



AMERICANS WITH DISABILITIES ACT COMPLIANCE

POLICY.

It is the policy of the Deschutes County Adult Jail (DCAJ) and Work Center (WC) to implement and abide by the requirements of the Americans with Disabilities Act (ADA) as it relates to staff, inmates and the public.

PURPOSE.

The purpose of this policy is to provide staff with specific information concerning the scope of ADA coverage as it applies to staff, 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, "Disabled Person" Defined
- ORS 447.210 – 447.310, Standards and Specifications for Access by Disabled Persons
- ORS 659A.100 – 659A.145, Unlawful Discrimination Against Disabled Persons

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) Being 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 impairments 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, musculo-skeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genito-urinary, hemic and lymphatic, skin, and endocrine. 2) Any mental or physiological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities. 3) Such 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, mental retardation, 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.

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.** DCAJ and WC must comply with the ADA prohibition against discrimination on the basis of the disability of corrections staff, inmates, visitors or other members of the public.
- A-2.** DCAJ and WC must provide reasonable accommodation and access to disabled staff, inmates, and the public who have legitimate business in the jail. DCAJ and WC must balance the manner in which they provide accommodation and access to each classification of persons (i.e. staff, inmates or public) based on their differing needs and with the safety, security, operational and other legitimate interests of the jail.
- A-3.** Corrections staff 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. Corrections staff must make appropriate jail programs, activities, and resources accessible to disabled inmates whom meet the essential qualifications for the program or activity.
- A-4.** DCAJ and WC will comply with the Deschutes County ADA Policy.

- A-5.** The Deschutes County Counsel will review and approve the policies and procedures related to ADA and the management of ADA.
- A-6.** The Corrections Captain will serve as the Jail ADA Coordinator. The Jail ADA Coordinator will assist the County ADA Coordinator in resolving ADA Title II issues relating to the jail.
- A-7.** The Corrections Captain may have staff self-evaluate the current services, policies and practices of the jail and make any necessary modifications to facilitate ADA compliance.
- A-8.** Inmates must use the normal grievance procedures to address ADA issues. Corrections staff must provide any necessary assistance or accommodation to help the inmate file the grievance if the inmate's disability limits his capacity to do so. Job applicants, corrections staff, or members of the public may file a complaint with the jail ADA coordinator.

SECTION B: FACILITATING ACCESS

- B-1.** Corrections staff must make sure jail facilities are accessible to and usable by disabled persons. They must provide them reasonable accommodations and access equal or similar to that available to the general public (or general population, if person is an inmate).
- B-2.** Corrections staff 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, or activities of the jail unless there is justification to make an exception to accommodation or barrier removal, such as if presents an undue hardship or would result in a fundamental alteration in the program. Before excluding an individual with a disability from any service program or activities, Deschutes County Risk Manager and County Legal Counsel should be consulted.
- B-3.** DCAJ and WC must, whenever possible, provide auxiliary aids when appropriate to ensure effective communication for persons with hearing, vision, and/or speech disabilities. Auxiliary aids and services may include, but are not limited to:
 - a. Qualified interpreters or other methods of making aurally delivered materials available to individuals with hearing impairments.
 - b. Qualified readers, taped texts, 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, DCAJ must consider:
 - a. The type of action being considered and the cost of achieving it.

- b. The type of operation involved and the safety, security and operational requirements unique to DCAJ and WC.
- c. The overall budget resources of DCAJ and WC in providing the accommodation.
- d. The number of staff employed in DCAJ and WC.
- e. The effect of the accommodation on the expenses and resources of DCAJ and WC.
- f. The impact the accommodation would have on the safety, security, order, discipline, and other legitimate interests of the jail.

B-5. Whenever possible, DCAJ and WC must identify and remove barriers which 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.