

	DISTRICT OF COLUMBIA DEPARTMENT OF CORRECTIONS POLICY AND PROCEDURE		EFFECTIVE DATE:	September 10, 2018	Page 1 of 24
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			OPI:	PROGRAMS	
			REVIEW DATE:	September 10, 2019	
			Approving Authority	Quincy L. Booth Director	
SUBJECT:		ADA ACCOMMODATIONS FOR INMATES			
NUMBER:		3800.6A			
Attachments:		Attachment 1- District of Columbia Effective Communication Policy Attachment 2- Telecommunication Service and TTY Guide Attachment 3- Inmate Request Form Attachment 4- Instructions to Deaf, Hard of Hearing or Speech Disabled Inmate Acknowledgement Form			

SUMMARY OF CHANGES:

Section	Change
	<i>Minor Changes made throughout policy.</i>

APPROVED:



Quincy L. Booth, Director

9/10/2018
Date Signed

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1. **PURPOSE AND SCOPE.** To provide guidelines for reasonably accommodating individuals with disabilities within the DC Department of Corrections facilities (DOC) and facilities who maintain contractual agreements with DOC.
2. **POLICY.** It is DOC policy to provide reasonable accommodations in accessing and using services, programs, and activities by inmates with disabilities.
3. **APPLICABILITY.** This policy applies to services, programs, and activities provided or operated by the DOC, its contractors, and volunteers.
4. **NOTICE OF NON-DISCRIMINATION**
 - a. In accordance with the D.C. Human Rights Act of 1977, as amended, D.C. Official Code § 2-1401.01 et seq., (Act) the District of Columbia does not discriminate on the basis of race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, familial status, family responsibilities, matriculation, political affiliation, genetic information, disability, source of income, status as a victim of an intrafamily offense, or place of residence or business. Sexual harassment is a form of sex discrimination that is also prohibited by the Act. Discrimination in violation of the Act will not be tolerated. Violators will be subject to disciplinary action.
 - b. Discrimination on the basis of a disability is prohibited in the provision of services, programs, and activities.
5. **OBJECTIVES.** DOC shall ensure:
 - a. Reasonable accommodations are provided to ensure that DOC inmate services and activities accessible and usable by inmates with disabilities.
 - b. DOC employed and contracted Health care providers and DOC employees are prohibited from substituting healthcare decision making on behalf of a disabled inmate regarding health care services, treatments, or procedures.
 - c. Inmates with disabilities, including temporary disabilities, are housed in a manner that provides for the safety, security and order of the facilities. Housing provided to inmates with disabilities, including temporary disabilities, reasonably accommodates their needs while preserving practicable integration with other inmates.

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- d. Programs and service areas are accessible to inmates with disabilities who are housed in the facilities.
- e. Inmates with disabilities receive the education, programming, equipment, and support necessary to function within the DOC and DOC contract facilities.

6. DIRECTIVES AFFECTED

- a. Rescinded
 - 1) PP 3800.6 ADA Accommodations for Inmates (3/3/2017)
- b. Referenced
 - 1) PP 1220.1 Customer Service
 - 2) PP 2920.1 Fire Safety Inspections and Abatement
 - 3) PM 2920.5 Emergency Response and Evacuation Plan
 - 4) PP 3350.2 Elimination of Sexual Abuse, Sexual Assault, and Sexual Misconduct
 - 5) PP 4022.1 Community Correctional Center Disciplinary Procedures
 - 6) PP 4030.1 Inmate Grievance Procedures (IGP)
 - 7) PP 4070.1 Inmate Telephone Access
 - 8) PP 4080.2 Video Visitation Center/Special Visits
 - 9) PP 4110.7 Educational Services
 - 10) TRM 4110.7 Educational Services – Special Education
 - 11) PP 4210.2 Inmate Institutional Work Program

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- 12) PM 5300.1 Inmate Disciplinary and Administrative Housing Hearing Procedures
- 13) PM 5300.2 Juvenile Disciplinary and Administrative Housing Hearing Procedures
- 14) PM 6000.1 Medical Management
- 15) PP 6000.3 Step-Down Unit

7. AUTHORITY

- a. Title 2 of the Americans with Disabilities Act (ADA) of 1990, 42 U.S.C. § 12101 *et seq.*, and 28 C.F.R. Part 35
- b. ADA Amendments Act of 2008, PL 110-325 (Sept 25, 2008).
- c. Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 701 *et seq.*
- d. Individuals with Disabilities Education Act (IDEA), 20 U.S.C. § 1400 *et seq.*, and 34 C.F.R. Part 300
- e. D.C. Code §§ 21-2201- 21-2213, Health Care Decisions
- f. D.C. Code Title 2, Chapter 19, Subchapter I, Interpreters, and Subchapter II, Language Access
- g. Architectural Barriers Act of 1968, 42 U.S.C. §§ 4151 *et seq.*
- h. *Uniform Federal Accessibility Standards (UFAS)*
- i. 2010 ADA Accessibility Standards for Accessible Design
- j. D.C. Code §§ 2-1431.01- 2-1431.02, 2-1431.5 Disability Rights Protection
- k. *Pennsylvania Department of Corrections v. Yeskey*, 524 U.S. 206, 118 S. Ct. 1952, 141 L. Ed. 2d 215 (1998)

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8. STANDARDS

- a. American Correctional Association 4th Edition Standards for Adult Local Detention Facilities: 4-ALDF-5C-06, 4-ALDF-6B-94, 4-ALDF-6B-05, 4-ALDF-6B-06, 4-ALDF-6B-07, 4-ALDF-6B-08 and 4-ALDF-7E-05
- b. National Commission on Correctional Health Care Standards for Health Services in Prisons 1997: P-08, P-31, P-34, P-51 and P-59
- c. Prison Rape Elimination Act of 2003 (PREA) 115.16

9. DEFINITIONS. For the purposes of this directive the following definitions shall apply:

- a. **Adaptive Device.** A device or piece of equipment that provides assistance in activities of daily living and instrumental activities of daily living to a person with a disability to allow a higher level of independence, (e.g., wheel chairs, canes, prosthetics, and hearing aids).
- b. **Americans with Disabilities Act Coordinator (ADA Coordinator).** The DOC employee responsible for overseeing and coordinating ADA compliance within the DOC as well as the use Auxiliary Aids and Services.
- c. **Auxiliary Aids and Services.** The term auxiliary aids and services includes:
 - 1) Hearing Impaired-Qualified interpreters or other effective methods of making aurally delivered materials available to individuals with hearing impairments This includes qualified sign language interpreters (either in person or via video interpretation), handwritten and typed notes, real-time captioning, open or closed captioning of video materials, assistive listening devices, written transcripts, and/or other methods of making aurally delivered materials accessible to people who are deaf or hard of hearing.;
 - 2) Vision Impaired- Qualified readers, taped texts, Magnilink Voice Readers, or other effective methods of making visually delivered materials available to individuals with visual impairments;
 - 3) acquisition or modification of equipment or devices; and

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- 4) other similar services and actions.
- d. **Auxiliary Aids and Services Coordinator (AAS Coordinator).** The DOC employee responsible for maintaining all necessary information about the operation of the AAS Program, to include knowledge of how to obtain appropriate services, where appropriate aids are stored, and how to operate auxiliary aids within DOC.
 - e. **Disability.** Per the ADA, a disability is defined as a physical or mental impairment that substantially limits one or more major life activities; a record (or past history) of such an impairment; or being regarded as having a disability.
 - f. **Magnilink Voice Reader-** MagniLink Voice is a portable reading machine that is designed for use by persons who are blind or have low vision.
 - g. **Major Life Activities.** This includes, but is not limited to activities such as seeing, hearing, sleeping, reading, working, walking, movement, manual tasks, the operation of a major bodily function, learning.
 - h. **Physical or Mental Impairment.** This includes, but is not limited to hearing and vision problems, mental illness, physical limitations, certain diseases,
 - i. **Prosthesis and Orthodontic Devices.** The health care provider is responsible for the assessment of inmates' needs for adaptive medical and dental devices. These devices shall be provided when the health of the inmate would otherwise be adversely affected, as determined by the physician or dentist.
 - j. **Qualified Individuals.** An individual with a disability who, with or without reasonable accommodations meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by the agency.
 - k. **Qualified Interpreter.** Defined by the ADA as an individual able to interpret effectively, accurately and impartially both receptively and expressively, using any necessary specialized vocabulary. A qualified interpreter may provide interpretation services in person or via a Video Remote Interpreting (VRI) service.

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- l. **Intermediary Interpreter.** Any person, including any deaf or hard of hearing person, who is able to assist in providing an accurate interpretation between spoken English and sign language or between variants of sign language (e.g., American Sign Language vs. Signed English) by acting as an intermediary between a deaf or hard of hearing- person and a qualified interpreter.
- m. **Reasonable Accommodation.** Assistance or changes that will enable an inmate to participate in activities, programs and services despite having a disability. Under the ADA, DOC is required to provide reasonable accommodations to qualified inmates with disabilities, unless doing so would pose an undue hardship. Reasonable accommodations are made consistent with the safety, security and order of the facility and may include modifications to procedures, the removal of architectural, communication, or transportation barriers, or the provision of auxiliary aids and services
- n. **Telecommunications Relay Services (TRS).** TRS allows an individual who is deaf, hard of hearing, or speech disabled to communicate with a hearing person who does not have a Text Telephone or Telephone Teletypewriter (TTY) system. A Communications Assistant (CA) will place the call from the inmate who is typing the message using the DOC TTY phone, and speak the words to the individual receiving the call. The CA will then type the spoken words from that individual so the inmate can read the returned message.
- o. **Teletypewriter (TTY).** A device used with a telephone to communicate with persons who are deaf or hard of hearing by typing and reading communications. TTY Relay refers to the use of 711 to connect to a relay operator.
- p. **Temporary Disabilities.** Curable impairment of mental or physical faculties that may impede the affected person from functioning normally only so far as he or she is under treatment.
- q. **Videoconferencing.** Videoconferencing allows two or more people at different locations to see and hear each other at the same time. This is the service that will primarily be used for DOC contracted interpreting services.
- r. **Video Remote Interpreting (VRI).** A video telecommunication service that uses devices such as web cameras or videophones to provide sign language or spoken language interpreting services. This is done through a remote or off-site

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interpreter, in order to communicate with persons with whom there is a communication barrier.

10. RESPONSIBILITIES

- a. **The Director** shall ensure that the requirements of this policy and the laws that govern inmates with disabilities are strictly adhered to and designates operational compliance of this policy to the Deputy Director for Management Support. This responsibility may be further delegated.
- b. **Deputy Director for Management Support.** The Deputy Director shall ensure that the annual ADA self-evaluation and annual ADA implementation plan prepared by the ADA Coordinator(s)/Risk Manager is submitted for approval to the Office of Disability Rights annually in accordance with D.C. Code § 2-1431.02(a)(5).
- c. **Health Services Administrator.** The Health Services Administrator shall provide administration and monitoring for any contracted health service providers' compliance with federal and local laws and regulations, this directive, and the contractual agreement. Health Services Administrator shall confer with the Warden, Health care provider, ADA Coordinator, as well as with the AAS Coordinator when there is a question concerning which type of adaptive equipment to acquire under certain circumstances.
- d. **Health Care Provider** shall:
 - 1) Provide assessments of inmates for adaptive medical and dental devices. Devices include, but are not limited to eyeglasses, hearing aids, dentures, wheelchairs, and other prosthetic devices.
 - 2) Be responsible for any and all disability determinations of inmates, including the medical screening of all new inmates at intake.
 - 3) Identify and document any disability in the medical record.
 - 4) Advise inmates of medical and medically related services for inmates who have disabilities and how to access them.

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- 5) Refer inmates with newly identified disabilities, to the ADA and AAS Coordinator.
- 6) Make written notification to the ADA Coordinator describing the adaptive devices/services needed.
- 7) Issue adaptive devices (including but not limited to, canes, crutches and bottom bunk passes) and notify custody staff.
- 8) Make written notification to the ADA Coordinator when the inmate with disabilities requires accommodations beyond the Health care provider's scope of services.
- 9) Provide the ADA Coordinator with the final disability determination at which time the ADA Coordinator, in conjunction with the AAS Coordinator and the Warden or designee shall prepare an accommodation resolution(s).
- 10) Determine if an inmate with disabilities shall be housed at CTF.
- 11) Provide appropriately trained employees to assist inmates with disabilities who cannot otherwise perform basic life functions.
- 12) Purchase and keep appropriate adaptive devices in the medical supply room.
- 13) Purchase and keep appropriate types of hearing aid batteries in stock in the medical supply room during the length of time an inmate who wears a hearing aid is in the custody of DOC.
- 14) Provide replacement hearing aid batteries for standard devices within twenty-four (24) hours after a request is made. The health services contractor shall provide replacement batteries for nonstandard devices within five (5) business days after a request is made.
- 15) Send broken hearing aids to a repair company as soon as possible but no later than forty-eight (48) hours (excluding weekends and holidays) following a request by an inmate for repair of his or her hearing aid. The health services contractor shall inform the inmate as soon as possible when the

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hearing aid was sent for repair and when it is expected to be returned by the repair company.

e. **The DOC ADA Coordinator/Risk Manager.** The DOC employee responsible for overseeing and coordinating ADA compliance within DOC. The ADA Coordinator shall:

- 1) Provide oversight and technical assistance for administration and implementation of this policy within DOC facilities.
- 2) Address any legitimate reasonable accommodation request or claim by any inmate housed in DOC facilities.
- 3) Ensure contractor compliance with the ADA requirements outlined in this directive, and ensures that all contractors develop and issue similar operational procedures.
- 4) Prepare the annual ADA self-evaluation and annual ADA implementation plan stating action to be taken to provide qualified persons with disabilities with full and complete access to services, activities, and facilities of the DOC in accordance with D.C. Code § 2-1431.02(a)(3) and submit it to the Deputy Director for Management Support for approval for forwarding to the Office of Disability Rights, annually.
- 5) Advise AAS Coordinators of current standards.

f. **The DOC AAS Coordinator** shall:

- 1) Adhere to the following when the health care provider makes notification that an inmate requires an accommodation.
 - a) Promptly review the notification, interview the inmate, and make recommendations based on available accommodations and services within the DOC.
 - b) Notify custody and case management staff of approved accommodations such as Nextalk, TTY, and hearing aids.

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- c) Coordinate with the Warden, Health Care Provider, and the Risk Manager to determine the appropriate adaptive devices and services necessary, and the timing, duration and frequency with which they will be provided. Adaptive devices and services include but are not limited to qualified interpreters, note takers, transcription services, written materials, assistive listening devices and the Magnilink voice reader.
 - d) Maintain and distribute copies of the District of Columbia Effective Communication Policy (Attachment 1) and Telecommunication Service and TTY Guide (Attachment 2) to personnel that may come into contact with inmates or visitors who are deaf or hard of hearing.
- 2) Maintain all necessary information about the appropriate devices and services, where they are stored, and how to operate them.
- 3) Be responsible for maintenance, repair, replacement, and reviewing referrals, as well as making a determination as to which accommodation will be provided, and interacting with the inmate.
- 4) Be responsible for the distribution of auxiliary aids (TTY, NexTalk Laptops, MagniLink Voice Readers) and services when necessary, with the exception of hearing aids, which will be provided and maintained by the DOC Health care provider.
- 5) Provide assistance regarding immediate access to and proper use of the appropriate auxiliary aids and services available.
- 6) Advise the inmate of any accommodations that will be made.
- g. **IRC Case Manager or IRC Officer shall:**
 - 1) During the intake process, ask the inmate all standard booking questions, including those relating to disabilities.
 - 2) After the Health Care Provider has identified a disability, enter a corresponding alert into JACCS.

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h. Employees shall:

- 1) Provide an overview of accommodations at the DOC facilities. This information shall also be included in the inmate handbook.
- 2) Assist the inmate when a literacy, language, or vision problem prevents him or her from understanding the written materials, (usually a case manager, translator, or interpreter).
- 3) Advise an inmate or visitor who is deaf or hard of hearing, or who the employee has reason to believe is deaf or hard of hearing, that appropriate auxiliary aids and services shall be provided to them in order to access services, programs, and activities at the DOC.
- 4) If an inmate's disability is recognized by an employee, the Health Care Provider must be notified.
- 5) Refer inmates or visitors who are deaf or hard of hearing to the appropriate AAS Coordinator(s).

i. Inmate Request for an Accommodation

- 1) To request an accommodation, the inmate shall complete an Inmate Request Form (Attachment 3) informing the case manager of the disability. The Case Manager shall submit the completed Inmate Request Form to the ADA Coordinator for consideration.
- 2) The request for accommodation shall specifically state the inmate's alleged disability or disabilities; the major life activity that their condition places a substantial limitation upon; the specific accommodation(s) requested; and the reason the accommodations are needed.
- 3) An inmate may request additional accommodations at any time if the inmate feels a new disability has arisen; the current disability has worsened; for access to a program, benefit or service or any other legitimate reason.

j. Grievances Involving an Accommodation Request. An inmate may file a grievance pursuant to PP 4030.1, *Inmate Grievance Procedures*. The inmate

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does not have to pursue the informal resolution portion of the IGP process when grieving ADA accommodations resolution or provision of services ordered in the ADA accommodation resolution.

11. GENERAL REQUIREMENTS FOR ADA COMPLIANCE

- a. DOC shall ensure the facility has:
 - 1) Reasonable accommodations accessible to inmates with disabilities.
 - 2) Access to education, jobs, programs.
 - 3) Appropriately trained individuals assigned to assist disabled inmates who cannot otherwise perform basic life functions.
 - 4) Education, equipment, facilities, and support necessary to perform self-care and personal hygiene in a reasonably private environment.
 - 5) Accessible routes into the facility and to program areas; inmate housing accommodations.
- b. DOC shall ensure that the following areas are accessible and ADA compliant with regard to inmates with physical disabilities:
 - 1) Elevators
 - 2) Search and Processing Areas
 - 3) Restrooms
 - 4) Visiting Area and Telephones
 - 5) Visiting Hall Attorney Interview Rooms
 - 6) Emergency Evacuation Plan

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c. Reasonable Modifications

- 1) DOC shall provide reasonable modifications to rules, policies, or practices to enable persons with disabilities to participate in the programs, services, and activities of the facility.
- 2) DOC shall take practical steps and make adjustments to provide an accommodation for a qualified inmate's disability unless the accommodation would cause DOC significant difficulty and expense in accordance with guidelines.

d. **Prohibit retaliation** against persons who exercise their rights under the Americans with Disabilities Act (ADA); DOC shall not coerce persons into not exercising their ADA rights; and DOC shall not impose a surcharge for anything required by ADA.

e. **Adaptive Devices.** Furnish appropriate adaptive devices and services where necessary to afford an individual with a disability an equal opportunity to participate in, and enjoy the benefits of, services, programs, and activities conducted by DOC. However, nothing in this policy shall require that an adaptive device or auxiliary aid be used when or where its use may pose safety or security concerns.

f. **Orientation.** DOC employees, contract workers, and volunteers who provide programs, benefits, or services to inmates shall receive orientation and annual training regarding issues and responsibilities related to inmates with disabilities.

g. **Access to Grievance.** The DOC Case Manager or IGP Coordinator shall provide appropriate assistance to an inmate with a disability to access the grievance program.

h. Housing and Facility Placement

- 1) Inmates with disabilities, including temporary disabilities, shall be housed in a manner that provides for their safety and security.
- 2) Any inmate whose disability arises following intake or who was not identified during the intake process may self-identify to the ADA Coordinator or facility

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designee.

- 3) A health services clinician shall determine whether an inmate's disabling condition is severe enough to require transfer to the CTF. The inmate shall receive appropriate treatment and restrictions as determined to be medically necessary.
- 4) A request for accommodation may be denied when it would pose a serious risk to the safety or security of the facility, DOC employees, contract workers, volunteers, or the public; or when the request would adversely impact other legitimate penological, financial, or administrative interests, including deterring crime and maintaining inmate discipline. In all determinations of reasonable accommodation, public safety, and the health, safety, and security of all inmates and DOC employees, contract workers, volunteers, visitors, and the community shall remain the overriding consideration.
- 5) DOC shall reasonably accommodate an inmate with a disability in order to participate in a service, program, or activity consistent with safety and security is unless the accommodation would impose an undue financial or administrative burden on the agency, or would fundamentally alter the nature of the service, program, or activity.
- 6) Inmates with disabilities will be employed when they, with or without reasonable accommodation, can perform the essential functions of the work assignment.

i. **Restrictive Housing and Discipline**

- 1) Administrative and disciplinary restrictive housing shall be conducted in accordance with PM 5300.1, *Inmate Disciplinary and Administrative Housing Hearings Procedures*, PM 5300.2, *Juvenile Disciplinary and Administrative Housing Hearings Procedures*, PP 4022.1, *CCC Disciplinary Procedures*.
- 2) Inmates with mental health disabilities may be placed in Administrative Restrictive Housing in the CDF or CTF Mental Health Units, Step Down Units or otherwise placed in housing appropriate for their needs.

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- 3) Inmates may also be placed in Administrative Restrictive Housing because of unusual behavior or for behavioral problems that do not warrant discipline or mental health unit placement. Inmates may be placed in Administrative Restrictive Housing when other significant incidents occur.

When it appears that the inmate may not be mentally capable of understanding the nature of the charges and/or presenting or assisting in the presentation of defense to the charges, the Hearing Officer/Board shall consult with mental health professionals. Otherwise, an inmate's mental or physical condition is not a defense to disciplinary sanctions but should be taken into consideration when imposing a sanction. The Warden or designee and the responsible clinician or designee shall consult prior to taking disciplinary action against inmates with physical, mental, or intellectual disabilities.

j. American Sign Language (ASL) Interpreting Services

- 1) Inmates and visitors who are provided with ASL interpreters must have the same level of coverage (for both duration and frequency) as DOC is otherwise obligated to provide under this policy and procedure.
- 2) DOC has contracted with an ASL interpreter service to provide an effective means to ensure that qualified interpreters are available when required.
- 3) DOC shall ensure access to qualified ASL interpreters when appropriate. DOC may, but shall have no obligation to, hire or otherwise contract with qualified interpreters in a staff position.
- 4) A qualified ASL interpreter means an interpreter who is able to interpret effectively, accurately, and impartially both receptively and expressively, using any necessary specialized vocabulary.
- 5) A DOC employee shall not be allowed to act as an ASL interpreter if his or her presence poses a conflict of interest or raises confidentiality and privacy concerns.
- 6) Except in the case of the initial intake, initial medical intake, emergency medical encounters, sick call, or other emergent encounters, the responsible employee shall request ASL interpreter videoconferencing service via the AAS Coordinator three (3) business days in advance of the

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below activities:

- a) Classification processing;
 - b) Regularly scheduled health care appointments and programs (medical, dental, visual, mental health, and drug and alcohol recovery services);
 - c) Treatment and other formal programming;
 - d) Educational classes and activities;
 - e) Disciplinary or Housing Board hearings;
 - f) Criminal investigations (to the extent controlled by DOC);
 - g) Classification review interviews;
 - h) Grievance interviews; or
 - i) Formal investigations conducted by DOC staff
- k. **Videoconferencing.** This contract service provides off-site ASL interpreters to assist inmates in their communication with DOC and contract employees at designated encounters.
- l. **Other Means of Communication for Unscheduled Circumstances.** Between the time that an ASL interpreter is requested and the ASL interpreter is contacted by means of videoconferencing service, DOC personnel shall continue to try to communicate with the inmate or visitor who is deaf or hard of hearing for such purposes and to the same extent as they would have communicated with the person but for the hearing impairment, using all available methods of communication.
- m. **Appropriate use.** Electronic devices or auxiliary equipment shall not be used when inconsistent with DOC policies or when they pose security concerns.
- n. **Programs and services.** Programs and services that are generally available to inmates must also be made available to inmates with disabilities. This includes educational services, health care, exercise, television, travel, communication, and the ability to participate in or benefit from all aspects of

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the agency services.

- o. **Privacy.** DOC shall ensure that, consistent with security requirements, inmates with disabilities receive adequate support and reasonable privacy in order to perform self-care and personal hygiene.
- p. **Informed Consent.** DOC shall ensure that health care services are rendered according to federal requirements, District law(s) and ACA standards, and shall be presented in the language understood by the inmate. When medical care is rendered without an inmate's consent, it shall be done in accordance with federal and local laws and regulations. Procedures are described in PM 6000.1, *Medical Management*.
- q. **Exercise.** DOC and contractors who house inmates on behalf of DOC shall reasonably accommodate exercise and physical therapy needs of disabled inmates.
- r. **Transport.** DOC shall use accessible vehicles to transport inmates with disabilities to court and medical appointments.
- s. **Auxiliary aids and services.** DOC shall provide appropriate auxiliary aids and services to ensure effective communications with inmates. Auxiliary aids and services include qualified interpreters, note takers, transcription services, written materials, assistive listening devices, assistive listening systems, or other effective methods of making aurally delivered materials available to individuals who are deaf or hard of hearing.
- t. **TTY.** DOC shall promptly provide TTY access to all inmates who are deaf and hard of hearing in housing units.
- u. **Emergency Alarms.** DOC shall place visual emergency alarms in rooms where inmates who are deaf or hard of hearing may reside alone or work alone to ensure that they will always be alerted when an emergency alarm is activated.
- v. **Closed Caption.** DOC shall provide and maintain closed captioned television decoders (or built-in decoder televisions) in television rooms to enable inmates who are deaf or hard of hearing to enjoy the same opportunity for television

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viewing as that afforded to other inmates.

w. **PREA Notification.** DOC shall effectively communicate how to prevent, detect, and respond to sexual abuse and sexual harassment to inmates identified as having a disability by:

- 1) Providing access to interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary.
- 2) Ensuring written materials educating inmates of how to report sexual abuse and sexual harassment are provided in formats or through methods that ensure effective communications with inmates with disabilities, including inmates who have intellectual disabilities, limited reading skills, or who are blind or have low vision.
- 3) Ensuring inmates have knowledge of and access to the toll free confidential number used to report sexual abuse and sexual harassment. Deaf or hard of hearing inmates will be advised to use the following steps to access the sexual abuse hotline:
 - (a) Select their TID#
 - (b) Select the option for special service
 - (c) Choose the option for specific hotline

x. **Emergency Evacuation of Inmates with Disabilities**

- 1) Staff assigned to evacuate inmate housing units shall move inmates with disabilities to the assigned Refuge area pursuant to PM 2920.5, *Emergency Response and Evacuation Plan*.
- 2) Staff and inmates participate in drills as required.

12. PROCEDURES FOR DEAF AND HARD OF HEARING

a. When employees become aware of an inmate or visitor who is deaf or hard of

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hearing or the employee has reason to believe that the person is deaf or hard of hearing, the employee shall:

- 1) Determine through the exchange of written notes or by other appropriate means, whether the individual is deaf or hard of hearing.
- 2) Notify the individual through the exchange of a written note or standardized notice that DOC shall provide free, qualified sign language interpreter services.
- 3) Provide a pad and pen or pencil, and communicate with the individual in writing and permit the individual to communicate back in writing, if the individual expresses a preference for the use of written communication.
- 4) Ascertain whether the individual uses American Sign Language or other language to communicate, if the individual expresses, through the exchange of written notes or other means, that a qualified sign language interpreter is necessary for effective communication.
- 5) Contact the AAS Coordinator or designee (during normal business hours), if the individual requests a sign language interpreter. The AAS Coordinator will make a determination as to whether the NexTalk Video Remote Interpretation (VRI) service is appropriate or if DOC's approved sign language interpreting vendor is necessary to provide assistance.
- 6) To the extent practicable consistent with the safety, security and order of the facility, not use written communication as a substitute where the individual has expressed a preference for a sign language interpreter.
- 7) The AAS Coordinator(s) may request that the interpreter provide in-person services at DOC facilities when appropriate.
- 8) Contact a qualified sign language interpreter by means of Video Remote Interpretation (VRI) if the individual appears to be unable to express a preference or to otherwise communicate without a qualified sign language interpreter.
- 9) Notify the Health Care Provider.

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- b. **Whistles.** Deaf, Hard of Hearing or Speech Disabled Inmates (who are not able to call for assistance) will be issued a “Whistle” for use to notify staff, only in case of distress and emergencies. It is not to be used to summon staff for normal everyday needs. Inmates will receive and sign the “Instructions to Deaf, Hard of Hearing or Speech Disabled Inmate Acknowledgement Form” (Attachment 4) on the use of the whistle from the Office of the Warden. Whistles shall be issued by custody supervisors.
- c. **Contact for Services.** The following information shall be maintained in the offices of the AAS Coordinator(s), Command Center, Inmate Reception Center (IRC), Visitor’s Control, Staff Entrance, Housing Unit Control Modules, Chief Case Manager, Case Managers, Chaplain, and the DOC Health care provider:
- 1) A list of employees who are qualified interpreters as verified by the AAS Coordinator, along with their shifts, work locations, and phone numbers.
 - 2) The phone number for the AAS Coordinator who can access the contract interpreting service that provides videoconferencing or in-person assistance when needed.
 - 3) Telecommunications Relay Services (TRS) provider telephone number or the national TRS number of 711.
 - 4) TTY-Phones locations:
 - a) Intake Unit
 - b) IRC-Case Management Area
 - c) IRC R&D Control
 - d) Central Cell Block
 - e) CDF Chief Case Manager’s Office
 - f) Training Academy
 - g) Medical at CDF and CTF

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- d. The AAS Coordinator(s) may request the interpreter provide in-person services at DOC facilities when appropriate.

- e. **Video Remote Interpretation (VRI) Services.** DOC shall make laptops with NexTalk VRI services available in strategic locations, as determined by the Warden, throughout the CDF and CTF. DOC shall maintain laptops with NexTalk VRI services in the following locations:
 - 1) Inmate Reception Center (IRC)
 - 2) CDF Medical
 - 3) CTF Medical
 - 4) Central Cell Block (CCB)
 - 5) CDF Command Center
 - 6) CTF Command Center
 - 7) AAS Program Coordinator's Office
 - 8) CDF Chief Case Manager's Office

- f. **Other Means of Communication for Unscheduled Circumstances.** Between the time an interpreter is requested and the interpreter is contacted by means of videoconferencing service, DOC personnel, including contractors, shall:
 - 1) Continue to try to communicate with the inmate or visitor who is deaf or hard of hearing for such purposes and to the same extent as they would have communicated with the person if the person were not deaf or hard of hearing, using all available methods of communication, which may include:
 - 2) Continue medical treatment until an appropriate interpreter service is available.

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Upon connection of the videoconference or arrival of the interpreter, personnel shall review and confirm with the inmate all information that was communicated prior to the interpreter's intervention.

13. REQUIREMENTS FOR BLIND or VISUALLY IMPAIRED

- a. **Notification.** DOC shall post and maintain signs of conspicuous size and print, and wherever other posters or flyers are required by law to be posted, signs shall include a notice of non-discrimination based upon disabilities, and a list of available services and contact information for further assistance.
- b. **Magna Link Voice Readers** and comparable devices shall be available at locations are posted for staff and inmates. (Locations of such devices will be made available upon receipt).
- c. **Low vision keyboards** shall be accessible, and locations posted, upon receipt of devices.
- d. **Eyeglasses.** Health care provider will continue to furnish reading glasses as necessary and or make arrangements for inmates to receive appropriate prescription glasses.

14. REQUIREMENTS FOR PERSONS WITH LEARNING DISABILITIES

- a. DOC will ensure that inmates up to the age of 22 are referred to the District of Columbia Public School (DCPS) for screening to determine appropriate special education services consistent with PP Number 4110.7F, Educational Services and Refer to TRM 4110.7B-Education Services-Special Education.
- b. DOC provides adult basic education for inmates with learning disabilities.

15. TELECOMMUNICATIONS TYPEWRITERS (TTY)

- a. **Time limits on TTY calls.** In light of the fact that telephone calls placed via a TTY unit take three to five times longer than telephone calls placed using standard voice telephone equipment, DOC shall not impose on TTY calls a time limit of less than five? times the time allowed for voice telephone calls,

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unless a lower time allowance is necessary to ensure the safety, security, or order within the facility, or is necessary to avoid some other undue burden.

- b. **Telecommunications Relay Services (TRS).** TRS allows an individual who is deaf, hard of hearing, or speech disabled to communicate with a hearing person who does not have a TTY system. A Communications Assistant (CA) will place the call from the inmate who is typing the message using the DOC TTY phone, and speak the words to the individual receiving the call. The CA will then type the spoken words from that individual so the inmate can read the returned message. TRS calls are made by the case manager upon request. TRS calls are available by dialing 711.
- c. **Volume Control and Hearing Aid Compatible Telephones.** DOC shall ensure that no less than twenty-five (25) percent of all of its inmate telephones are equipped with volume control mechanisms. DOC shall ensure that volume control phones are dispersed among all inmate telephones throughout DOC. DOC shall ensure that appropriate universal signs are displayed at each volume control telephone.
- d. **Telecommunications Typewriter (TTY)** shall be accessible to all inmates who are deaf and hard of hearing. Additionally, DOC shall make TTY devices available. Telecommunications Relay Services (TRS) must be made available to inmates.

Attachments:

Attachment 1- District of Columbia Effective Communication Policy
Attachment 2- Telecommunication Service and TTY Guide
Attachment 3- Inmate Request Form
Attachment 4- Instructions to Deaf, Hard of Hearing or Speech Disabled Inmate Acknowledgement Form

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Memorandum 2008-2
September 26, 2008

TO: All Department and Agency Heads

ORIGINATOR: Eve Hill, Director of the Office of Disability Rights



SUBJECT: DISTRICT OF COLUMBIA POLICY FOR PROVISION OF AUXILIARY AIDS AND SERVICES FOR COMMUNICATION WITH PEOPLE WITH DISABILITIES

The District of Columbia is committed to making District programs, services, and activities available to everyone, regardless of disability. People with disabilities are entitled to fair and equal access to service. In addition, the District is committed to compliance with the Americans with Disabilities Act (ADA).

District government agencies will provide auxiliary aids and services when necessary to ensure that communication with individuals with vision, hearing, and speech disabilities is as effective as communication with nondisabled individuals. No surcharge or fee will be assessed for the provision of auxiliary aids and services. In determining which auxiliary aid to provide, District agencies will give primary consideration to the request of the individual with a disability.

Auxiliary aids and services include:

Access for people with vision impairments to written/visual materials:

- Large print text (Arial font, 18 point or larger)
- Audio description
- Provision of qualified staff or a reader to read written material aloud
- Provision of a qualified staff person or notetaker to write material for the person with a disability
- Audiotaped text
- Braille text
- Screen-readable (e.g., Word) electronic formats
- Other methods of making visually delivered materials accessible to individuals with vision impairments

Access for people who are deaf or hard of hearing to aural materials:

- Handwritten or typed notes if the communication is short and simple

- Qualified sign language interpreters if the communication is not short and simple (either in person or video interpretation) and for large meetings or events
- Real-time captioning for large meetings or events
- Open or closed captioning of video materials
- Assistive listening devices
- Written transcripts
- Other methods of making aurally delivered materials accessible to people with hearing impairments

Requests for Auxiliary Aids or Services

Requests for auxiliary aids or services should be made to the agency in advance of the meeting, hearing, or other activity provided by the District. However, when advance notice is not provided, District agencies will make efforts to provide auxiliary aids or services. District agencies must inform the public about how to request auxiliary aids or services (whom to call, how far in advance). District agencies will not set unreasonable requirements for advance notice needed for auxiliary aids or services.

District Agency Response to Requests for Auxiliary Aids or Services

When an auxiliary aid is requested, the District agency will give primary consideration to the choice of the individual with a disability. It is important to consult with the individual to assess what auxiliary aid(s) will be effective.

The District will honor the individual's choice unless:

- Another equally effective means of communication is available, or
- Provision of the auxiliary aid would fundamentally alter the service, program, or activity, or
- Provision of the auxiliary aid would result in undue financial or administrative burdens to the District.

Agencies should consult with the Office of Disability Rights (202-724-5055) when considering provision or denial of auxiliary aids or services. Agencies should respond to requests for auxiliary aids within a reasonable time by notifying the individual of the proposed auxiliary aid to be provided.

Grievance Procedure

If an individual with a disability is dissatisfied with a District agency's proposed or provided auxiliary aid or service, he or she may contact the DC Office of Disability Rights (202-724-5055) or the agency's ADA Coordinator.

Captioning of Videos

Videos for distribution, display or internet posting should be closed or open captioned or otherwise made accessible to people with hearing disabilities.

Sign Language Interpreters

There are several common types of sign language, including American Sign Language (ASL) and Signed English. In addition, each spoken language generally has its own sign language. It is important to consult with the person with a disability to find the kind of interpreter they need.

Sign language interpreters must be qualified – able to sign what is being said by the hearing person and able to voice what is being signed by the person who is deaf. This communication must be conveyed accurately, objectively, and impartially, through the proper use of any necessary specialized vocabulary.

Friends and relatives, including minor children, generally should not be used as interpreters unless the person with a disability specifically requests it, having been informed that an outside interpreter can be provided, and

- The friend or relative is able to interpret effectively and accurately,
- The friend or relative has no apparent or potential conflict of interest, and
- The friend or relative is of sufficient age and maturity

While sign language interpreters are not required to be certified, there are several certifying bodies, including the Registry of Interpreters for the Deaf and the National Association of the Deaf.

In situations where an interpreter is not available, video relay interpreting may be used. Video relay interpreting requires a high-speed internet connection, a computer, a USB video camera, and videoconferencing software. In order to be effective, video relay interpreting requires strict adherence to technical standards for equipment and connection. Video relay interpreting may not be effective in all situations or for all individuals who are deaf.

EFFECTIVE DATE: This Memorandum shall be effective September 2, 2008.



Government of the District of Columbia

Office of Disability Rights

Telecommunications Relay Service and TTY Guide

Telecommunications Relay Service and TTY Guide - Communicating with People Who are Deaf and Hard of Hearing

This resource provides guidance on how to use the Telecommunications Relay Service (TRS) or the TTY (text telephone) machine when communicating with individuals who are deaf and hard of hearing.

What is a TTY (text telephone/TDD)?

Looking much like a typewriter keypad with a text screen, a TTY allows an individual who is deaf, hard-of-hearing or has a speech difficulty to make and receive telephone calls. The conversation is read on a lighted display screen and/or a paper printout on the TTY. Persons using a TTY may call any standard phone user by placing the call through Telecommunications Relay Service, or they may call another TTY user directly.

There are two general types of TTYs. Acoustic TTYs have cups where a standard telephone handset is placed to receive or place the TTY call. Direct connect TTYs are directly connected to a telephone line.

Using a TTY

To communicate by TTY, you type the message you want to send on the TTY's keyboard. As you type, the message is sent over the phone line, just like your voice would be sent over the phone line if you talked. You can read the other person's response on the TTY's text display.

Using the Telecommunications Relay Service - 711

If you don't have a TTY, you can still call or receive calls from a person who is deaf, hard of hearing, or has a speech difficulty by using the Telecommunications Relay Service (TRS). With TRS, an operator types whatever you say so that the person you are calling can read your words on his or her TTY display. He or she will type back a response, which the TRS operator will read aloud for you to hear over the phone. There are also "IP" Relays, for which a person with a disability uses a computer to type their side of the conversation to the operator over the internet.

Toll free TRS services are available 24 hours a day, 365 days a year. You can dial 711 to connect to TRS anywhere in the United States.



Guidance for Making Traditional TTY Calls

1. Place the telephone handset in the acoustic coupler (modem) of the TTY and turn on the power. Two small lights will come on. Only the power light will stay on: the phone light waits to respond to any sounds picked up by the acoustic coupler.
2. Dial the telephone number and watch the TTY light, which shows the dial tone, busy signal, or ringing by corresponding light patterns. The light remains on for the length of the sound and goes off when there is no sound. For example, the light flashes rapidly and rhythmically with a busy signal.
3. The person answering the TTY will respond with his or her name and a short message followed by "GA" which means "go ahead."
4. You start typing at this point and identify yourself.
5. To end a turn in the conversation, type "GA", and the other person will begin typing again. Each person is expected to take a turn only after receiving a "GA" from the other party.
6. When you are done with your conversation, type "GA to SK", meaning "go ahead to stop keying" or "good-bye", to let the person know you are finished with talking on the TTY.
7. A TTY message in process cannot be interrupted, even if one knows what the other person is going to type.
8. TTY and TTY Relay calls may take a little longer than voice calls. Please be patient.

TTY Etiquette

1. When calling TTY users, let the phone ring at least 7 or more times before hanging up. Many TTY users rely on flashing lights to alert them to ringing phones. Flashers can take longer than sound to attract attention.
2. Callers should identify themselves at the beginning of calls. Any other people watching the conversation also should be identified.
3. Always tell TTY users when calls are going to be put on "hold" or transferred.
4. When TTY users type "Can you read me?" they want to know if the message is clear and without garbled letters and numbers. If the message is garbled, hit the space bar a few times. If this does not clear up the message, both parties should hang up and try the call again.

Time-saving Quick Tips

To save time, common English abbreviations frequently are used. In addition, some punctuation, articles, or prepositions are omitted when it does not interfere with meaning.

Common TTY Abbreviations

For information and assistance, please contact the Office of Disability Rights at (202) 724-5055; Website: <http://odr.dc.gov/>.



PP 3800.6
Attachment 3

DISTRICT OF COLUMBIA
DEPARTMENT OF CORRECTIONS

INMATE REQUEST FOR ACCOMMODATIONS

DATE _____

NAME _____ DCDC _____ UNIT _____ CELL _____

Disability:

I am requesting access to the following accommodations due to my indicated disability

{ } TTY Phone- Deafness

{ } EYE GLASSES

{ } MAGNILINK VOICE READER - Blindness

{ } MOBILITY AIDS-CANE, CRUTCHES, WHEEL CHAIR, WALKER

{ } OTHER _____

Reasons for accommodations: _____

. All indicated disabilities must be verified by the Medical Provider.

OFFICIAL/CASE MANAGER COMMENTS



DATE: _____ STAFF SIGNATURE: _____

Verification by the Medical Provider:

DATE: _____ STAFF SIGNATURE: _____

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF CORRECTIONS**



TO: _____
Inmate Name and DCDC Number

DATE: _____

SUBJECT: Instructions to “Deaf or Hard of Hearing” Inmates who are Issued a Whistle

Inmate _____ this is to explain the purpose for issuing you a whistle and the circumstances for which it is to be used.

- It has been medically determined by the DCDOC Health Care provider that you are “Deaf or Hard of Hearing” and unable to verbally call for assistance.
- This whistle is for your use only. It is only to be used in the event you cannot otherwise get staff attention when you are in distress or if you have an emergency.
- You are not allowed to give this whistle to any other inmate. If you misplace or lose this whistle, you are to notify DCDOC staff immediately. Depending on the results of an investigation surrounding the loss of the whistle you may be charged for a replacement.
- This whistle is listed as being issued to you and recorded along with your clothing and hygiene products.
- You are to return this whistle to R&D when you are transferred or released from DOC.

I _____, DCDC _____ acknowledge receipt of this whistle and my signature verifies that I understand its proper use as well as the instructions I have been provided.

Staff's Name

Date of Issue

Note: Please provide the inmate with a copy of this document.