
AMERICANS WITH DISABILITIES ACT

I. PURPOSE

- A. To set guidelines for compliance with Title II of the Americans with Disabilities Act-1992 (ADA) for all inmates incarcerated by the Mendocino County Sheriff's Office and for those persons having legitimate business within the Corrections Division.

II. POLICY

- A. The policies and procedures established by the Corrections Division shall not discriminate against any person protected by the ADA in the provision of services, programs and activities administered for program beneficiaries and participants. This protection also extends to employees, visitors, volunteers, contractors and any citizen having legitimate business within the Corrections Division.

III. COMPLIANCE WITH THE PRISON RAPE ELIMINATION ACT (PREA)

- A. The Sheriff's Office will take the appropriate steps to ensure that inmates with disabilities (including, but not limited to, inmates who are deaf or hard of hearing, those who are sight impaired or have low vision, or those who have intellectual, psychiatric, or speech disabilities), have an equal opportunity to participate in or benefit from all aspects of the Sheriff Office's efforts to prevent, detect and respond to sexual abuse and sexual harassment.
- B. The Sheriff's Office will ensure effective communication with inmates who are deaf or hard of hearing and when necessary will provide access to interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary. In addition, the Sheriff's Office will ensure that written materials are provided in formats or through methods that ensure effective communication with inmates with disabilities, including inmates who have intellectual disabilities, limited reading skills, or who are sight impaired or have low vision.
- C. Inmate interpreters, inmate readers, or other types of inmate assistants will not be used except in limited circumstances where an extended delay in obtaining an effective interpreter could compromise the inmate's safety, the performance of first-responders duties or the investigation of the inmates' allegations.

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IV. DEFINITIONS:

- A. ADA: The Americans with Disabilities Act.
- B. ADA COORDINATOR: An employee of the Sheriff's Office tasked with ensuring compliance with the Americans with Disabilities Act within the Corrections Division. The ADA Coordinator shall be responsible for reviewing all documentation, and documenting responses to all disability related requests. The ADA Coordinator shall maintain files of each ADA inmate and incorporate the previously listed information.
- C. ADA DEPUTY: A Corrections Deputy with specific training pertaining to the American with Disabilities Act. The ADA Deputy shall be responsible for maintaining all TTY and TDD machines, monthly inspection of shower chairs, and other duties as assigned by the ADA Coordinator.
- D. ASSISTIVE DEVICE: Any device used by a disabled individual, which aids them in the performance of day-to-day activities (walker, cane, crutches, etc.)
- E. DISABILITY: Under the ADA "disability" is defined as a physical or mental impairment that substantially limits one or more major life activities, who have a record of such impairment, or who are regarded as having such impairment. Temporary conditions are generally not covered by the ADA. Certain other conditions are expressly excluded from coverage by the ADA. The following are not disabilities under the ADA: homosexuality, bisexuality, transvestism, transsexualism, pedophilia, exhibitionism, voyeurism, gender identity disorders not resulting from physical impairments, or other sexual behavior disorders, compulsive gambling, kleptomania, or pyromania, psychoactive substance use disorders resulting from current illegal use of drugs .
- F. ELIGIBLE INDIVIDUALS: Covered individuals are entitled to an equal opportunity to participate in programs, services or activities. Persons with disabilities may not be refused participation in services, programs or activities by reason of their disability, unless the individual presents a direct threat to the health and/or safety of themselves or others.
- G. MAJOR LIFE ACTIVITIES: Major life activities include, but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working.
- H. NON-AMBULATORY: Bedridden.

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- I. PREA: The Prison Rape Elimination Act of 2003 was signed into law by President George W. Bush. The Purpose of this law is to protect inmates at all levels from sexual assault from other inmates and facility staff.
 - J. PROSTHESIS: A device used to replace a defective or missing part of the body.
 - K. REASONABLE ACCOMODATION: An adjustment made in a system to "accommodate" or make fair the same system for an individual based on a proven need.
 - L. SERVICE ANIMAL: Dogs or miniature horses that are individually trained to do work or perform tasks for people with disabilities. Examples of such work or tasks include guiding people who are blind, alerting people who are deaf, pulling a wheelchair, alerting and protecting a person who is having a seizure, reminding a person with mental illness to take prescribed medications, calming a person with Post Traumatic Stress Disorder (PTSD) during an anxiety attack, or performing other duties. Service animals are working animals, not pets. The work or task a dog has been trained to provide must be directly related to the person's disability. **Dogs whose sole function is to provide comfort or emotional support do not qualify as service animals under the ADA.**
 - M. TACTILE INTERPRETER: An interpreter used for those who are deaf and blind. Tactile interpreters use several different forms of sign language involving touch to communicate with a person who is deaf and blind.
 - N. TELECOMMUNICATION DEVICE FOR THE DEAF (TDD)/ TELETYPEWRITER (TTY): A machine that employs graphic communication in the transmission of coded signals through a wire or radio communication system, used by those with hearing impairments or are deaf.
 - O. VIDEO RELAY SYSTEM (VRS): a form of the Telecommunications Relay Service that enables persons with hearing disabilities who use American Sign Language to communicate with voice telephone users through video equipment, rather than through typed text.
- V. FORMS
- A. The forms listed below will be used to document and track all ADA inmates while incarcerated within the Mendocino County Jail system. Copies of the completed forms shall be retained in the inmate's Classification file and/or their medical file.
 - 1. The **Medical Booking Screening** form will be used to evaluate a medical condition, mental health status, and to evaluate an arrestee's need for any

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special accommodations as a result of a disability. This screening will be conducted at intake to ascertain whether the individual will be accepted into Intake; to determine if they are in need of immediate medical treatment; and to provide medical and/or mental health information relating to housing, classification, and the handling of inmates.

2. A ***Housing Assignment Form*** will be used by medical staff to notify the Jail Supervisor of an inmate's disability and any special accommodations that need to be made i.e. *lower bunk/lower level order, ADA cell, etc.* A copy of the Housing Assignment Form will also be provided to the ADA Coordinator.
3. The ***Disability Tracking Form*** will be used by booking staff to track inmates who have a physical impairment or disability and to ensure that the appropriate accommodations are provided. This form will be forwarded to medical staff and the ADA Coordinator.
4. Any requests for accommodation will be done on a ***Request for Accommodations Form*** and submitted to Corrections staff. The Request for Accommodations Form will be routed to the ADA Coordinator who will communicate with medical staff in order to determine if an accommodation is necessary. If the accommodation is determined to be unnecessary, the ADA Coordinator will inform the inmate of the decision in writing.
5. The ADA Coordinator will use the ***ADA Coordinator Review Form*** when an inmate accommodation has been denied, a grievance has been filed related to a disability accommodation request, an alternate accommodation is proposed, a safety and security issue exists related to the accommodation request, or there is a financial or administrative issue related to a disability accommodation.
6. The ***Record of Contact Form*** will be filed in the ADA Coordinator's Inmate files. The form will be used to document interaction or discussions the ADA Coordinator has with the inmate, staff or visitors regarding accommodations and ADA issues.
7. The ***Accommodations for Hearing Impaired Form*** will be given to every inmate who is hearing impaired. This form is a general information form that is used to inform the inmate of his/her rights and services that are available to them while incarcerated. The inmate will sign the form and receive a copy, a copy will be forwarded to the ADA Coordinator and the original form will be placed in the inmate's classification file.

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8. The *Hearing Impaired Inmate Services Form* is an addendum to the Pre-Booking Health Screening Form and will be used to document information that will be useful and/or important to medical staff, classification staff, and the ADA Coordinator, and to provide immediate accommodations for hearing impaired inmates.

VI. INMATE PROCEDURE

A. IDENTIFYING DISABLED INMATES AT INTAKE

1. The screening process during intake provides the ability to identify most disabilities and the need for accommodations prior to the housing of the inmate. It is the responsibility of the deputy working reception and medical staff to assess inmates upon admission for evidence of a disability or special management need. This assessment information will be entered on the Pre-Booking Medical Intake Screening Form and the Housing Assignment Form.
2. Upon arrival at the intake, arrested persons with an apparent physical or mental impairment will be immediately brought to the attention of medical staff.
3. It is the responsibility of booking staff to advise a supervisor immediately when an inmate appears to meet the criteria of a disabled person for the purposes of ADA.
 - a. The supervisor will ensure that all booking staff is aware of the person's need for accommodations under ADA.
 - b. If a shift change occurs while the person is still in a holding cell, the supervisor will brief the oncoming supervisor and staff of the accommodation need(s).
4. Following the intake pat search, a disabled inmate will be placed into a holding cell until they can be fingerprinted and have their booking photo taken.
 - a. All arrestees confined to a wheelchair shall be placed in Building One Holding Cell Two which is designed and designated for the physically impaired, and has an accessible lavatory.
 - b. If accessible accommodations cannot be made, the deputy shall notify the Sergeant. A written record of all such notifications will be sent to the ADA coordinator via the Disability Tracking Form. The ADA coordinator will make his/her best efforts to ensure that an individual deemed to

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require accessible accommodations is provided with such accessible accommodations as soon as possible.

5. If there is a question regarding the inmate's disability, the inmate's prior intake or medical records may indicate previous accommodations or requests.
6. Booking or medical staff shall report any disability that they observe that would:
 - a. Impact the inmate's housing.
 - b. Affect the inmate's program access.
 - c. Present a safety or security concern for the inmate or others.
7. It is the responsibility of medical staff to fill out and sign a Housing Assignment Form, and forward copies to the ADA Coordinator/Classification and the Facility Supervisor. Medical staff will note on the form if the disability impacts the inmate's housing or transportation needs. Medical staff shall document when an inmate requests an accommodation that is not granted and the reasons why the accommodation was not granted.
8. All costs associated with providing reasonable accommodations shall be paid for by the Mendocino County Sheriff's Office. Federal law prohibits passing along the costs of accommodations to the disabled individual.

B. INTAKE PROCESS FOR DISABLED INMATES

1. Booking deputies shall screen all inmates entering the facility for medical and mental health issues, notifying medical staff of inmates meeting ADA criteria, including any special needs the inmate may have using the intake screening form. Special needs include but are not limited to:
 - a. Requires a wheelchair, walker or other device to assist in mobility.
 - b. Requires a lower bunk/lower level cell.
 - c. Requires hearing aid or assistance for visiting/phone calls.
 - d. Visually impaired.
 - e. Any other disability that requires accommodation through the ADA.

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2. Medical staff as well as booking staff will ensure every effort is made to assist the inmate so they can effectively communicate their information. If the inmate is hearing impaired, staff will ensure hearing-impaired inmates are provided with the Accommodations for Hearing Impaired Form. In the event a hearing-impaired inmate does not read or write, but understands sign language, a sign language interpretation service shall be contacted immediately.
 - a. The jail currently uses Communicate Interpreting. They can be reached 24 hours a day/7 days a week at (707)546-6869 (press 0 if after hours).
 - b. Billing will be handled by Fiscal Staff. Please email fiscal staff to let them know you have requested this service.
3. Booking staff will classify disabled inmates with the inmate's disability given consideration when making a housing assignment, placing the inmate's safety at the forefront. An inmate's disability shall not be a justification for a higher security classification.
4. Every effort shall be made to house disabled inmates in general population, unless such assignment would jeopardize the safety of the inmate or those around him/her.
5. Booking staff will notify the ADA Coordinator/Classification staff when a disabled inmate is going to be housed in the facility via the Disability Tracking Form. Notifications to the ADA Coordinator shall be made within 24 hours excluding weekends and holidays.
6. As required by Penal Code Section 2656, inmates shall be allowed to retain possession of their prosthesis unless it presents a threat to the security of the facility or is an immediate risk to the safety of staff and/or others.
 - a. Staff shall search the prosthetic for contraband and will promptly return the prosthetic after it is searched.
 - b. If correctional staff has probable cause to believe possession of such orthopedic or prosthetic appliance constitutes an immediate risk of bodily harm to any person in the facility or threatens the security of the facility, such appliance may be removed.
 - c. If the orthopedic or prosthetic is removed, the prisoner shall be deprived of such appliance only during such time as the facts, which constitute probable cause for its removal, continue to exist. If such facts cease to exist, the person in charge of the facility shall return such appliance to the

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inmate.

- d. When an orthopedic or prosthetic is removed, the inmate shall be examined by a physician within 24 hours after such removal. If the physician determines that removal of the device is injurious to the inmate, they shall inform the Facility Supervisor. The Facility Supervisor will either return the device or document the reasons for their continued denial of the device.
- e. Upon refusal of such medical device, the ADA coordinator shall ensure that both the inmate and the prescribing physician are informed of the reason of such refusal. The ADA Coordinator will also advise the Corrections Division Commander as well as the Corrections Lieutenant of the refusal.
- f. Upon the inmate's request, the inmate will be provided with a Writ form by which the inmate may petition the superior court for return of the appliance upon request.

C. HOUSING DISABLED INMATES

1. It is incumbent upon all housing deputies to be aware of inmates assigned to their housing unit who have any type of disability. In the event an inmate with any disability is identified and there is no documentation that the inmate is disabled, the deputy shall immediately notify medical staff to have the inmate evaluated. Medical staff shall complete the Housing Assignment Form and forward a copy to the ADA Coordinator/Classification.
 - a. The ADA Coordinator will maintain a list of current inmates and their necessary accommodations. **This list will be accessible to all staff and shall be printed out on a daily basis by all floor deputies.** This list will not include any medical diagnosis, treatment or other information that would violate health privacy laws.
2. All inmates with disabilities shall be afforded access to all services, programs, and activities for which they meet eligibility criteria. These inmates shall not be excluded by reason of their disability unless they present a direct threat to the health and/or safety of others. This determination shall be made on an individualized basis.
 - a. The ADA Coordinator will forward to the Inmate Services Coordinator any requests by inmates who need accommodations to participate in services, programs, or activities.

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6. Every effort shall be made to accommodate inmates with mobility disabilities as it pertains to cell assignments. In the event an inmate with a mobility disability is assigned to a non-ADA cell or a specific accommodation cannot be met, the ADA Coordinator shall be notified immediately. The ADA Coordinator shall make their best effort to ensure that an individual deemed to require accessible accommodations is provided with such accessible accommodations as soon as possible (See section 4 a. above).
 - a. If the inmate does not wish to be housed in an ADA cell, they may sign a waiver agreeing to be housed in a non-ADA compliant cell.
 - 1) This acknowledgment will be done on the *Disability Request for Accommodations* form.
 - b. Additionally, inmates may be asked to sign an acknowledgment stating that they have been informed and understand that accommodations are not currently available, and will be moved as accommodations are made available.
 - 1) This acknowledgment will be done on the *Disability Request for Accommodations* form.
7. Hearing impaired inmates shall be afforded the opportunity to use a TDD/TTY machine or the Video Relay Service for the purpose of making a call. These inmates shall have access when:
 - a. Other inmates are out for out-of-cell time with telephone access.
 - b. During visiting or when otherwise appropriate.
 - c. Each housing unit with hearing impaired inmates is equipped with at least one of these devices at all times.
8. If a hearing-impaired inmate does not respond for an appointment, visit, meal or out-of-cell time, the housing unit deputy shall follow up with the inmate immediately to ensure they do not wish to attend the event.
 - a. Mealtime is a mandatory headcount. If a hearing impaired inmate does not show up for the headcount, staff shall contact the inmate to ensure their safety and to determine if they understood that they must attend the headcount.

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9. Except in instances where a person's safety is at risk, staff shall not use other inmates as interpreters.
 - a. In the event it is necessary to use another inmate as an interpreter, staff are required to document the occurrence in a memorandum to the Jail Commander.

D. VISITING

1. Inmates with disabilities are entitled to the same privileges as other inmates, including visiting.
2. Inmates who are hearing impaired shall be provided the use of amplified telephones or sign language interpreters during their visits.
 - a. Inmates requiring a sign language interpreter for their visit shall request so, in writing, so that arrangements can be made to ensure that an interpreter is available for the visiting day/time.
3. Inmates who are hearing impaired and blind shall be provided a tactile interpreter.

E. ACCESS TO SHOWER

1. Any inmate with mobility difficulties or who for some other verifiable reason, is at risk of injury while standing in the shower, shall be allowed to use the shower in the booking area. This shower has an available shower chair for ease of access, which is stored in the booking hallway maintenance closet.
2. Prior to the issuance of a shower chair to the inmate, housing unit deputies shall inspect the chair for any damage or defect.
 - a. When the inmate returns the chair, housing unit deputies shall inspect the chair for damage or defect and if damage is noted, take appropriate action to repair the chair as soon as possible.
 - b. Use of the shower chair shall be logged on the shower log, showing time issued, time returned, and if there is any damage to the chair upon return.
 - c. Deputies will ensure an inmate worker cleans and disinfects the chair after each use before placing it into storage.

F. TRANSPORTATION OF DISABLED INMATES

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1. In order to provide the Transportation Unit with adequate prior notification, the following procedures will be adhered to:
 - a. Transportation staff will be notified of any inmates with mobility issues that will be staying in custody and require special transportation requirements.
 - b. The booking deputy will note on the inmate's Court Sheet under special information that the inmate has mobility issues.
 - c. Transportation staff will determine if the inmate can be transported safely utilizing fleet vehicles or if other arrangements need to be made.
 - d. If the inmate requires a wheelchair accessible van for transportation, Transportation staff will contact the Mendocino Transit Authority and arrange for an accessible vehicle.
 - e. It should not be assumed that restraining devices are unnecessary for disabled prisoners. Individual determinations shall be made regarding the use and type of restraints most appropriate for the inmate.

G. INMATE REQUESTS:

1. Inmates with disabilities requesting accommodations shall use the Request for Accommodations form
2. If the request can be directly addressed in the housing unit, it shall be noted on the form and the inmate request shall be forwarded to the ADA Coordinator.
3. If the request cannot be resolved in the housing unit, the inmate request shall be forwarded directly to the ADA Coordinator.
4. The ADA Coordinator shall address the issue and maintain a record of the request in the inmate's ADA file.
5. Staff shall provide assistance to inmates who require assistance in understanding and completing the inmate request form. This is especially true if the inmate requires assistance in writing, is mentally ill or developmentally disabled.

H. GRIEVANCE PROCESS

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1. Inmates will use the Inmate Grievance Form to submit grievances regarding ADA issues in which they believe they are being denied, as well as for all other grievable issues as outlined in the *Inmate Grievance Procedure Policy 607.00*.
2. Staff shall provide assistance to inmates who require assistance in understanding and completing the grievance process. This is especially true if the inmate requires assistance in writing, is mentally ill or developmentally disabled.
3. All ADA grievances shall be handled in accordance to the Inmate Grievance Procedure.
4. Upon receiving an ADA grievance, staff shall review and log the grievance. A copy of the grievance shall be immediately forwarded to the ADA Coordinator.
5. Upon final disposition of the grievance, a copy shall be forwarded and filed by the ADA Coordinator.

I. DISCIPLINARY PROCESS

1. When any inmate has a disability that might inhibit their ability to understand the disciplinary process and are subject to discipline, the Discipline Officer shall ensure the inmate understands the charges against him/her. Refer to Policy and Procedure 710-00 -- *Inmate Discipline*.
2. To ensure effective communication with individuals who are deaf, hearing impaired, or deaf and blind, the Sheriff's Office will provide auxiliary aids, such as paper and pen, TDDs, TTYs, VRS, sign-language, oral or tactile interpreters, free of charge.
3. The disciplinary process will not be used for those inmates that are developmentally disabled or suffer from serious mental health conditions.

J. REMOVAL FROM ADA STATUS

1. If an inmate no longer wishes to be listed as an ADA inmate, they shall complete and submit an Inmate Request Form to the ADA Coordinator. The ADA Coordinator will evaluate the request and respond to the inmate. The ADA Coordinator will document in the inmate's ADA file that they no longer wish to have an ADA listing.

K. RETALIATION

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1. Retaliation of any kind directed at an inmate for exercising their rights under the Americans with Disabilities Act will not be tolerated.

VII. PUBLIC PROCEDURE:

A. VISITORS

1. The Mendocino County Sheriff's Office will make every possible effort to ensure reasonable accommodations are available to disabled visitors.
2. Should a member of the public require assistance with a visit due to a disability, they should notify the visiting staff of their needs.
 - a. Upon receiving the request for accommodations, the visiting deputy shall advise the sergeant of the request.
 - b. The sergeant will ensure the request is accommodated, if possible.
 - c. For those with hearing impairments, amplified telephones or a sign language interpreter shall be made available upon request in all visiting areas.
 - 1) For those requiring a sign language interpreter, prior arrangements need to be made to ensure that an interpreter is available for the visiting day/time.
3. Service animals shall be allowed to accompany visitors.
 - a. The care and supervision of a service animal is solely the responsibility of their owner and they may not be segregated from each other.
 - b. Visitors may be asked if their animal is a service animal and required because of a disability and what tasks the animal has been trained to perform. However, verification is not required and no inquiry in to the visitor's disability may be made.
 - c. Service animals must be harnessed, leashed, or tethered, unless these devices interfere with the service animal's work or the individual's disability prevents using these devices. In that case, the individual must maintain control of the animal through voice, signal, or other effective controls

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- d. A visitor with a disability shall not be asked to remove their service animal unless one of the following conditions exist:
 - 1) The animal is out of control and the owner does not take effective action to control the animal.
 - 2) The animal poses a direct threat to the health or safety of others.
- e. If there is a legitimate reason to ask that the service animal be removed, staff must offer the person with the disability the same opportunity of services without the animal's presence.
 - 1) Opportunities for visitation, programs or other activity will not be cancelled due to the removal of a service animal.
- f. Should a disabled visitor need to use a restroom, they shall be directed to the lobby restroom, which is fully ADA accessible. The visitor shall not be penalized in regards to their visit should this occur and will be provided the opportunity for a full visit as scheduled.
- g. Disabled visitors are subject to the same facility rules as all other visitors.

B. ATTORNEYS

- 1. All attorneys shall be afforded the same rights and privileges under the ADA as the public. The use of wheelchair accessible areas, sign language interpreters and any other reasonable accommodation shall be provided.

C. VOLUNTEERS

- 1. All volunteers shall be afforded the same rights and privileges under the ADA as the public. The use of wheelchair accessible areas, sign language interpreters and any other reasonable accommodation shall be provided.
- 2. Disabled volunteers will be accommodated to the extent possible, consistent with facility safety and eligibility requirements. Any exclusion of disabled volunteers will be evaluated on a case-by-case basis and approved by Inmate Services and the Jail Commander.

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3. All services, programs, and activities offered by volunteers will also include volunteer eligibility criteria.
 - a. If a volunteer has a disability that requires an accommodation, the volunteer should inform the ADA coordinator.
 - b. If a volunteer with physical disabilities is disqualified for any reason related to their disability, such disqualification will be directly linked to the service, programs, or activities, mission and goals and any threat to others posed by the volunteer's participation.

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