

 <p><i>Tri-County Regional Jail Policy & Procedure</i></p>	Tri-County Regional Jail Mechanicsburg, Ohio				
	Policy: Ensuring Effective Communication for Individuals with Disabilities	Policy Number: 12.00		Page: 1 of 6	
		Approved By: Executive Director, Robert Beightler			
	Policy Section: Inmate Supervision and Care	Supercedes: 12.00	Date of Issue: November 20, 2012	Effective Date: November 21, 2012	

I. Authority:

This policy is issued in compliance with the Ohio Administrative Code and therefore shall be implemented accordingly. The Tri-County Regional Jail Corrections Commission has issued the authority to the Executive Director of the Tri-County Regional Jail under Ohio Revised Code 307.93 to manage and direct the total operations of the facility and to establish such rules and regulations to ensure that all aspects of this policy are followed and incorporated into the daily operations of the Facility.

II. Background:

Title II of the Americans with Disabilities Act (ADA), 42 U.S.C. §§ 12131 – 12134, and regulations implementing title II, 28 C.F.R. pt. 35 (and for Government entities receiving federal funding, Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. §§794, and the implementing regulation, 28 C.F.R. Part 42, Subpart G.

III. Policy:

It is the policy of the Tri-County Regional Jail to ensure that communications with Individuals with disabilities in our programs, services, and activities are as effective as communications with individuals without disabilities, consistent with the requirements of title II of the Americans with Disabilities Act (ADA), 42 U.S.C. §§ 12131 – 12134, and regulations implementing title II, 28 C.F.R. pt. 35 (and for Government entities receiving federal funding, Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. §§794, and the implementing regulation, 28 C.F.R. Part 42, Subpart G. To meet this obligation, the Jail will provide, free of charge, appropriate auxiliary aids and services, whenever necessary, to ensure that individuals with disabilities have an equal opportunity to participate in, and benefit from, the Jail's programs, services, and activities. 28 C.F.R. §§ 35.130(f), 35.160(b)(1).

IV. Purpose:

The purpose of this policy is to set standards, procedures, and guidelines to follow when those individuals who have disabilities are incarcerated.

V. Applicability:

This policy applies to all employees, workers, independent contractors, volunteers, and any persons hereafter referred to as inmates, of the Tri-County Regional Jail.

VI. Definitions:

Auxiliary Aids and Services: Equipment, materials and services that may be necessary to ensure effective communication for people with disabilities.

- a) **For people who are blind or have low vision:** appropriate auxiliary aids and services include, but are not limited to, qualified readers; printed information and displays provided in Braille, in large print, in electronic format, or through audio recordings; taped text; oral descriptions of action and visual information to ensure the accessibility of proceedings and presentations; optical readers; secondary auditory programs (SAP); note takers; assistance in filling out forms or accessing materials in a computer database; screen reader software or text magnification software to make computer displays accessible; accessible electronic and information technology; an assistant to guide a person to find his or her way to an unfamiliar location or along an unfamiliar route; or other effective methods of making visually delivered materials available to individuals who are blind or have low vision.
- b) **For people who are deaf, are hard of hearing or have speech impairments:** appropriated auxiliary aids include, but are not limited to, qualified oral/sign language interpreters on-site or through video remote interpreting (VRI) services; written materials; exchange of written notes; note takers; real time computer aided transcription services; telephone handset amplifiers; video text displays and hearing aid compatible telephones; assistive listening devices and systems; open and closed captioning, including real time captioning and caption decoders; voice, text, and video-based telecommunications products and systems including text telephones (TTYs), videophones, and captioned telephones, or equally effective communications devices; videotext displays; computer terminals equipped for video communication, accessible electronic and information technology; and other effective methods of making aurally delivered information or materials delivered using sound available to individuals who are deaf or hard of hearing.

Qualified Interpreter: The term “qualified interpreters” includes “sign language interpreters,” “oral interpreters,” or other “interpreters” like oral translators and cued-language translators who, via video remote interpreting (VRI) service or an on-site appearance, are able to interpret effectively, accurately, and impartially, both receptively and expressively, using any specialized terminology necessary for effective communication with an individual who is deaf or hard of hearing or who has a speech impairment, given that individual’s language skills and education. Not all interpreters are qualified for all situations. For Example, an interpreter who is qualified to interpret using American Sign Language (ASL) is not necessarily qualified to interpret orally. Also, someone who has only a rudimentary familiarity with sign language or finger spelling is not a “qualified sign language interpreter.” Likewise, someone who is fluent in sign language but who does not possess the ability to process spoken communication into the proper signs or to observe someone signing and translate their signed or finger-spelled communication into spoken words is not a qualified sign language interpreter. 28 C.F.R. § 35.104. An interpreter who knows tactile interpreting may be the only interpreter who is qualified to interpret for someone who is

both deaf and blind. Although an interpreter may be certified, a certified interpreter is not necessarily “qualified.” Similarly, certification is not required in order for an interpreter to be “qualified.”

Qualified Reader: A “qualified reader” means a person who is able to read effectively, accurately, and impartially using any necessary specialized vocabulary.

Video Remote Interpreting Service (VRI): “Video remote interpreting service (VRI)” means an interpreting service that uses video conference technology over dedicated lines of wireless technology offering high-speed, wide-bandwidth video connection that delivers high-quality video images meeting the following requirements:

- a) Real-time, full-motion video and audio over a dedicated high-speed, wide-bandwidth video connection or wireless connection that delivers high-quality video images that do not produce lags, choppy, blurry or grainy images, or irregular pauses in communication;
- b) A sharply delineated image that is large enough to display the interpreter’s face, arms, hands, and fingers, and the participating individual’s face, arms, hands and fingers, regardless of his or her body position;
- c) A clear, audible transmission of voices; and
- d) Adequate training to users of the technology and other involved individuals so that they may quickly and efficiently set up and operate the VRI.

VII. Guidelines:

- A. Inmates who identify themselves or are otherwise determined to have a disability are entitled to a level of service equivalent to that provided to others.
- B. The Tri-County Regional Jail will make every effort to ensure that its officers and employees communicate effectively with people who have identified themselves or have been identified as having a disability.
- C. A person with a disability has a right to be provided and shall be provided with qualified services to enable him or her to participate in or benefit from programs and services the jail offers other inmates, as well as at any disciplinary or other proceedings.
- D. The Tri-County Regional Jail will not ask or require an individual with a disability to bring another individual to interpret for him or her, because a family member or friend may not be qualified to render the necessary interpretation due to factors such as professionalism or personal involvement. The Jail also will not rely on an adult accompanying an individual with a disability to interpret or facilitate communication except in an emergency where no other interpreter is available, or if the individual with a disability specifically requests that the accompanying adult facilitate communication and it would be reasonable for the Jail to rely on the accompanying individual under the circumstances. Finally, the Jail will not rely on a minor child to interpret or facilitate communication except in an emergency where there is no other interpreter available.
- E. Inmates with disabilities will not be asked to pay or be charged for the cost of an auxiliary aid or service needed for effective communication. 28 C.F.R. § 35.130(f). The Tri-County Regional Jail may generally charge its standard per page fee for providing a person with a disability a copy of a document. However, the fee charged for a copy of a document provided in Braille or large Print format may not exceed the charge ordinarily imposed for a standard print copy of the same document. Inmates with disabilities will not be charged the costs converting a print document to a different format nor for the additional pages that will likely result from that format change.

- F. The Tri-County Regional Jail shall maintain a contract of sign language and oral interpreting services that are available (on-call 24 hours per day) to provide qualified interpreters as needed. Whenever possible, requests for auxiliary aids and services should be directed to the Assistant Director, the Jail's ADA Coordinator, 4099 State Route 559, Mechanicsburg, Ohio 43044. Requests can be made by an individual with a disability who needs the auxiliary aids or services or by someone acting on that individual's behalf. When the Jail's ADA Coordinator is not available to receive a request, the request may be directed to the on duty Shift Commander. Requests can be made either in writing or orally. Requests should be made in advance, whenever possible, in order to better enable the Jail to address the communication needs of the individual. However, all requests for auxiliary aids and services will be addressed promptly and in accordance with ADA requirements.
- G. The Tri-County Regional Jail shall maintain for deaf or hard of hearing inmates updated TTY equipment and shall proficiently train staff to operate the equipment.
- H. The Tri-County Regional Jail shall take appropriate steps to ensure that offenders with any type of disability have an equal opportunity to participate in or benefit from all aspects of the Tri-County Regional Jail's efforts to prevent, detect, and respond to sexual abuse and sexual harassment. Such steps shall include, when necessary to ensure effective communication with offenders who have a disability, access to interpreters who can effectively, accurately, and impartially communicate with the inmate. In addition, the Tri-County Regional Jail shall ensure written materials are provided in formats or through methods that ensure effective communication to inmates with disabilities. The Tri-County Regional Jail is not required to take actions that it can demonstrate would result in a fundamental alteration in the nature of service, program, or activity, or in undue financial and administrative burdens, as those terms are used in regulations promulgated under title II of the Americans With Disabilities Act, 28 CFR 35.164 (115.16a).
- I. The Tri-County Regional Jail shall take reasonable steps to ensure meaningful access to all aspects of the Tri-County Regional Jail's efforts to prevent, detect, and respond to sexual abuse and sexual harassment to offenders with disabilities. This shall be accomplished through the use of interpreters or any other methods available to provide effective communication to inmates with disabilities.

VIII. Procedures:

A. Communications

- 1 At any time an inmate's disability is recognized, every effort to effectively communicate with them shall be made. Such means of communication may include the use of gestures or visual aids to supplement oral communication; an exchange of written notes; use of a computer or typewriter; or use of qualified oral or sign language interpreters.
- 2 The type of aid that will be required for effective communication will depend on the individual's usual method of communication, and the nature, importance, and duration of the communication at issue. In many circumstances, oral communication supplemented by gestures and visual aids, an exchange of written notes, use of a computer or typewriter, or use of an assistive listening device may be effective. In other circumstances, qualified sign language or oral interpreters are needed to communicate effectively with persons who are deaf or hard of hearing. Currently the Tri-County Regional Jail has a contract with Interpreters of the Deaf, LLC and can be contacted 24 hours a day, seven days a week by calling (937) 242-6047

- 3 The more lengthy, complex, and important the communication, the more likely it is that a qualified interpreter will be required for effective communication with a person whose primary means of communication is sign language or speech reading.
- 4 To serve each individual effectively, primary consideration should be given to the communication aid or service that works best for that person. Officers must ask persons who are deaf or hard of hearing what type of auxiliary aid or service they need.
- 5 Officers must defer to those expressed choices, unless there is another equally effective way of communicating, given the circumstances, length, complexity, and importance of the communication, as well as the communication skills of the person who is deaf or hard of hearing.
- 6 Deaf or hard of hearing inmates shall be provided the use of the Jail's TTY when so desired at any time (6:00am – 11:30pm Sunday through Thursday and 6:00am – 1:00am Friday and Saturday). However, inmates may not use the phone during lockdown times, nighttime hours, during critical incidents, and any other time the normal operations of the Jail are disrupted. Officers shall retrieve the Jail's TTY from the Administration Computer Server Room to allow the inmate to make a phone call. When using the TTY inmates shall be limited to one (1) hour per call. In the event they need to use it multiple times throughout the day, the Correctional Staff shall work to ensure the inmate's needs are met.

B. Programs and/or Disciplinary Hearings

1. At any time an inmate with a disability desires to participate in or benefit from programs and services the jail offers, they shall be permitted to do so.
2. If necessary, the interpreting service shall be contacted to attend the program for the inmate's benefit if the inmate desires. The same shall be followed if the inmate violates the rules of conduct and needs assistance through the discipline process.
3. All televisions in the inmate housing areas shall have the closed captions activated at all times.

C. Incidents

Incidents involving inmates who are deaf or hard of hearing, whether as a victim, witness, suspect, or as a person connected to the situation shall be addressed regardless of their disability. It is essential in ascertaining what actually occurred, the urgency of the matter, and the specifics of the situation. The input of people who are deaf or hard of hearing who are involved in incidents is just as important to the Tri-County Regional Jail process as the input of others. Officers must not draw conclusions about incidents unless they fully understand and are understood by all those involved, including persons who are deaf or hard of hearing.

D. Staff Training

1. All newly hired Tri-County Regional Jail employees will receive training on working with inmates with disabilities including introduction regarding the Americans With Disabilities Act of 1990 and other laws governing the rights of persons with disabilities.
2. All Tri-County Regional Jail staff will receive training on the use of the facility's TTY equipment.
3. All Tri-County Regional Jail staff will receive remedial yearly training regarding this policy.

IX. Evaluation:

This policy shall be monitored and evaluated as needed but not less than annually by the Executive Director or Designee. The Executive Director shall approve any recommended changes.

X. Attachments:

A. 12.00.01- Non-Discrimination Notice

XI. Revisions:

None