



Cadhla McBride <admin@transparentlawenforcement.com>

FOIL Request – Interpreter Policy for Deaf/Hard-of-Hearing Motorists

8 messages

Cadhla McBride <admin@transparentlawenforcement.com>

Wed, Jul 2, 2025 at 7:38 AM

To: Sarah Lobene <slobene@townofgates.org>

To the Records Access Officer:

Pursuant to the New York Freedom of Information Law (Public Officers Law §87 et seq.), I request access to the following records:

1. **All policies, procedures, directives, training materials, or general orders** currently in effect that govern how your department provides communication access (including ASL interpreters, relay services, or written communication) to individuals who are Deaf or hard of hearing during:
 - Motor vehicle stops,
 - Traffic accident investigations,
 - Other routine public interactions involving motorists.
2. **Any contracts, MOUs, or vendor agreements** for the provision of sign language interpreters or other communication assistance used during traffic-related encounters.
3. **Any public-facing documents**, including brochures, visor cards, or informational materials provided to Deaf or hard-of-hearing drivers.

If these records are available in electronic format, I request they be sent via email. If portions of the request are exempt from disclosure, please redact only the exempt portions and release the remainder.

Please confirm receipt of this request and advise of any estimated time for fulfillment. I am willing to confer on scope if necessary.

Sincerely,

Cadhla McBride

Transparent Law Enforcement

 admin@transparentlawenforcement.com <https://www.transparentlawenforcement.com>

Sarah Lobene <slobene@townofgatesny.gov>

Fri, Jul 25, 2025 at 11:50 AM

To: Cadhla McBride <admin@transparentlawenforcement.com>

Good Morning Cadhla,

Please see below the response from Captain Pascarella.

Thank you,

Sarah L. Lobene

Town Clerk/Receiver of Taxes

Town of Gates

Ph: 585-247-6100 Ext. 205

Fax: 585-247-0017

www.townofgates.org



*****Please take note my email address has changed to slobene@townofgatesny.gov*****

From: MATT PASCARELLA <MPASCARELLA@townofgatesny.gov>

Sent: Friday, July 25, 2025 9:22 AM

To: Sarah Lobene <slobene@townofgatesny.gov>; April Thiel <athiel@townofgatesny.gov>

Subject: RE: FOIL Request – Interpreter Policy for Deaf/Hard-of-Hearing Motorists

We don't have any policies regarding this.

From: Cadhla McBride <admin@transparentlawenforcement.com>

Sent: Wednesday, July 02, 2025 7:39 AM

To: Sarah Lobene <slobene@townofgatesny.gov>

Subject: FOIL Request – Interpreter Policy for Deaf/Hard-of-Hearing Motorists

This message comes from an external source, be careful of attachments/links

To the Records Access Officer:

Pursuant to the New York Freedom of Information Law (Public Officers Law §87 et seq.), I request access to the following records:

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 - Motor vehicle stops,
 - Traffic accident investigations,
 - Other routine public interactions involving motorists.
2. **Any contracts, MOUs, or vendor agreements** for the provision of sign language interpreters or other communication assistance used during traffic-related encounters.

3. **Any public-facing documents**, including brochures, visor cards, or informational materials provided to Deaf or hard-of-hearing drivers.

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Cadhla McBride <admin@transparentlawenforcement.com>

Mon, Jul 28, 2025 at 4:12 PM

To: Sarah Lobene <slobene@townofgatesny.gov>, athiel@townofgatesny.gov, MPASCARELLA@townofgatesny.gov

FOIL Appeal

Interpreter Access Policies – Town of Gates Police Department

Appellant: Cadhla McBride, Transparent Law Enforcement

Records Access Appeals Officer

Town of Gates

1605 Buffalo Road

Rochester, NY 14624

I. Introduction & Grounds for Appeal

Pursuant to Public Officers Law §89(4)(a), I hereby appeal the Town of Gates' response dated July 25, 2025, to my Freedom of Information Law request submitted on July 2, 2025, regarding policies, training, and documentation related to communication access for Deaf and hard-of-hearing individuals during motor vehicle stops and related encounters.

The response, attributed to Captain Matt Pascarella, states only:

“We don't have any policies regarding this.”

This reply is legally deficient and procedurally inadequate under FOIL.

II. Legal and Procedural Deficiencies

1. Conclusory Denial Without Evidence of Reasonable Search

The agency's blanket denial does not demonstrate that a reasonable search was conducted, as required under *Gould v. NYPD*, 89 NY2d 267 (1996), and *Matter of Data Tree v. Romaine*, 9 NY3d 454 (2007). FOIL requires agencies to:

- Conduct a good-faith search of relevant records
- Identify the locations and custodians consulted
- Provide partial disclosures where applicable

The one-sentence reply makes no reference to:

- Any review of training records, internal bulletins, or general orders
- Whether contract or vendor files were searched
- Any attempt to identify public-facing materials or informal protocols

2. Implausibility of Total Absence

Given legal obligations under Title II of the Americans with Disabilities Act (ADA), 28 CFR §35.160, it is implausible that the department has no records — formal or informal — regarding how officers are expected to communicate with Deaf or hard-of-hearing motorists.

Agencies of comparable size routinely retain:

- Academy or in-service training on disability awareness

- Field procedures referencing communication barriers
- MOUs or contact lists for interpreter services
- Public-facing materials such as visor cards or brochures

If none of these exist, the department's noncompliance with federal law may be at issue.

III. Relief Requested

I respectfully request that the Appeals Officer:

1. **Order a full, documented search** of:

- Department policies, procedures, training materials, and communications
- Vendor and budget records for contracted services
- Any documentation, however informal, regarding communication with Deaf or disabled individuals

2. **Provide a written certification** describing:

- What records repositories were searched
- Who conducted the search
- What search terms or systems were used
- Any justifications for nonexistence of expected records

3. **Disclose any responsive records** in whole or in part, with lawful redactions only where applicable under POL §87(2).

IV. Alternative Record Request (if records are claimed not to exist)

If the Town maintains that it possesses no responsive records, I request disclosure of any of the following:

- Internal guidance on how officers communicate with Deaf or hard-of-hearing motorists
 - Training materials used at the academy or in-service sessions that address ADA compliance
 - Written or unwritten procedures for securing interpreter services during traffic stops
 - Past correspondence, policies under development, or memoranda referencing accessibility obligations
-

V. Conclusion

A one-line response from a police captain is not a substitute for a legally compliant FOIL determination. The public has a right to understand how law enforcement complies with federal communication access mandates. I respectfully request reversal of the denial and timely disclosure of all responsive records.

Contact Information:

Cadhla McBride

Transparent Law Enforcement

 admin@transparentlawenforcement.com

 <https://www.transparentlawenforcement.com>

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MATT PASCARELLA <MPASCARELLA@townofgatesny.gov>

Tue, Jul 29, 2025 at 9:22 AM

To: Cadhla McBride <admin@transparentlawenforcement.com>, Sarah Lobene <slobene@townofgatesny.gov>, April Thiel <athiel@townofgatesny.gov>, ROB LONG <RLONG@townofgatesny.gov>

Good morning,

I will have the Police Chief send a formal letter regarding this. He oversees the creation and implementation of policy.

Capt. Matthew Pascarella

Town of Gates Police

Captain Police Administration

Office (585) 247-2262

Fax (585) 247-8969

mpascarella@townofgatesny.gov

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Sarah Lobene <slobene@townofgatesny.gov>

Tue, Jul 29, 2025 at 10:20 AM

To: Cadhla McBride <admin@transparentlawenforcement.com>, April Thiel <athiel@townofgatesny.gov>, MATT PASCARELLA <MPASCARELLA@townofgatesny.gov>

Good Morning Cadhla,

Please see the attached letter from the Chief of Police Robert Long.

Thank you,

Sarah L. Lobene

Town Clerk/Receiver of Taxes

Town of Gates

Ph: 585-247-6100 Ext. 205

Fax: 585-247-0017

www.townofgates.org



*****Please take note my email address has changed to slobene@townofgatesny.gov*****

From: Cadhla McBride <admin@transparentlawenforcement.com>

Sent: Monday, July 28, 2025 4:12 PM

To: Sarah Lobene <slobene@townofgatesny.gov>; April Thiel <athiel@townofgatesny.gov>; MATT PASCARELLA <MPASCARELLA@townofgatesny.gov>

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163K

Cadhla McBride <admin@transparentlawenforcement.com>

Tue, Jul 29, 2025 at 3:41 PM

To: Sarah Lobene <slobene@townofgatesny.gov>

Cc: April Thiel <athiel@townofgatesny.gov>, MATT PASCARELLA <MPASCARELLA@townofgatesny.gov>, rlang@townofgatesny.gov

Dear Records Access Appeals Officer,

Thank you for the July 29 response from Chief Long.

While the department's response was timely, it does not satisfy the Town of Gates' obligations under the Freedom of Information Law (Public Officers Law §§ 87, 89). Nor does it address the broader legal context now raised by the department's admissions.

FOIL Deficiencies Remain

The response:

- Acknowledges no formal general orders or policies regarding communication with deaf/hard-of-hearing individuals
- Does not confirm or document a thorough search of relevant record categories, including:
 - Training materials (including those provided by outside academies)
 - Administrative communications
 - Public-facing documents (e.g., brochures, visor cards)
 - Prior incident reports or guidance involving deaf motorists
- References services potentially offered by other entities (e.g., the Justice Court), but provides no documentation showing any protocols, MOUs, or reliance policies

Per Public Officers Law, the department must provide a clear statement of the **scope and outcome of its records search**, and either produce responsive records or cite specific statutory exemptions. That has not occurred.

ADA Context Raises Further Concerns

More concerning is what the FOIL response reveals about **systemic compliance failures**. Monroe County entered into a settlement agreement with the U.S. Department of Justice in 2005 for similar ADA communication deficiencies. The County now maintains interpreter access protocols and is under ongoing obligations to ensure communication with Deaf individuals is "as effective as communication with others," per 28 CFR § 35.160.

Gates PD's admission that it has **no policies, no contracts, and no written guidance** on communication with Deaf individuals — despite operating in a region with one of the highest per-capita Deaf populations in the U.S. — is not only a failure of documentation, but potentially a violation of federal

law. As a public entity, the Gates Police Department is independently bound by Title II of the ADA and cannot plead ignorance to widely publicized regional requirements.

Requested Action

At this point, I am requesting the department:

1. **Certify the record search conducted**, including:
 - All locations searched (physical and electronic)
 - Who conducted the search
 - Whether the department consulted with its training, legal, or ADA liaisons
2. **Disclose responsive records** related to:
 - Training (even if delivered by third-party academies)
 - Incident protocols
 - Any communication-related accommodations, instructions, or references
3. **Provide documentation of current ADA compliance measures under the ADA** and explain how current practices comply with the effective communication requirements of 28 CFR § 35.160.

If no further response is provided within ten business days, I will consider this a **constructive partial denial** and pursue further remedies, including review by the Committee on Open Government , readily available remedies under state and federal civil rights laws and other avenues.

Sincerely,

Cadhla McBride

Transparent Law Enforcement

 admin@transparentlawenforcement.com

 <https://www.transparentlawenforcement.com>

[Quoted text hidden]

Mail Delivery Subsystem <mailer-daemon@googlemail.com>
To: admin@transparentlawenforcement.com

Tue, Jul 29, 2025 at 3:41 PM



Address not found

Your message wasn't delivered to rlang@townofgatesny.gov because the address couldn't be found, or is unable to receive mail.

The response from the remote server was:

550 5.1.1 : Recipient address rejected: User unknown

Final-Recipient: rfc822; rlang@townofgatesny.gov

Action: failed

Status: 5.1.1

Remote-MTA: dns; mx1-us1.ppe-hosted.com. (67.231.154.162, the server for the domain townofgatesny.gov.)

Diagnostic-Code: smtp; 550 5.1.1 <rlang@townofgatesny.gov>: Recipient address rejected: User unknown

Last-Attempt-Date: Tue, 29 Jul 2025 12:41:30 -0700 (PDT)

 **noname**
4K

Cadhla McBride <admin@transparentlawenforcement.com>
To: ROB LONG <RLONG@townofgates.org>

Tue, Jul 29, 2025 at 3:45 PM

FYI - I typo'd your email address.

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