

## AMERICANS WITH DISABILITIES ACT COMPLIANCE

### POLICY.

It is the policy of the Deschutes County Sheriff's Office – Adult Jail (AJ) to implement and abide by the requirements of the Americans with Disabilities Act (ADA) as it relates to members, inmates and the public.

### PURPOSE.

The purpose of this policy is to provide members with specific information concerning the scope of ADA coverage as it applies to members, inmates and the public. Furthermore, this policy provides procedures to address the requirements of the ADA.

### OREGON JAIL STANDARDS:

- A-107 Compliance with ADA

### REFERENCES:

- Americans with Disabilities Act (ADA) of 1990, Titles I and II (42 USC Sec 12101 et seq.)
- Civil Right Act of 1991 (42 U.S.C. 1980a)
- Rehabilitation Act of 1973, Sections 501 and 505 (29 USC Sections 791, 793, 794a)
- ORS 174.107, "Person with a disability" Defined
- ORS 447.210 – 447.280, Standards and Specifications for Access by Disabled Persons
- ORS 659A.142, Discrimination Against Individual with Disability
- 659A.400, Place of public accommodation" Defined

### DEFINITIONS.

#### Disability.

1. A physical or mental impairment that substantially limits one or more of the major life activities of such individual.
2. A record of such impairment.
3. Regarded as having such impairment. A disability is not homosexuality, bisexuality, transvestism, transsexualism, compulsive gambling, or substance abuse disorders resulting from current illegal use of drugs. Temporary non-chronic impairment of

short duration with little or no long term or permanent impact are usually not disabilities.

**Physical or Mental Impairment.**

1. Any physiological disorder, or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, hemic and lymphatic, skin, and endocrine.
2. Any mental or physiological disorder, such as developmental disability, organic brain syndrome, emotional or mental illness, and specific learning disabilities.
3. Contagious and non-contagious diseases and conditions as orthopedic, visual, speech and hearing impairments, cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, developmental disability, emotional illness, specific learning disabilities, HIV disease (whether symptomatic or asymptomatic), tuberculosis, drug addiction and alcoholism.

**Major life activities.** Carrying out such functions as caring for oneself, performing basic manual tasks such as walking, seeing, hearing, speaking, breathing, learning, working and the operation of a major bodily function such as digestive system, bowel and bladder function and immune system.

**Reasonable accommodation.** An interactive process with the disabled individual to identify changes in the job or work place, that would allow the individual to perform essential functions of the job.

**Video Remote Interpreting (VRI).** An on-demand video telecommunication service that uses devices such as mobile telephones or tablets to provide sign language or spoken language interpreting services in real time.

**Video Relay Services (VRS).** An on-demand telecommunication service that allows deaf, hard of hearing and speech-impaired individuals to communicate over video telephones, mobile tablets or similar technologies with hearing people in real time, via sign language.

**Undue Hardship.** Significant difficulty or expense when compared to a number of factors resulting from the providing for accommodation.

**PROCEDURES.**

***SECTION A: GENERAL GUIDELINES***

- A-1.** The AJ must comply with ADA prohibition against discrimination on the basis of the disability of members, inmates, visitors or other members of the public.
- A-2.** The AJ must provide reasonable accommodation and access to facilities, services and programs for disabled members, inmates, and the public who have legitimate business in

the jail. The AJ must balance the manner in which they provide accommodation and access to each classification of persons (i.e. member, inmate or public) based on their differing needs and with the safety, security, operational and other legitimate interests of the jail.

- A-3.** Members must house disabled inmates in a manner that provides for their safety and security, such as for the need to evacuate in case of an emergency. When possible, rooms, cells, or housing units used by disabled inmates must be designed for their use and provide for their integration into the general population. Members must make appropriate jail programs, activities, and resources accessible to disabled inmates who meet the essential qualifications for the program or activity.
- A-4.** The Captain will serve as the ADA Coordinator. The ADA Coordinator will assist the County ADA Coordinator in resolving ADA Title II issues relating to the AJ.
- A-5.** The Captain may have members self-evaluate current services, policies and practices of the AJ and make any necessary modifications to facilitate ADA compliance.
- A-6.** When an inmate believes an ADA issues is not resolved they will use the normal grievance procedures to address the issue. Members must provide any necessary assistance, interpretive services or accommodation to help the inmate file the grievance if the inmate's disability limits their capacity to do so. Job applicants, members, or members of the public may file a complaint with the ADA Coordinator.
- A-7.** Members will receive ongoing annual training on ADA issues.
- A-8.** An individualized inquiry into an inmate's needs and communication preferences will be made during the booking process, and documented on the *Intake Medical Screening Form No. 501*. The intake medical screening is contained in each inmate's Electronic Health Record (EHR).

Members will also record ADA accommodations in the Attachments section of the inmate's Jail Management System (JMS) record. These notes should be available to all members, describing reasonable accommodations provided to the inmate. For deaf or hard of hearing inmates, notes should also describe what the inmate's communication preferences are (does the inmate prefer to write notes, use an interpreter, read lips?).

## ***SECTION B: FACILITATING ACCESS***

- B-1.** Members must make sure jail facilities are accessible to, and usable by disabled persons (members, inmates and public). They must provide reasonable accommodation and access equal or similar to that available to the public (or general population, if the person is an inmate).

Inmates may request reasonable accommodation for a disability on a *Healthcare Request Form No. 545*. Requests will be reviewed by the Medical Unit and a supervisor. All reasonable accommodations will be balanced with the jail's safety, security, operational

and other legitimate interests. Actions, accommodations and correspondence will be documented (Attachment notes, incident reports EHR notes) into the inmate's electronic record.

- B-2.** Members must not subject any qualified individual with a disability to discrimination because of the disability, or exclude a disabled person from participation in or be denied the benefits of the services, programs (educational, vocational, rehabilitative or recreational), or activities of the jail that are available to non-disabled inmates.

If there is justification to make an exception to accommodation or barrier removal, the ADA Coordinator should consult Sheriff's Office Legal Counsel prior to excluding an individual with a disability from any service, program or activity. A legitimate exception could exist when the accommodation or barrier removal presents an undue hardship to the AJ or would result in a fundamental alteration of the program.

- B-3.** Whenever possible and appropriate, the AJ must provide auxiliary aids to ensure effective communication for persons with hearing, vision, and/or speech disabilities. Auxiliary aids and services will be available for deaf or hearing impaired inmates as needed, including booking and intake, classification, classes or programs, medical, behavioral health or dental appointments, and as needed to communicate with deputies, filing grievances or making medical requests. Auxiliary aids and services may include, but are not limited to:
- a. Qualified interpreters via an in person interpreter, VRI, VRS or other methods of making aurally delivered materials available to individuals with hearing impairments.
  - b. Qualified readers, recorded texts, in person interpreters, over the phone interpreters or other methods of making visually delivered materials available to individuals with visual impairments.
  - c. Acquisition or modification of equipment or devices or other similar services and actions.
- B-4.** If providing auxiliary aids would constitute an undue hardship, the AJ must consider:
- a. The type of action considered and the cost of achieving it.
  - b. The type of operation involved and the safety, security and operational requirements unique to the AJ.
  - c. The overall budget resources of the AJ in providing the accommodation.
  - d. The number of members employed in the AJ.
  - e. The effect of the accommodation on the expenses and resources of the AJ.
  - f. The impact the accommodation would have on the safety, security, order, discipline, and other legitimate interests of the jail.
- B-5.** Whenever possible, the AJ must identify and remove barriers that prevent persons with disabilities from effective communication or access to services, such as:

- a. Locating visiting windows, water fountains, toilet facilities, intercoms, and beds at wheelchair accessible heights.
- b. Equipping living quarters with handrails in the shower and living areas.
- c. Providing access to visiting, mail, and telephone communication.
- d. Exceptions to this requirement are:
  - 1) When the removal would result in a fundamental alteration in the nature of the service, program, or activity.
  - 2) The removal would result in an undue burden.

**B-6.** All televisions available for use by inmates will use closed captioning at all times.

**B-7.** The ADA Coordinator or designee will perform periodic testing of equipment and software used to accommodate those with disabilities. Equipment to test includes, TTY phones, mobile interpreting devices and tablets for video relay interpreter services.

**B-8.** The AJ will allow service animals for members of the public visiting or doing business in the jail lobby and non-contact attorney rooms. Access to other areas of the facility must be approved by supervisor prior to access. Recognized service animals are a dog or miniature horse only.

**FORMS USED:**

- Intake Medical Screening Form No. 501
- Health Care Request Form No. 545