis. You work with the family and caregivers. You de-escalate the crises situation. You give behavioral therapy. You reduce the stimuli. It's a different way of treating somebody that has a crises. And this is what's missing. Next slide. Now in my case, I focused on both the ADA and I focus on 1983 detail, the 1983 the constitutional rights of a person with a disability is well established in law. And I cite three cases, Youngberg versus Ramero is the seminal case. The involuntarily civilly committed have a liberty under the process clause of the 14th Amendment, and minimally adequate or reasonable training to further the end of safety and freedom from restraint. That's the 14th Amendment right and a 5th Amendment right. Humphreys vs. Katie, 1972 commitment to a hospital has a Massive. Addington vs. Texas,... dangerousness to sell or others can engender adverse social consequence to the individual, whether we label this phenomena stigma or choose the call it something else is less important than we recognize that it could occur and that it will have a very significant impact on the individual. So this is a well established right. Police officers should be aware -- that police officers should be aware of. When they took Arnaldo the questions were, the 4th Amendment does not prohibit a seizure based on probable cause. -- so when you look at -- two minutes Matt -- when these cases discuss arguable probable cause -- I'm sorry, switch the slide I'm going too fast. It's the Brooklyn in me. The slides should say 4th Amendment violations is that the slide that's up? Thanks. So the 4th Amendment doesn't prohibit a Baker Act seizure, it's encouraged. It could be allowed. But these are thing to watch for, to determine whether or not the seizure violates the 4th Amendment. First, is there knowledge of the person's disability? In the cases that the folks say, he has Autism. He has a intellectual disability, he has Down Syndrome, you advise the police immediately, the flag should go up. Does this person have a mental illness? Number one are there actions that indicate mental illness or substance abuse? That's something I pushed on like crazy in my motions. He was playing with a toy truck, judge! There's nothing about it that indicates substance abuse or mental illness. Is it a volatile situation? This is what courts focus on. Courts say, is there a danger? There was recently a case came down last week from the 11th circuit Where a person with a mental illness was carrying a hatchet and rushed people with a hatchet. That would indicate a volatile situation. Not in a situation that could easily be de-escalated without any further issues. The fourth thing the courts focus on is the past diagnosis or a doctor's statement of mental illness or danger. If a doctor or school official says this is danger, they've been institutionalized in the past that's going to go a far way to determine if there's argument probable cause that would be sufficient to institutionalize someone. Go to the next slide.

»» Let's wrap this up, Matt.

»» Next slide, the title is "Americans with Disabilities Act claims". So there's two areas in which an arrest would be a violation of the ADA. The first is wrongful arrest where police arrest a subject based upon his disability and not on any criminal activity. This is the stereotype issue. The second one is if it's a reasonable accommodation issue, where the police properly arrest a suspect but fail to accommodate the disability during the investigation or arrest causing him or her suffer greater injury or indignity than any other arrestee, the plaintiff can under the ADA we is show that he's disabled, the defendant knows or should have known he was disabled. And three the defendants arrested him because of criminal conduct related to his or her herself disability. Let's go to the next slide them is what I call the cycling of Olmstead. This is what I saw because many of the folks that I saw dealing with group homes were constantly put in psychiatric facilities. Solely because of their behavioral manifestations. And how do you continue -- Arnaldo was put into a Baker Act facility for five times because of the break down. Every time that he would have an issue they would put him back if the facility. The first issue is number one the failure to provide adequate services. That's the baseline.

»» So Matt --

»» Two, use of the police and behavioral intervention. All hello Matt! Are you there, Mat? It's time the wrap this up. Because we have another presenter, we need to save a minute or two for questions. You know I've been trying get your attention here. So let's wrap this up, huh.

»» I have two slides left. Go for it but snap it up.

»» Okay. Okay.

MATTHEW DIETZ: Thank, Dr. Maurer. Number one failure to provide adequate service. Number two, police don't want to be used as behavioral intervention, they need trained staff. Three, failure to train, use of excessive use and taser use, happens all the time at group the home, bad thing. Four, take them to the psychiatric facility, use of chemical restraints, which makes behavior worse. So then they take them the group home without treating the behavior detail then we start with the cycle again where we go into the failure to provide adequate service. That goes round and round, and until you break that cycle and provide adequate service, and not use police as a tool for behavioral interventions, then you can break the cycle of Olmstead. Next slide. Fail tour train, again, we spoke about it before. The police officer may hold a municipality liable for training failures if the police officer presents evidence that a single violation of federal rights are accompanied by showing that municipality has failed to train its employees to handle recurring situation, such as presenting an obvious potential for such a violation. If police are not trained to identify folks with developmental TBI, it happens over and over again in Baker Act with these folks. To me that's a failure to train it's a Monell violation. Lastly my last claim was the Fair Housing Act, I should spend a lot more, if not Dr. Maurer will shut me down.

»» I appreciate the presentation. We now come to the director of Criminal Justice Initiative at the Arc, has been very patient. Here is Leigh Ann Davis.

»» Hi. (Applause).

LEIGH ANN DAVIS: It's going to be hard to follow up Matt. But I will do my best. Thank you Matt for that really good presentation and Melissa for providing the information on psychiatric disability. And I don't know if people with see my slides or not. Are mine up? Or am I just going off of the power -- my own Power Point?

»» We can see your face.

»» We see you.

»» We get to see you today, which you know, I'm sure is a joyful thing. So go for it.

LEIGH ANN DAVIS: Okay, I just wanted to make sure I know what people are seeing or not. All right. So I just want to give you a little background of myself, the Arc, our National Center On Criminal Justice and Disability because it completely relate to this topic of policing and disability issues. And so I've been with the Arc for over 20 years. My focus detail has been on criminal justice and disability specifically. And about four years ago we got the opportunity through a grant through the Bureau of Justice Assistance to create a center that would be able to look at both defendant issues as well as victim issues when it comes to people with intellectual and developmental disabilities. And so since that time in 2013 when we started we have created a pathway to justice training. And we trained over 500 people to date. We also have 20 webinars and have trained 4500 people. We've served about 1200 people through our national information and referral line. So what we're really trying to get services to people where traditionally there has been a gap in the system for families, for people with disabilities on how the get assistance when they get involved in the criminal justice system. Another exciting thing that we've been working on is a White Paper we did a webinar, we're doing a White Paper on Policing and People with Disabilities that really looks into intersectionality issues. And so I wanted to also bring into this the theme of conference today which is the right to live in the world. And like what Matt was saying, when it comes to criminal justice issues, we really have to look at are we providing that right to people with disabilities? And I had a couple of examples to share with you, one was Ethan Saylor, which I'm sure you may be familiar with his case in Maryland, such a seminal case and why police need training on developmental disabilities as well as other disabilities. I'll go ahead and mention the Arnaldo Rios, case since that's the one that Matt was talking. We really limit opportunities for people with disabilities to have equal access to our criminal justice system when we don't provide the training that law enforcement needs on these issues. As you heard in what Matt already shared a lot of times police officers don't understand the differences between a developmental disability and a psychiatric disability. And that can really lead to a lot of issues as Matt was talking about. So how can we actually create an inclusive society for people with disabilities when we're ignoring the reality that they face such a higher risk of becoming involved in the criminal justice system? We haven't always been great as disability advocates to want to address issues around criminal justice. I've seen that this has been sort of an uphill battle within my work with criminal justice and disability advocacy over the years. But when it comes to the audience I'm speaking to today, I just wanted to applaud your efforts. Because we need in the world of disability advocacy, we need the attorneys there to really be doing this work on a regular basis. I myself am not an attorney. But as a person from social work, and public administration, and an who's been doing this for 20 years it's so important to have the legislation to have the cases we can point to so as we're doing our work and educating law enforcement, and victim advocates and other attorneys, we have the kind of power behind it that we need to make critical changes. And looking at the data, we've got data from both the suspect defender side as well as victims. If we look at defendants, we know that people with disabilities represent more than 10% of prison population. And we also have some data from The Bureau of Justice Statistics that shows 2 in 10 and 3 in 10 detail jail inmates report having a cognitive disability I should say that cognitive disability can include both psychiatric and developmental disabilities. And as Melissa mentioned earlier in her talk we have between 1/3 to 1/2 of people being killed by police each year who have a disability. Bringing in the issue of intersectionality. Men of color with disabilities face the greatest risk of arrest. That's in a 2017 study we have to look at the layers of oppression that are increasing if likelihood in the criminal justice system as well. The victim side, we know people with disabilities have a higher rate of victim. This comes from the national crime victim survey that found people with disabilities were two to three more likely to be victimized. I don't know if any of you saw the NPR's recent series "abused and betrayed" which focused on sexual assault and other types of abuse of people with disabilities. This was specific to people with developmental disabilities. The reporter working with the roar of justice detail of justice statistics find that people with developmental disabilities had a 7 times rate higher of sexual assault with the whole movement with #MeToo movement where are the voices of people with disabilities when it come to be able to have a right to live in the community in terms of having a right to use their voice when it come to these issue, and how are we in the disability community providing that platform for them to do that? So we kind of started you know as a Center when we first started looking at these issues thinking about where do we start? These are some really difficult, complex issues. And there's many layers. You look at the victims issues, and the victim advocates want to fight for one thing. And you look at the defendant issue, and there's a whole other side of this. And yet, we're serving the whole person, not just one side or the other. And how do we do that? So working with the folks who we were partnering with at the Bureau of Justice Assistance we started looking at potential models that we could use. We looked at the sequential intercept model which is used in the field of psychiatric disability to go step by step through the process of arrest, through the criminal justice system, and all the way out back into the community and how to do reentry. And we started breaking that down by looking at what is needed at each step of that system in order adequately serve people with intellectual and developmental disabilities as well as other types of disabilities. And so that's what led to us creating the Pathway to Justice Training. It's more than training because what we're doing is we're establishing teams before we even go out and give a training that includes a law enforcement officer, an attorney, also a victim advocate, a person with a disability, and then a disability advocate. And those individuals, we work with them to provide training on this topic. So we get to have some individual time with law enforcement, as well as the victim advocates and attorneys in break-out sessions through that training. But what's awesome about it is that we're able to then come back together. We start together with the snare scenario then we end with what are some action steps with your community? This allows everyone who's in that community to take ownership over that issue. It's a application issue, but it's also, it's also an issue for the attorney who need to know about disabilities and for the advocate, what if victim advocate what if this was a rape survivor. People with disabilities are more likely to be in the system as both a defendant and a victim compared to the general population. So we have to be equipped to provide the training they need and we have to make sure that they're equipped when they come into contact with people with disabilities and what they do. Now there's a couple of core principles that are really important to this training, and one of those is this focus on crisis prevention versus crises intervention. And this is kind of doing a paradigm shift, I think for what law enforcement is used to thinking about. As Melissa was talking about earlier, what most officers get trained on now when it comes to disability is CIT, or Crises Intervention Team Training. And most of that focus is on psychiatric disability and not intellectual, developmental disability. And also most of it kind of focuses on thinking of that a crisis is already happening. So what do I do? The crises is happen something what's the first step I do? And I know within the field of intellectual disability, just what Matt was saying, we don't always think that there's a crisis happening right now. And we have to define and help each other talk through these issues, the disability community and the policing community, how do you define crises? Because that's a key -- I think key thing we sort of overlooked in having these conversations some the definition of cries to a officer may be different from Arnaldo for example or his support person or a family member. Start thinking about when is it actually becoming a crises? And having more of a protocol on how to identify that and exactly what is the best response in those situations? We also know that it's important to focus on building a relationship first with people with disabilities before going to -- how do I deal in a crises. There are some programs one in actually in Virginia that has -- that is really kind of unique in what it's trying to do in building those relationships with the disability community. And one officer Travis Akins who started this is bringing in people with disabilities into the police stations in order for like 15 weeks to also help them get employment afterwards. That is allowing relationship to be built. So it's not just a officer learning, yes, do this, don't do this, and all of that. But it's actually having life experience with people with disabilities, getting to know them so that that will help them when they come in contact with someone to have much broader understanding of disability overall. They've personally experienced that. So the goal in this training is really to proactively create safeguards against potential crises, and focusing more on what we could have done before it got into a crisis mode. And secondly, another area that I'm really excited about is called "procedural justice." And, this is a term that is used in policing that really looks at four different pillars of how police can be better interacting with people in general. But we're wanting to take this approach and apply it to people with disabilities. And the four pillars of procedural justice include these that citizens are allowed to explain situations before officers make decisions on what to do it's giving power to the citizens. After tenant is that officers stay neutral and rely on fats and not personal opinions or bias. Citizens feel they should be treated with respect, dignity and politeness, not demeaning or dismissive treatment. And lastly citizens respond positively when authorities are benevolent, caring and trying to do what's in the best interest of those they are helping. This sounds like a really good idea theoretically, right. But we are seeing that this is already been applied in the research world that there are some researchers who are taking these tenants and seeing how it is improving how police respond to those with psychiatric disability. So we're now working with that researcher to do the same thing in the world of intellectual and developmental disability. I was going the share with you a publication that came out last year called "Impact" through the University of Minnesota. And the entire issue is devoted to criminal justice and disability. I have pictures on my slide of that that I was going to kind of go around and explain because it brings up some key issues in the area that -- the field that we're facing right now. One of those is intersectionality. I'll just make sure that you the information you need to Google that yourself. If you want the look up this document, it's the Google word would be "Impact Spring 2017 University of Minnesota." But it talks about the applied procedural justice. It also has an article just from a black family and a mom who's talking about the fear of her son with Autism growing up in a world where police don't understand disability. And just the layers of oppression around intersectionality issue, and how we have to begin addressing that yesterday when it comes to policing issues. And we also have an article on there on fetal alcohol spectrum disorder. We already have research on that that that shows people with fetal alcohol spectrum disorder are more likely to be involved in the criminal justice system. That's something that's not even talked about within police training. So for our future goals in this area, I think what we need to be doing is focusing on serving those who are most marginalized in our community. We also want to shift this focus and thinking and policing from a crisis intervention to a crisis prevention of approach. And then, in all of these areas where we're doing really important research like on procedural justice, making sure that we're including people with all types of disabilities in this research. And I do think that some level, we are making progress, at some level we are making progress. One of the things that we've been working on in our center is working with the Bureau of Justice Assistance. They're wanting to create a new center that would bring together both psychiatric disability and developmental disability issues. So that's in the works right now where police departments throughout the country can call to get technical assistance and training for freon these issues. So that's something that we're working on. I mentioned that we have our Pathway to Justice Training we're expanding that to train the trainer. We're working through our six hundred and fifty chapter networks to get this training out in communities, working with not only law enforcement as I said before, but attorney, the victim advocates, really making this a community effort to address this issue. And we also have been working on an advanced course for CIT officers. So those who are already getting crisis intervention team training can now go and get an advanced course just on IDD issues. And we partnered recently with the bureau of justice who is doing a judicial curriculum. There was a curriculum many years ago when I started around 1995 who came out through The National Judicial College on intellectual developmental disability, there really hasn't been anything. Now the bureau of institute is working with another judicial college to create another curriculum on that. We see some things happening. But it's slow process. But Dr. Timbert's vision is these limitations on opportunity must be removed. So, we as advocates have to continue working towards removing all barriers that limit the power of people with disabilities to be their own advocates in the criminal justice system. So that is our work. And just thank you so much for all of your work and what you're doing to make that happen. So thank you. (Applause).

»» Thank you, Leigh Ann. We do is a few minutes now, I want to ask there, are different points of view on our panel as you observed. And I want to begin by asking the members of the panel if you have questions for each other. Yes? No?

»» I do not.

»» I don't have any questions.

»» We talked before the conference.

»» You talked ahead of time. If that case let's see if the audience has questions for panel members. State your name if you have a question.

»» We do have a port.

»» This is Anthony gold Smith from (low audio) Brennan said there is -- "I've never seen a situation abysmal that it can not be made worse been a policeman." There seems to be a two track approach. One is in which our police, even the right people to be responding -- are police the right people to be responding to the majority of these incidents. Should we have an alternative to police? Should we have a general communal concept of training people if your child is acting out, don't punish them by calling the police because they may end up dead or jail. And not just parent, but obviously people two run group home, facilities. Now going back on the other tract to the litigation tract, I've litigated some of these cases, one of the things Matt referred to is the ADA approach, which comes from a 9th Circuit case called Sheehan that was the first case to say that police practices in the field may be subject to Title II under the ADA under the two prongs he put out. One of the questions I had, that case did go up to the Supreme Court. Under political pressure, the city and county of San Francisco decided not to press the ADA Title II issue. Scalia let it be known had that he would have loved to have gotten ahold of that. So I think the Supreme Court will eventually savage the ADA approach. The city of Canton are hard to prove in these cases, is there an advantage to move forward with state law coordinating those between ourselves and groups to really move for state-by-state legislation to address issue on the rights of people with disabilities in connection with police conduct?

»» Matt you have been called upon.

MATTHEW DIETZ: Speaking from Florida, nothing that I could do in Florida will -- Florida is very unfriendly as compared to federal law. There's no way that that would ever be able to pass additional protections for persons with disabilities in Florida. We have -- sit absolutely dismal. So, I would not expect that. With regard to the use of the ADA and dealing with cases like Arnaldo as long as you bunch them with 1983 detail actions you're going to be fine. Because the focus will be on the 1983 action not the ADA action. It's difficult because you the issue -- the bigger issue is not the ADA violation it's, it is more the issue of whether you would be able to prove deliberate indifference to get damages under the ADA and still have standing under the ADA. So those are the technical issues that I see with that. But I have not had an issue with the basic Sheehan doctrine that Title II apply to arrests or police practices.

»» Can I take the police training question.

Leigh Ann: So officers should not be the people responding to these call, that couldn't be clearer. I love your quote, very true. The issue of course is the change in the nature of mental health resources. Some communities go still have mobile crisis treatment response. In those communities police officers have the opportunity to partner with them, that's true. I think in Portland, Oregon, I really like the coresponder model where a police officer responds not in uniform, in the in a police car with a person who's who has mental health expertise. In terms of families being trained absolutely. Nomi of Maryland has a document out for family, again this is focused on people with mental illness, would probably transfer to people with intellectual and developmental disabilities that helps families understand what happens when you call the police. So that they can be prepared, they can provide information to officers in an appropriate way to give them enough information about the person to de-escalate ahead of time. I do think in the situations where families call police. They're on their last leg. But certainly not the case when neighbors call or business owners call. I mean in those situation, it can be very dangerous. Because they really have no idea what's going the happen when you call the police. They see someone in need, they think they're doing the A good thing. I would advice police just to do a wellness check, which totally de-escalates things from the beginning. Yeah, very important points.

»» We have time for another question.

»» David Hut with the National Disability Rights Network Melissa and Leigh Ann you may want to chime in as well. You mentioned the self selection. You see seem to have a little bit of a opinion about those who actually do true self selection, or does the officer who's deciding whether or not to do CIT and knows that or doing the training for all. I can see problematics with the self selection issue. But I wonder if you can expand on that any research about police department whose have done mandatory or nose who have done self selection the difference in the responses there.

»» I hoped one day to do a debate about this at the CIT international conference, because I think there are valid points on both sides. And my role is to do counterpoint. So I think the point has been made. It's a great idea if you have impassioned law enforcement officers who are getting this extra detailed great training. But I think it limits some police departments. It has to do with about the nature of the problem and the nature of the community. An example for as you say in Houston, Texas. Houston has been doing CIT for a very long time, they had a terrible incident when someone was killinged by the police, they t mayor said we'll take it out, see what we're doing right and wrong name were able to determine that despite having the right number of officers trained, somebody trained on every shift, every district, and having great training for their call takers and dispatcher, because of the size of their city, of the let's make it a thousand calls involving someone with a mental illness that were identified by that, and dispatched to CIT, CIT showed up to only a third of them. So if we're talking about a city the size of Houston, and not just its size, but it's acreage, right. If you've been to Houston, it's very broad, very spread out, you need something more. And the same is so for very large police departments, I think everybody needs to be trained. Does that mean you don't have a specialist training in addition? I might argue that yes, in addition you have a specialized training for "CIT officers." And this is also true in very small departments when you're talking about a police chief that patrols on Friday and Saturday night, these are small agencies. Everyone needs to be trained in those agencies, because, you know, Bob's going to be the one on. There's nobody else. So I think it has to do with the characteristic, right, of the communities. There's also characteristics where some police chiefs believe that everybody needs to be trained to deal we have kind of situation. And the more and more we go into specialized units that do domestic violence unit and robbery unit, it's okay that at the detective level. But if you're talk patrol officers don't they need to respond to everything they encounter.

»» I want to thank the members of the panel, Leigh Ann, Matt, me his it's a very thought provoking subject, I appreciate the presentation this is morning. We're going the break here. After the break, we have workshops on addressing the needs of students with disabilities in correctional facility, religious exceptions and disability, civil rights testing to build evidence, child plaintiffs and disability rights litigation, and we have strategies for bringing employment discrimination charges at the EEOC. You can find all of these. And we will, after those workshops, we will be reconvening here at 11:1 5. There is coffee in the other room. Please come back at 11:15.

(Workshops)

“Discrimination in Housing and Transportation”

11:15 a.m.

»» If you would get together, we're going to get this program underway. Sam, Frank, it would be nice for you to come up front. Detail we're going the talk about discrimination in housing and transportation the topics of interest to all of us. We have four presentations today, three people. So Samantha Crane who is Legal Director of Autistic Self Advocacy Network --

»» I'm coming! (Laughter).

MARC MAURER: Who I was hoping would be up front here soon. Tim Elder, who is the owner and principle of TRE Legal Practice. And Morgan Williams who is general counsel of National Fair Housing Alliance. And rather than taking a few minutes to review the background of all these people, just say that we have their biographies in the big book. And they are impressive people. So you can look up the biography. We're going to instead of reviewing that, we're going to give them a chance to show capacities of presenting here this. Have the three of you talked about the order every of your going?

»»Y.

MARC MAURER. Tim will go first.

MARC MAURER: All right. The principle From TRE Legal is Tim Elder, and he has to tell us about transportation, I suspect, yes, Tim?

TIM ELDER: That is correct. Thank you, Dr. Maurer. It is an honor to be here at the symposium. I think I have been at all of the symposiums consecutively since I was a law student now many years ago. It's pretty shocking to see how much time has gone by since the very first one. I mean, who would have thought Dan Goldstein is now retired and California is on the verge of Civil War with the United States. (Laughter).

»» It's amicable.

TIM ELDER: It's great on the here. I am from TRE Legal Practice my colleagues Anna Levine and -- are here at the symposium, and we're on@TRE legal on Twitter for those who are following the hashtag JTBlaw18 Twitter feed. We are primarily based a out of the Silicon Valley. Our practice is our genuine expression of disability rights and sort of the intersection with the technology movement and sort of the innovation and disruption that's going on in Silicon Valley. I'm bread, born and raised out of the Silicon Valley California. And certainly, technology is affecting all areas of life. And transportation and housing are critical areas for equal access and integration into society and social change through technology is certainly affecting these areas greatly. And so we really need to be thoughtful about how this technology-induced change are affecting people with transportation disabilities and housing. The disruption is happening so fast. And things are evolving so quickly that we really need to be very vigilant about thinking about these things. So certainly one of these dynamics that are affecting change is the move to the so called "sharing economy". And that's something that we've been very interested in. For those who don't know, this is the phenomenon of Uber, Lyft, Airbnb, essentially instead of having a you know, a company that provides a giant set of services in the traditional way, it's a technology platform that sort of precrutes a Army of independent contractors. Bob who owns a house this San Francisco, he doesn't want to operate a hotel, but he might have interested in making a little extra money on the side renting out his basement here and there or driving people on his way to and from somewhere in exchange for some money. So it's monetizing some things that people through this platform. And it's this very interesting shift in economic activity. And we in in the National Federation of the Blind have heard a lot of complaints of individuals with service animals that you know, these individuals who are essentially operating a business out of their personal vehicles or in their personal homes were not so thrilled with the idea that they might actually have to comply with the laws that businesses comply with in terms of access for customers with service animals. So at the time, we had heard of this little start up, just operating in San Francisco called Uber. I had conversations with my colleagues Michael Nunez in the room and disability rights advocates, we thought surely this is going to be a simple issue. Like this company, you know, they just need to do a couple of things. But like why would they anything but enthusiastic about ensuring that their customer base would grow for the disability population, which by the way is very interested in this new innovative transportation service? And maybe that's a little naive. (Laughter) But it didn't quite work out that way. So we did end up filing some sort of innovative litigation against Uber for passengers with service animals along with co-counsel, disability rights advocates Rosenbean, and Genfeld. We alleged that Uber, this platform that was connecting riders with driver, this innocent intermediary, by not ensuring that it's drivers were meeting their obligations for passengers with service animals had a policy and practice and was violating the Americans with Disabilities Act. This was sort of the first case that was really applying the ADA to the sharing economy. And we alleged that Uber primarily was a transportation provider under 12184, and the transportation regulations and public accommodation under 12182. Uber had all kinds of arguments about why the case should be dismissed. First and foremost the ADA doesn't apply the a platform. They're not a public accommodation. Don't have a physical nexus. They don't provide the transportation, they just sort of facilitate the transportation. It's like, fiction, right, like we're like an ISP, we don't control anything. We just -- we're the pipes of the internet kind of a argument. And they by the way, they can't force their independent contractor to do anything, because they're just independent contractors, which you know, like is kind of scary when you think about it. But also raises some arguments like, why can't you? Why can't you tell your contractor what is to do? Arbitration, right, all these riders agreed to arbitration. So they can't judicially enforce any of this stuff. Fortunately, we plead the case in a way that really sort of skipped a lot of these arguments or had a strategic way of dealing with them. Some of our plaintiffs had not agreed to arbitration because even though Uber requires all account holders to agree to arbitration before you can create the account and book the right, it does not make every passenger getting into the vehicle agree to arbitration. So I as an account holder could book a ride for someone else and have them take the ride even though I'm the one booking the transaction. Deterrent standing was another strategy used. Associational and organization standing on behalf of National Federation of the Blind is a way to broad scope in terms of injunctive relief. And ultimately, the Court did not buy user's arguments and denied their motion to dismiss, got a really nice published order out of that. And the case went forward and ultimately resolved in a nationwide settlement. And I think that has set the stage to do some more and interesting work in transportation and housing in this context. The next application I think on the horizon here is the wheelchair accessible vehicle space. I know there's folks in this room who are doing great work there. We just saw the first sort of court's interpretation of application in the wheelchair accessible vehicle space a couple of weeks ago. And the Court thankfully shut down Uber's arguments, particularly under 12184. There is a carve out for taxicabs saying they don't have to purchase accessible vehicles, basically, right. There's this nuance. But Uber said, well we don't have to -- a, we're not a taxi service, b, even if we are we don't have to purchase accessible vehicle, why are we doing this? And the court, the really interesting thing, the court said, look, even assuming that that carve-out would apply and you don't have to buy accessible vehicle, maybe you do have to make reasonable modification to incentivise wheelchair accessible vehicles to join the platform. Right. You say you're this neutral platform and you just connect supply and demand, well maybe you should have to use some of that expertise and skill and incentivising supply and demand for wheelchair accessible vehicles under the reasonable modification provisions. This is just a brilliant Judo flip, sort of you know, to the argument that the defendant was making. So I hope that sets the tone for the rest of the wheelchair accessible vehicle cases. They're sort of geographically limited to certain areas, which you know, I think is based in part on the level of wheelchair accessible vehicles that are available in certain urban areas. But I think it's very positive. By the way the case is Crawford vs. Uber Technologies, it's a Northern District of California, which if you're thinking atting a case against Uber, it's not a bad place. It's not a lot of sympathy, a lot of sympathy for a company where the jurisdiction where the U.S. attorney is calling up the judge in save will dispute letting them know that by the way, Uber produces some hot Docs in a criminal investigation that are relative to your civil dispute. Maybe the judge will want to see this. (Laughter) A lot of interesting stuff going on. For those of you who are doing the wheelchair accessible vehicle, I hope you guys can work together. Because so far Uber has not called me to ask my advice for how to defend those cases. I imagine they might try to divide and conquer, and strike a sell willment favorable with one and -- seat willment favorable with one and try to push that on the others. I encourage you to try to coordinate to get something that would be a template for each jurisdiction. That's the great strength of this organization is the collective action. So I'm going to quickly skip through this. It's a lot we can talk about this this area. Certainly a lot of these issues are applicable to Housing, AB&B, the racial discrimination folks have been doing some work in this space, there's a lot we with learn from them and vice versa digital accessibility, even if you can get in the vehicle and not be turned away there are issues around that, websites and mobile app, equivalence a lot of them are argue -- equivalent, telephone support they're saying it's equivalent. If you've called telephone support, it's usually not equal. A website -- that's usually the case. (Laughter) We have case against Greyhound. I've had privilege of working Bryan East the disability rights Texas folks if Austin on some of these startup ride sharing companies. You know, there's a lot of issues in this area, I'll just flag a couple of others. I don't have time to get into them. But self service kiosks is another big one. We've seen it in the airline, in the context of the Air Carrier Access Act the regulations. Train stations, right, where increasingly like good luck find ago ticket agent, it's all self-service. And taxicabs, assuming they're not all extinct, a courtesy of the ride sharing, some of them have touch-screen point of sale interface, so that you know, if you want to pay the driver, give them a tip, the interface is done through a back seat touch screen system. So things are changing very fast in the transportation landscape. I think we really need to be creative about how we address these problems. Litigation is frankly too slow. If you can get a let's settlement, sometimes that's great. But Uber has sort of successfully employed this bad boy wins dynamic. Like the one that we all love to hate. And they've sort of proven that it is a viable business strategy to completely disregard all legal requirements, grab as much market share as you can and deal with the consequences later. I think that's troubling. So we need to be strategic as a community here in thinking at how we're going to deal with this and make sure that flouting the laws and dealing with the consequences after the fact is not a net profit for some of these companies. How we deal with arbitration, I don't have a lot of ideas, don't have all the answers, but I'll thrilled to be in the room with the smartest people in the country on these issues and work with you in architects to figure out how we tackle some of these problems. Morgan?

MARC MAURER: Morgan is next. Oh, Sam. Samantha Crane from who's Legal Director television the Autistic Self Advocacy Network, we've been working together for years, here's Sam! (Applause).

SAMANTHA CRANE: Hi everyone. So I would just like to the a quick overview of the sort of housing and transportation issues that ASAN has been dealing with over the past few years. And I'm going in the middle because, we kind of take a directly intersectional view between housing and transportation based on the kinds of challenges autistic people often face. Our main housing-related focus is on making sure that people have housing that includes supports that allow us to live independently. The HCBS Settings Rule which was finalized in 2014 requires that settings include and maximize access to the community, which accept in the most walkable communities is always going to require access to transportation in some form. And it's going to especially need transportation in situations where housing development is in a suburban or rural setting that doesn't have natural access to public transportation. So whenever we look at whether a setting is truly "integrated" we ask a few questions. One is, is spontaneous communication -- community integration possible? And we like to call it spontaneous, this is phrase that we kind of invented a few months ago. Spontaneous community integration. And that is, if I'm at home, it's a Sunday, and I just kind of want pancake, I haven't planned to have pancakes. I didn't like call up my service provider three-weeks in advance and say, this Sunday I'm going have pancake, please second someone. (Laughter) I just want pancakes right now. And am I able to go and go to like the local pancake place and get my pancakes? Or is that actually impossible? So one of the things that influence whether that's possible is the is the housing accessible to public transportation? Again this is often really difficult in suburban or rural settinging. Are there alternative plans for ensuring a person has adequate transportation to access the community? So some group homes for example will claim that they have a shuttle service that will help people access the community and go like, let's say the group home is in a suburban area, the shuttle will go to the sort of downtown. But due to inadequate staffing, a lot of the time the shuttles might be really hard to access when you actually want them, and very difficult to just go off to your group home staff and say I want pancake, can can you shuttle? I'm going out. Is there a paratransit that will serve the housing development? Again a lot of the time paratransit is really difficult to get on an on-demand basis. Is the housing development trying to address this problem by clustering services on-site in order to avoid having to provide transportation? And we see this especially in cases like gated communities or farmsteads, it causes a significant concern because it can give the development cover for not providing transportation access the community. F you have a mini restaurant or a snack bar something on-site at your gated community, then anytime someone wants pancakes you just say, well we have pancake, you don't have to go anywhere. And the more difficult it is for people to get transportation they start opting for the on-site services. And then the housing provider starts saying, well, no one wants transportation. And that's because they've made it so difficult to access transportation that people just just sort of give up and stay inside the community. Our ideal is for people to be in scattered site housing as a result of this rather than group homes or development. But access the transportation is frequently used as an excuse for not investing in the scattering site options. Funders will think that by clustering people it will be more possible to give people adequate shuttle-based transportation, especially for people who are opting or suburban or rural settings. They will say it's too hard to operate a transportation service, in all these different service F we had a shuttle, like 18 people together, they have a shuttle, that shuttle can serve everyone and go at set time, out into the community, people can come back, we're just going to make this all so much more efficient. And that concerns us because, typically, these transportation services aren't really that great they don't go to all that many places. They often sort of have like a fixed number of places they go. If you want to go anywhere different you have to schedule it in advance. If they're suddenly short staffed they just won't operate the shuttle. They'll say you can't go. And then what about my pancakes? Okay. So, another excuse that we see when we're talking about scattered-site housing is, people will assume that people with cognitive and developmental disabilities can't access public transportation. So they'll be like, well, you know, it doesn't matter if we put this -- if we give you an apartment that's near the local bus stop, because you don't know how to use the bus. And we don't think that you'll ever learn how to use the bus. And so, you know, what's even the point in giving you access to adequate public transportation or a walkable community if we don't think you can avenue investigate independently? Our answer to this is obviously that people should be able to take their home-based -- if someone needs 24 hour personal assistant supports or home-based support, that person should be able to accompany them onto the bus. And if that's something that a person needs in order to navigate public transportation, which is often actually the case, people should simply be able to you know, bring their support worker with them on public transportation, simple as that. But now that 21st Century Cures Act has passed we're very concerned about electronic visit verification being a barrier to that. So, in was it actually 2016? It feels like so long ago. (Laughter) 21st Century Cure Act passed one of the pay fors in that piece of legislation was that all home and community based service providers for Medicaid needed to use electronic visit verification to verify every hour of service provided. And, among the things that you needed to verify electronically was the location at which the service was provided and make sure that the provider is at the same location as the person with the disability at the time of the service. So EVV has been implemented in a bunch of different ways. Some of it relies on landlines. So, the person will come to the -- the person with the disability house, they will call the number from the land line, punch a few numbers, and they will verify that the service provider is in fact at the house. Well, that doesn't really work that well if your provider is trying to help you navigate public transportation to go to the Ihop to see your friends. So another way that EVV is being implemented is through a cell phone-based app, which has GPS. And the provider will you know, interface with the app. The app's GPS will verify where the service is provided. Often it will verify it against like a certain number of specific places where the service is allowed to be provided. Well that's not very integrated. Because if I want to try out the new restaurant that just opened, right, I don't want to have to plug it into this app, say sometimes I want my home and community based services to be at that restaurant or the new Bowling alley or at the new movie theater. That's a challenge. And even when we gets past that, there are significant privacy concerns for people with disabilities are effectively kind of being tracked everywhere we government we've seen families and people with disabilities who really don't like that. They really don't like that the Medicaid authority is sort of GPSing them every single place that they go with a support provider. Again, this is going to be really problematic for people who need home and community-based services provider to give them transportation or help us access public transportation. And the final issue I want to raise is autonomous vehicles. This is often in the disability community seen as something that will help the blind community, but I think it's really got potential to help the community of people with cognitive and developmental disabilities, especially people living in rural and suburban area, who again are going the have challenges accessing public transportation. So we're seeing some attention to making sure these vehicles are accessible to people who are blind, but we also want the make sure that these vehicles are cognitively accessible to the extent possible. That they're easy to operate that, a person with a cognitive or developmental disability will have as easy a time as possible telling the vehicle where to go and operating the vehicle. We also want to push back somewhat when we do raise issues of, or concerns about autonomous vehicles for people with cognitive and developmental disabilities people think that we're about to talk about life track devices on the vehicle. They say they don't want to use this autonomous vehicle, let's put all of these features in so that your caregiver can always know where you are at all times. And that is not something that we necessarily want. A lot of people with cognitive or developmental disabilities you know, want privacy in their spontaneous community integration. Know I don't always want my mom to know where I am. (Laughter) And that should be available to, you know, everyone with developmental disabilities. That doesn't mean that we don't sometimes get lost. So one of the things we advocate for is features that will for example, allow you to spend second a beacon for help. If you're lost, you don't know where your vehicle is, you suddenly can't figure how to operate. You definitely want to have a call for help that we want to have as many situations as possible be user-operated so that the user can say, I want help, or I don't want help. So those are some thoughts on how housing and transportation relate to each other in the developmental disabilities world and that we will now move onto Morgan.

MARC MAURER: The third presenter is Morgan Williams.

MORGAN WILLIAMS: Good morning. It's great to be here at this symposium on such an auspicious anniversary of the symposium. Also in April is the 50th anniversary of the federal Fair Housing Act. In the time in the fair housing movement to be reflective about the ground covered and about what lies ahead. Just as every major metropolitan area in the United States is heavy segregated by race and ethnicity, persons with disabilities are often segregated from living in their communities of choice. We did not come to this deeply divided state by accident. The inequities of today are centuries in the make, resulting from government policy housing practices and local and land use barriers. Just as segregation persists today so does discrimination in the housing market. The National Fair Housing Alliance, the office that I work with had the great privilege of partnering with the National Association of the Deaf, several years ago to put together an investigation of housing discrimination against deaf and hard of hearing individuals. We produced a report titled "are you listening now" that detailed the findings of the investigation, it had over 300 match paired test of hearing and deaf listeners and documented the practices of over a hundred rental firms in 25 states. The analyses this findings revealed that about 1 in 4 rental firms exhibited some form of differential treatment against deaf and hard of hearing callers. We found housing managers provided deaf testers with higher rental rates. Agents told hearing testers about unit amenities and specials which were not told to the deaf and hard of hearing testers. Housing managers failed to follow up with deaf tester, some were hung up on even as relay operators attempted to explain the purpose of the call. When reviewing these findings with Howard and his colleagues at NAD, they indicated that, they weren't particularly surprised by the straight denials. If fact that they anticipated some of those findings. But that they were surprised by the repeated pervasive, yet subtle differences in treatment. More recently, this past September, HUD issued a report titled "rental housing discrimination on the bases of mental disability, results of pilot testing." From over a thousand match match.

Paired tests in jurisdictions across the country. That report found that those persons who are living with mental disability receive or received fewer responses to their rental inquiry, informed of fewer available unit, less likely to be invited to tour a available unit, and were more likely to be steered to a different unit than one advertised. The nature of discrimination today may not be as overt as when the law was passed 50 years ago. But though more subtle, it is just as insidious. It was noted in the keynote remarks that even today we tend to work in silos under different laws among communities of people with different types of disabilities. The Fair Housing Act its emerged from these silo, first, in the late 60, from the civil rights movement with protections on the basis of race, color, national origin, and religion later in the 70 amid the women's rights movement adding the protections against discrimination on the basis of sex or gender. And finally, on the shoulders of the work of many in this room in the late 80, adding protections on the basis of disability and familial status. It is upon us in ensuring robust enforcement of the law that we work across community to achieve the two goals of the Fair Housing Act, as detailed in the 1972 Supreme Court decision in Traficante both to elimination housing discrimination and take significant action to overcome historic segregation and achieve inclusive and integrated communities. 50 years into the enforcement of the Fair Housing Act we have not achieved these goals. The fair housing agent just as it was contested when it passed as a document is contested today. Indeed the Act like all laws is not a static document. It's meaning can and does change over time as defined by the courts, the legislature, and federal agencies. My brief remarks I want to talk about two current points of dispute regarding the scope of the law that deal with core question about law. These points deal with the question of whether we may ultimately achieve the goals of the act across all of the protections including disability. They include what fundamental protections exist under the law, and what is the scope of HUD's fair housing mandate? First in regards to protections under the law, one of the most important forms of liability the that the law has employed in establishing discriminatory practice is disparate impact liability. Which means with the question of whether a defendant must have a discriminatory motive, or whether a neutral rule that has an over wise unjustified discriminatory affect can prove to serve a violation. In 2013 HUD should a formal rule outline ago uniform standard of disparate impact liability. Then after granting cert in two prior cases they were withdrawn or settled before a argument. Despite broad con success as you say across circuits of the disparate impact standard in 2015 the U.S. Supreme Court considered whether it is Customizable under the law. In the inclusive community's decision, the court situated the issue within legally sanctioned segregation. Wrote "De Jure by race was declared unconstitutional almost a century ago, but it's vestiges remain today. Intertwined with the country's economic and social life, Justice Kennedy concluded in his 5: 4 decision upholding the standard by saying, the court acknowledges the Fair Housing Act's role in moving the nation toward as more integrated society. After inclusive communities, disparate impact claims are still not easy to bring. But they are critical tools in challenging the policies and practices that perpetuate the segregation and isolation of people with disabilities. Disparate impact liability may be challenged -- may be used to challenge management companies that refuse to accept disability related rental subsidies. Or for example, the large retirement community that qualifies for the Fair Housing Act 's housing for older persons exemption and advertising itself as being for active seniors. The advertisement Macon convenient to a reasonable person a preference or limitation based on disability, which would violate the Fair Housing Act 's prohibition against discriminatory advertising. Even if they do not, the evidence may reveal that the community uses the preference for active seniors as a policy that has a disparate impact based on disability and is not suppose supported by a legitimate business justification. It is also used to challenge -- used by group homes that face zoning -- zoning-only for blood and married family, or in an instance where a municipality adopt an ordinance requiring that all group homes for people recovering from substance abuse or other service located more than one mile from any other group home. You may think a HUD rule and the Supreme Court upholding disparate liability as a tool would make us confident that is a strong feature under the law moving forward. In thinking that, you may be a lawyer. (Laughter) And you may be right. However, disparate impact remains under siege in the post community inclusive community's context. Under the Trump Administration's executive orders regarding deregulation, in mid June of this past year, HUD accepted comments regarding various rules that it has in place. In particular, the HUD disparate impact rule. Many members of the lending and insurance industry filed comments challenging HUD to reconsider its rule and application of the policy. In this past November, 12 members of Congress wrote a letter to Secretary Carson employing him to take action to reconsider the rule. The insurance industry has filed lawsuits both in DC and in the Northern District of Illinois challenging HUD's application of the disparate impact standard to insurance practices. This could impact challenges to insurance providers that have unlawful bereave restrictions and the ability of landlords to have certain accommodations. The Treasury Department sent a report to HUD suggesting that HUD reconsider applicable -- reconsideration the disparate impact liabilities applicability to insurance providers. As we gather here, there are those within HUD that may be considering steps to curtail the rights that we have in regard to this important tool. We're prepared to work with our fair housing and disability rights partners to protect the reach of the law regarding this important standard. A second core principle of the law is fair house -- is HUD's fair housing mandate. Under the law, HUD shall administrator the programs and activities relating to housing and urban development in a manner that affirmatively furthers the policies of the Fair Housing Act. Though there is to right of private right of action to enforce the standard, jurisdictions have been called upon to analyze impediment to fair housing. The mandate has been characterized as a requirement that local jurisdictions simply look in the mirror to identify discrimination and segregation in their neighborhood, and then take step to address what they observe. The irony of that description is not lost on me, both regarding the fact that I stand behind a national federation of the blind podium, separately in regard to the real difficulties that communities have in performing this simple act. The mandate has been characterized by weak, enforcement. In 2008, in the context of Westchester County litigation brought under the False Claims Act, jurisdictions became aware of the real liability associated with carrying out this duty. In 2010 the Government Accountability Office issued a report that found that jurisdictions were deficient in their duty to carry out this mandate. Then, in 2015, another major milestone was reached in the effort to fulfill the Fair Housing Act 's goal of breaking down segregation. HUD implemented an affirmatively furthering fair housing rule, the new provision requires recipients of federal funds, cities, counties, and states that receive federal housing funding and also public housing authorities to conduct periodic assessments of fair housing as a requirement of receiving those funds. The assessments of fair housing must be submitted and accepted by HUD on a time frame in advance of preparation of their consolidated plans. The assessments must be prepared in the context of real community engagement. And the rule encourages grantees to consider not only the range of housing options available in their communities, but also guides them to consider how the location of affordable and accessible housing affects resident debts access the job transportation, and high quality schools. Application of the affirmatively furthering fair housing mandate present as great opportunity for community to consider the barriers that people with disabilities face in their community and to detail specific affirmative steps that could be take on the challenge these barriers. Public housing authority policy can be identified to reduce the concentration of tenants by disability. Or a municipality may identify addition fall supportive services and amenities support as supportive services that enable somebody with a disability to transfer from an institutionalized setting into a community. Unfortunately, HUD to day is not carrying out the disparate impact rule. In January HUD issued a notice suspending the disparate impact rule, essentially extending the deadline of submission of assessments for fair housing for consolidated plans. As we sit here today, jurisdictions are left in a lurch. Considering the the relationship between housing and transportation, there is perhaps no more important tool that we may employ than it meaningful application of this mandate. It is incumbent upon our office to roll up the sleeves at the local level, link arms with practitioners and disability rights advocates and push more meaningful analysis of the deep segregation and isolation that remains in regions across the country. 50 years after the assassination of Dr. Martin Luther King, I mean, subsequent passage of the Fair Housing Act, as we push for robust enforcement of the law, it is time for us to remember what he stood for, he stood for non-violence and peace for all people of all kinds, the Fair Housing Act has not gotten us yet but remain as powerful tool to achieve this vision. We are here to work with you not only to apply the law but to make the dictates of the law are understood in a manner that may allows us to truly achieve its goals. (Applause)

MARC MAURER: Thank you very much, Morgan. I will make one observation about these presentations, specifically in reference to Sam's piece about how there is a desire for privacy and also that a person may be lost and may want to have a way to get out of being lost only to say that being lost is part of life and -- (Laughter) -- I know that in the minds of the members of the public, who observe people with disabilities, the notion of being lost is hard and regarded as tragic. I have been lost hundreds of times. (Laughter), I expect to be lost hundreds more. And part of life is exploration and being lost is sometimes an element of exploration. It can be a disadvantage to be lost. But it can also be a good thing. I frequently travel hither and thither about the country. And the system in the transportation industry, especially air travel is to have somebody there to slap you in a wheelchair and roll you around Hither and Thither. I always reject them when I'm rejected walk out into the airport -- I walk out into the airport. Very often I don't know where I am. I know more or less where I'm going. But I don't know how to get there with specifics. I ask for information, they say wait here while I get somebody. And I don't every wait. (Laughter) And suddenly, the airport personnel think, oh, no! There's a lost blind person. We've got to do something immediately! And they surround me. And I think, go away! (Laughter) Just leave me alone. All of which is to say, the standard for disabilities people is so frequently current from the standard for people who are regarded as not having any disabilities. Being left alone is a very difficult thing to achieve if you have an evident disability. And I cherish being left alone. And I imagine many of my colleagues do. So when you're thinking up the standard that we want to apply in the transportation industry, that privacy business you've been talking about, and the possibility to be left alone should be remembered, because it is an important element of what we would like to have. I only make this comment because I am touched by the fact that being lost is not always a disadvantage. You can find out many new things when you're lost. Now I want to know if there are questions for the panel members in.

»» Is this -- hi. Dr. Maurer this is Jim Filachis, I just heard yesterday a quick little clip of a survey that's that said something like 95% of people when they go into a store hate the greeters coming up saying can I help you. You're not alone in that observation. I just had a minor request to people who might be working on taxi issues, the observation that the point of sale device is never where a person in a wheelchair can use it and to try to include access to that when you're working on those. And Sam, I guess I hadn't even thought about how quickly autonomous vehicles are moving around, are coming forward. I guess they're moving around too fast in some places. But yeah, I don't know who is -- who has contacts in that. But maybe thinking now about, you know, all of the access should be included. Maybe while you're designing the vehicle, and before you roll them out, opposed the trying to patch that system later on.

MARC MAURER: I urge the panel member to give that some thought. I also think it's desirable, we are working with some of the car company to build and to think about how the build autonomous vehicles. And I would urge any of you who -- we will concentrate on the subject of blindness, that's what we know. We will think about other disabilities especially if somebody helps us to know that there are thing to worry about in that space. I would urge all of you who want to have various matters considered in the design process to let us know, because we are at the midst of doing some of this with all the people we can make listen. Audi, GM, to some degree we have contact there. We need to know what needs to be done. We will know about blind but we won't know about other disabilities so let us know. . Sample?

SAMANTHA CRANE: I want to just share, because I just pulled it up in my email. The Department of Transportation actually has ongoing meetings on autonomous vehicles in case anyone want to start following them. There was a meeting on March 16th, I believe there are going to be more meetings on an ongoing basis. So you can put a alert. I think there's a way to do -- if you go to the Federal Register website, you put an alert for Federal Register Notices that contain certain keywords. And I think that's the best way to find out when the next meeting is on autonomous vehicles if you want to get in on that.

MARC MAURER: Other comments?

»» sorry?

TIM ELDER: Really quick. I think the design of the interface and the vehicles and how they operate is certainly one thing. But another thing that needs to be sort of up front in what we're thinking about is the regulatory framework in the states. It's great if you have an accessible vehicle, but what if you know, the state DMV is saying, well, yes, we're going to have awe town mouse vehicles but you have -- autonomous vehicle but you have to be a licensed driver in order store back them when they breakdown. There's to be to have to be some consider or reconsideration on what having a drivers might mean and the limitations on the drivers license.

MARC MAURER: There's interesting litigation there, Tim. (Laughter) Question, who's seeking the floor?

»» This is Jean Zachariasiewicz from browning Goldstein and Levy. I've heard just sort of anecdotally that with Airbnb, there's a profile picture, and so you can often tell the race of the person who is seeking to rent the room or the home, and that there's some concern that that is causing discrimination. And so I was wondering, Tim, in terms of the Uber litigation, how you got to Uber versus the individual driver, and if you know In AB&B the contracting how they do it between Airbnb and the host so you can hold the company liable if there's discrimination there versus a individual choosing who they're going to allow to stay?

TIM ELDER: A lot of these sharing companies are based on the fiction that we don't provide the service, we've contracted the service away. And it's really the drivers or the home other thans providing the service. Thankfully under the ADA you can't contract away your liability provisions, which I'm sure it was much to the dismay of the sharing economy. I don't think they really thought about this so much. But yeah, you can get at the provider assuming there's some control there that they can assert. And frankly, because they want a common customer platform, they're having control, advocates are arguing that they're actually employees. None of those have been successful, I kind of doubt that they will be ultimately. But they do assert quite a bit of control is you can actually get at the underlying platform. I too was displayed to find out that in order -- dismayed to find out in order to rent on Airbnb you had to post a picture. The race and national origin folks have been litigating with at least Uber, maybe Uber and Lyft on these issues. I don't know where that has gone, what it has resulted in. I know I still had to post a picture. You don't have to post a picture on Uber and Lyft but you can if you link it to your social media account. So be careful what's on your social media account.

MARC MAURER: Do you to post your own picture? (Laughter).

TIM ELDER: You don't. You don't. You could post a picture of whoever you wanted. (Laughter). And I'm not sure with Airbnb if the picture is disclosed before the reservation has been accepted or after they've already approved it? So it maybe that they show the user who you are so they know who to lack for and who to expect, but not so they can really make a decision. That raises the question of what happens if they cancel after the picture has been disclosed? I think it's a horrible idea to share the picture at any point during the transaction. But you know, there's probably somewhere work to do this.

MORGAN WILLIAMS: In the housing context, there have been some consideration of the extent to which Airbnb in particular and other housing social network providers have faced potential Fair Housing Act liability. There's a couple of legal considerations that come into play. Someone the application of the Communications Decency Act which provides immunity to online publishers. However under 2008 jurisprudence out of Craig's List case circuit decision from a case that originated from Illinois, and A Roommate.com case a case that originated out of California, a standard that The Communications Decency Act immunity will not apply when online publishers have some editorial control over the substance of the advertisement. It could be said that the designing the portal in a way that requires photograph or otherwise some content requires constitutes that editorial control. Another legal issue that comes into play in The Airbnb and the Fair Housing Act liability context if the Fair Housing Act is limited to dwellings under the law. And, and not for example hotel rooms. And so, in the Airbnb context, it's not clear whether or not a particular offering may constitute a dwelling. In the homeless shelter context, the question of dwelling has been litigated. And there's some dispute in the jurisprudence on what constitute as dwell the homeless shelter context, there's a general principle that if someone is residing there for a couple of weeks or some longer duration of time, it would be regarded as a dwelling. If it's a stay or a night or two it would not be regarded as a dwelling. In addition to the communications decency there's a agent of what constitutes a dwelling. A lot of the Airbnb is more long-term lodging, that would seem to constitute a dwelling. In light of the controls That AB&B putting over control over it's platform. It should seem to not be shielded per se from communications decency act immunity under the broad standards. It seems some of the housing would constitute a dwelling. So Fair Housing Act liability would apply in some of those contexts there. Have been only actions. There was a resolution of a case that was brought by the California Department of Fair Housing And Civil Rights that was a settlement that essentially involved Airbnb agreeing to engage in some self testing and otherwise change some practices. But I think there's a lot of space for further consideration of possibility liability, not just in regards to race, but also disability.

TIM ELDER: Yeah, just real quick on that. It also makes me wonder sort of the way the court that the Crawford sort of got around the carve-out for taxis and wheelchair accessible vehicle, if there's maybe -- maybe there's some sort of similar way to get around some of the these exemptions for certain kinds of homes, saying yes if you look at the platform as a whole, they need to do something to reasonably modify to ensure that there's access to this service, right. I mean, it may apply. There's some creative lawyering to be done in the space for sure.

MARC MAURER: Other questions?

»» I wanted to point out that the current self-driving cars.

»» My name is Steven McFadden, current self driving cars ignore fixed objects at highway speeds. So when you had a self driving car following another car, if car switch lanes the self driving car ran into the back of a parked fire truck. So don't be taking your wheelchairs out on the freeway, because the self-driving cars won't stop.

MARC MAURER: The technology is not yet perfected as they say. (Laughter) What technology is perfected so far? There's some pretty good ones though. Others? I want to thank the members of the panel. This is also a most thought provoking presentation. And I appreciate your coming to the symposium. (Applause). We have two or three thing to do, then we wrap this up. I have Lou Anne who has a lost and found announcement. And Scott, if you'll step this way.

»» A silver colored carry on bag and a medication container were left over in the breakfast and break area. They are now at the registration table. So whoever left them, they can pick them up at the registration table.

»» Sorry, but they're mine.

»» Oh.

MARC MAURER: Sam, you can collect them. Yes. (Laughter) Now for a brief announcement here is Scott Labarre.

»» Good afternoon. This is pertaining to the Disability Rights Bar Association at 1:00. Lunch will be served in the dining room of the NFB here. That is if you were to go as I'm facing you now, the doors out on my right-hand side and basically go straight ahead down the hallway through another set of double doors on the left is down in that hallway after the set of double door, there is the dining room. The DRBA meeting will start promptly at 2:00 in this room. And if you are on the second panel, involving picking and convincing a jury, we will meet in the Betsies conference room after you get your lunch, just bring your hundred to much the conference room so we can talk about our panel a bit. After the DRBA meeting this afternoon, we will head to the royal Sonesta for a reception. Transportation will leave for the Sonesta starting at 5:15 down on the Wells Street side of the building on the first floor. We'll give more information obviously later in the DRBA meeting. But I wanted to make sure that all DRBA folks knew about the logistics. Thank you, Dr. Maurer.

MARC MAURER: I observed some years ago that in building a fire, a log all by itself is very difficult to get to burn. An idea I think is much the same. If you want it to thrive, if you want it to be developed, if you want it to have life and to generate interest, and to make a difference in the world you have to share it. And it has to be polished and expanded. Made better than it was by being considered and pounded and shaped by a community. And in this room, and in this time, we are sharing that community and making those ideas work. The idea is to build a notion that there is a part of the law which deals with disability rights, that there are people who need protection. We in this business worry about tragedy, and we worry about harm to individuals. We worry about how to lessen that tragedy and to increase opportunity and if we don't share those ideas, if we don't polish them, if we don't make them better by being demanding of each other and finding ways to create program that didn't exist before we came, then we have failed the challenge that Dr. TenBroek gave us 50 years ago. But I think we've done it. And I think we're doing it. And I think the next year will be brighter based upon what we've done here. I appreciate all of you coming. I invite you back next year! We now bring it to a close. (Applause).