DENVER POLICE APPARENTLY DON'T THINK ACCESSIBLE PARKING LAWS APPLY TO THEM

Denver Police Vehicle Parks in Yellow Cross-Hatched Access Aisle Blocking Prominent Denver Attorney Who Uses a Wheelchair Out of His Van At His Office Building

On February 24, 2020, at the office building of the Colorado Cross-Disability Coalition ("CCDC), Colorado’s only statewide organization run by and for people with disabilities, including its Civil Rights Legal Program. CCDC is located at Empire Park at 1385 Colorado Boulevard. Kevin Williams who is an attorney and who uses a wheelchair and drives the blue van with a side-loading wheelchair ramp that is
pictured above has practiced in the area of civil rights law for people with disabilities for 22 years. The Current Cases and Past Cases that have been brought by the Civil Rights Legal Program during this time can be found on CCDC’s website. He and his legal team have brought numerous civil rights cases against government entities, private businesses of all kinds such as restaurants, sports venues, shopping malls and many more, housing providers and other entities covered by civil rights laws to help enforce the law for people with disabilities who cannot afford attorneys. Many of these cases have been brought under the Americans with Disabilities Act (“ADA”). The Legal Program has been involved in and remains involved in numerous civil rights investigations on behalf of its members throughout Colorado and works with attorneys both in the state and nationwide to end discrimination against people with disabilities. The Legal Program has received numerous awards for its work helping people with disabilities achieve the objectives of the ADA which is now almost 30 years old.

That is why it is so ironic that when the CCDC board co-chair, Josh Winkler (who, like Williams, uses a wheelchair and drives a van adapted for him to operate the vehicle from his wheelchair that includes a side-loading wheelchair lift just like Williams’ van, saw the Denver Police car parked illegally and took the above photo while coming to CCDC on business. Winkler said, "It is a chronic problem for those of us who need access aisles to find accessible parking in the first place. It is also a chronic problem to find that the access aisles for those accessible parking spaces are blocked so that we cannot get in or out of our vehicles. I have known Kevin for years, and I was absolutely shocked to see -- of all people -- that it was his van that was blocked, not only by a car parked in the ADA-required access aisle, but that the vehicle that was parked there was a Denver Police vehicle! The very people who are supposed to prevent unlawful parking with the ones who were breaking the law. It was simply beyond belief! I experience the same problem all of the time. People park in crosshatched styles routinely, usually saying things like, I will only be here for a minute, but I never can understand why they think that their minute is somehow more important than my minute, especially when they are the ones violating the law. It is even more unnerving that the Denver Police who we are supposed to call when we have a violation like this are the ones who are abusing the law.”

Not only are access aisles required to be accessible under the ADA and the 2010 Standards for Accessible Design, but they are also required to be accessible under state law and the Denver Municipal Ordinances that the Denver Police are required to
enforce! Under the ADA, the following is required under the 2010 Standards for Accessible Design:

502 Parking Spaces

**502.1 General.** Car and van parking spaces shall comply with 502. Where parking spaces are marked with lines, width measurements of parking spaces and access aisles shall be made from the centerline of the markings.

**EXCEPTION:** Where parking spaces or access aisles are not adjacent to another parking space or access aisle, measurements shall be permitted to include the full width of the line defining the parking space or access aisle.

**502.2 Vehicle Spaces.** Car parking spaces shall be 96 inches (2440 mm) wide minimum and van parking spaces shall be 132 inches (3350 mm) wide minimum, shall be marked to define the width, and shall have an adjacent access aisle complying with 502.3.

**EXCEPTION:** Van parking spaces shall be permitted to be 96 inches (2440 mm) wide minimum where the access aisle is 96 inches (2440 mm) wide minimum.
502.3 Access Aisle. Access aisles serving parking spaces shall comply with 502.3. Access aisles shall adjoin an accessible route. Two parking spaces shall be permitted to share a common access aisle.

Advisory 502.3 Access Aisle. Accessible routes must connect parking spaces to accessible entrances. In parking facilities where the accessible route must cross vehicular traffic lanes, marked crossings enhance pedestrian safety, particularly for people using wheelchairs and other mobility aids. Where possible, it is preferable that the accessible route not pass behind parked vehicles.

502.3.1 Width. Access aisles serving car and van parking spaces shall be 60 inches (1525 mm) wide minimum.

502.3.2 Length. Access aisles shall extend the full length of the parking spaces they serve.

502.3.3 Marking. Access aisles shall be marked so as to discourage parking in them.
Also under the ADA and state law, an individual who is discriminated against, which includes a government entity like the Denver Police violating one of the requirements of the ADA, can file a lawsuit in state court or federal court and seek a court order requiring the Denver Police to institute policies to prevent violations of the law like parking in access aisles. Under the state law, damages and other remedies are also available.

Under the Denver Municipal Ordinances (they law the Denver Police are supposed to enforce):

> It shall be unlawful for any vehicle to park in any area designated for loading and unloading of a vehicle designed for the mobility impaired by pavement markings such as cross-hatching or by other indication. These areas are access aisles and parking by any vehicle is prohibited at all times.


Under the state law, the following is required, and the fines and penalties can be substantial:

> Blocking access. (a) Regardless of whether a person displays an identifying plate or placard, a person shall not park a vehicle so as to block reasonable access to curb ramps, passenger loading zones, or accessible routes, as identified in 28 CFR part 36 appendix A, that are clearly identified unless the person is actively loading or unloading a person with a disability. (b) A person who violates this subsection (4) is subject to the penalties in section 42-4-1701(4)(a)(VIII).

Colo. Rev. Stat. § 42-4-1208 (4). Just for clarification, there was no identifying plate or placard on the Denver Police vehicle showing that the driver of the police vehicle was a person with a disability. As said above, the penalties can be substantial:

> A person who violates section . . . 42-4-1208 . . . (4) commits a misdemeanor and, upon conviction, shall be punished by a surcharge of thirty-two dollars under sections 24-4.1-119(1)(f) and 24-4.2-104(1)(b)(I), C.R.S., and:

(A) A fine of not less than three hundred fifty dollars but not more than one thousand dollars for the first offense;
(B) A fine of not less than six hundred dollars but not more than one thousand dollars for a second offense; and

(C) A fine of not less than one thousand dollars but not more than five thousand dollars, in addition to not more than ten hours of community service, for a third or subsequent offense.


Also, in Colorado, “Access aisles should post ‘Wheelchair Access Aisle Absolutely No Parking’ sign, which blocks neither the access aisle nor accessible routes.” Colo. Rev. Stat. § 42-4-1208(2)(e)(II)(C). Prior to this happening, Williams wrote a letter to the Empire Park management requesting that they address a number of accessibility provisions at Empire Park since so many CCDC employees who must use the building every day are people with disabilities, and have clients and visitors with disabilities on a daily basis. The management company was cooperative and made changes at Empire Park. They even included two signs that say what this blog requires. Such a sign can be seen directly in front of the police car in the yellow cross-hatched zone! It looks like this:

A sign like that can be seen posted directly in front of the Denver Police vehicle in the first photograph of this Media Release. On top of all of that, the Empire Park management company has installed a loading zone for any vehicle that will be parked at the building for a short period of time that is on the other side of the overhang at
the front door of the building as depicted in the first picture in this Media Release. The
Denver Police could easily have parked in that spot which is adjacent to the front door
of the building and even closer to the front door than the access aisle in which the
vehicle was illegally parked. Here is a photograph of the loading zone which can be
seen in the first photo and was empty at the time the Denver Police decided to park
their vehicle illegally in the access aisle and in part, blocking access to another
accessible parking space:

Williams said the following:" It is just amazing to me after 22 years of practicing law
enforcing the rights of people with disabilities who can’t afford lawyers how many
people we find almost 30 years after the passage of the ADA who just thumb their nose
or basically extend a middle finger to the law and people with disabilities. The last
thing on the planet Earth anybody would ever want to be is an individual with a
disability; rather than comply with the laws that provide us with equal rights, they pity
us all the time. But when it comes to taking advantage of using any perceived benefit
we get that are necessary accommodations under the law, anybody, apparently even
the Denver Police, has no problem breaking the law. People lie to get front row seats
to Red Rocks which are the only available wheelchair seats for people use wheelchairs
except the back row. Now they are going online to purchase fake vests and
certifications for their pet dogs to pretend that they are service animals so they can
take them wherever they want. Or, as in the situation, they park in spaces that the law
specifically designates for the use of people with disabilities because we cannot have
equal access to parking if we cannot get in and out of our vehicles.” Williams added, “I have had vehicles block me out of my van in access aisles on so many occasions, there are too many to count. Not too long ago, I had to go to court for a case in which I was representing a client, and on my way, I stopped at my pharmacy at the grocery store to pick up a prescription. When I came out to my van, an individual was parked in the access aisle completely blocking me out of my van. My van has very specialized driving equipment because I have limited use of my arms and hands. As a result I drive my wheelchair, and there is no driver seat. People can’t just simply backup my van so that I can get in. For the cost of them like mine, it would be very dangerous for someone to even try to stand up and back up the vehicle using all of the specialized equipment when they had no training on how to do so. As a result of the experience described above, I had to go back into the grocery store and to the service counter. I had to get a manager of the store, explain the situation, take him out to the parking lot to show him the problem, and then I had to wait after he went back inside the store and announced on the intercom the license plate of the vehicle that was parked in the access aisle. Finally, an elderly woman approached the service desk and said it was her vehicle. By the time she finally went out to her car and moved it out of the access aisle, approximately half an hour passed. Luckily, I give myself enough time so I wasn’t late to court, but the consequences could have been severe. Issues like this happen to me all the time. I have become tempted to simply park further away and angle my van into two parking spaces to ensure that I won’t get blocked out. I have done this before only to come out and find the vehicle that parked next to me did the same thing still blocking me out of my van. We all learned when we took our driver’s test, and we all know that crosshatched aisles mean ‘No Parking.’ This was completely obvious to the Denver Police who parked at Empire Park that day because not only did they park part way illegally in a crosshatched aisle but also part way into the accessible space next to it blocking someone with a disability who might have needed that space from parking it. Furthermore, there was a sign that I specifically requested be installed pursuant to Colorado law right in front of the space informing the Denver Police that this space was designed as a ‘Wheelchair Access Aisle: Absolutely No Parking’ and even put the state law citation number underneath. There could not have been any confusion by the Denver Police who parked there that they were violating the law and that they were discriminating against people who have disabilities. They just didn’t care. That is always the case. People with disabilities just don’t matter, even if they are attorneys who sue entities for violating the ADA.”
Colorado state law specifically prohibits any federal, state or local vehicle from parking in any space that has a sign specifically prohibiting parking.

The Denver Municipal Ordinances also prohibit the following:

{I}t shall be unlawful for any person to park or stop a vehicle in any manner in violation of, or contrary to the provisions contained on such signs . . . . The police department is hereby authorized to issue a citation and may immediately remove, or cause to be removed, a vehicle parked or stopped in violation hereof.[.]

Denv. Mun. Ord. § 54-486. The same is true under the state law. Colo. Rev. Stat. § 42-4-1204 (prevents “stopping, standing, or parking that is prohibited in any place where a sign exists prohibiting parking there). Williams noted, “There was absolutely no need for them to block me out of my van even for a moment, and they were breaking their own laws by doing so. I would have needed to call the Denver Police Department and ask them to remove their own vehicle from the parking space in order to get into my van. They could’ve just parked in the loading zone which would’ve been closer to the front door of the building and been perfectly legal. Why in the world with the Denver Police want to send such a horrible message to people with disabilities? Why are they allowed to violate the law when there was no reason to do so? Do they even care about the rights of people with disabilities?”

So often, drivers who use wheelchairs who require specialized equipment and wheelchair lifts for ramps will hear people who parking access aisles say, “I’ll only be here for a minute.” It is clear from the laws above that even stopping, standing or parking in a place that is clearly designated as a no parking zone is not permitted. What people don’t realize or care about is that individuals with disabilities have the same busy and active lives as everyone else. That minute could mean that someone like Williams could have his case for out-of-court because the judge ordered it to be dismissed because Williams was late. The general public and most certainly the Denver Police (at least whoever was driving the vehicle with the license plate 645YQK at approximately 2:24 PM on February 24, 2020) need to stop violating the law. Or if nothing else, they need to start caring.

People with disabilities are the one protected class under the law that anyone can join and any time. Williams, for example, became a quadriplegic at the age
of 19 as the result of a diving accident 33 years ago. He has experienced a great deal of personal discrimination as a result as well as helping many others with disabilities enforce the law in hundreds if not thousands of cases.

Williams added, “More importantly, people need to stop discriminating against people with disabilities. For those who are willing to cheat and lie and abuse what is needed by others with disabilities, keep in mind, you might be one of us tomorrow. Do you really hate us so much that you’re willing to go as far as to break the law that you are required to enforce?”

Williams is weighing his options with respect to how to address the Denver Police Department with respect to this issue. He said, “Every day when I go to work or lock my door to leave my house, I probably experience about 20 different violations of the law. It is hard to pick and choose your battles. Nevertheless, this is the Denver Police. They are supposed to be the ones enforcing this law, not telling CCDC they don’t give a damn. We are very busy with many other cases, but they are certainly going to get a letter at the very least.”

Williams was so frustrated regarding vehicles parking in access aisles, very recently and just before this incident happened, he wrote a blog about exactly the same subject. The incident with the Denver Police described herein became an update to that blog. See Hey, A**hole! Yeah, you. The jerk who owns the motorcycle with Colorado license plate OSK-069.

About the Colorado Cross-Disability Coalition:

CCDC advocates for social justice for people with all types of disabilities. The CCDC Civil Rights Legal Program was formed by Kevin Williams in 1997 for the purposes of enforcing the ADA and other laws protecting civil rights of individuals with disabilities, in large part, because CCDC could not find lawyers who would bring these cases. CCDC is Colorado’s largest disability rights advocacy organization run by and for people with disabilities.

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