

DATE:	FEBRUARY 9, 2017
NUMBER:	M.39
SUBJECT:	DISABLED INMATES
RELATED SECTIONS:	<a href="#">C.1</a> , <a href="#">M.9</a> , <a href="#">MSD I.3</a> , CCR TITLE 15, SEC, 1057, PC 2656, Prison Rape Elimination Act of 2003, Americans with Disabilities Act of 1990

**PURPOSE**

To establish uniform procedures to identify, evaluate and house disabled inmates in the safest manner possible while ensuring the accommodation of major life activities.

**POLICY**

The department recognizes disabled inmates are entitled to the same rights, privileges, and services as other inmates of the same classification level per the Americans with Disabilities Act of 1990 (ADA). An inmate is covered by the ADA when the inmate has a permanent, temporary, or intermittent condition that impacts a major life activity.

Qualified inmates with disabilities shall not be excluded from participation in, denied the benefits of, or subjected to discrimination in any detention facility's services, programs, work assignments or activities, based on a disability. Each inmate identified as having a disability must be reasonably accommodated through some means.

**ADA DEFINITIONS**

Disability - An individual has a disability if there is a physical or mental impairment that substantially limits one or more major life activities. The ADA also recognizes individuals with a record of impairment, or individuals regarded as having an impairment, as meeting the definition of disabled. Generally, such individuals will not require special accommodations.

Physical Impairment- Includes, any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological, musculoskeletal, special sense organs, respiratory including speech organs, cardiovascular, reproductive, digestive, genito urinary, hemic and lymphatic, skin and endocrine.

Mental Impairment - Includes any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

Major Life Activities - Includes but not limited to such functions as caring for oneself, reading, communicating, performing manual tasks, walking, seeing, hearing, speaking, and thinking.

Caring for Oneself - Personal care such as toileting, dressing, bathing and feeding.

Cognitive Disability - A broad term to describe conditions affecting types of mental tasks such as problem solving, reading comprehension, attention, and/or remembering. A cognitive disability is not the same as a mental disorder.

Mental Disability - An individual who has a past medical record of, or regarded as having one or more mental disorders as defined in the American Psychiatric Association's Diagnostic Manual.

Blind - An individual whose visual acuity in their best eye has an acuity of 20/200 or worse and/or if their peripheral vision is less than 20 degrees.

Deaf - An individual who cannot readily understand spoken language through hearing alone and who may have a speech defect which renders them unintelligible to most normal hearing people.

Reasonable Accommodation- Any modification or adjustment that is effective in enabling an individual to perform the major life activities. Any change in the facility, policies, procedures, or the manner in which tasks are completed that enables a qualified individual with a disability to participate in and receive the same benefits from a program or service. Reasonable accommodation does not require fundamental alteration of the nature of a program or activity.

## PROCEDURE

### I. IDENTIFICATION AND SCREENING

- A. The identification of an individual with a disability generally will occur during the intake or medical screening process. However, the identification of an individual with a disability can occur at any point during an inmate's incarceration (e.g. Jail Population Management Unit (JPMU) interview, outside agency, by the advisement of a family member, etc.).
- B. Sheriff's medical staff will evaluate and determine if an inmate qualifies as 'disabled.'
- C. All inmates who have been screened and determined to be disabled will be housed in a facility with the appropriate accommodations. Based on their disability, each inmate covered under the ADA must be reasonably accommodated through some means, such as but not limited to modified housing for wheelchair access, grab bars in bathrooms, shower chairs, closed-captioning on the television, interpreter services, telecommunications device for the deaf, assistive listening devices, magnification devices, large printed materials, braille materials. Medical screening staff shall enter medical instructions into the IMS module in the Jail Information Management System (JIMS). The shift charge nurse or designee will inform JPMU of the medical instructions that were entered in JIMS. They will also inform the Reentry Services Division (RSD) Manager or their designee via email with the names of those inmates who have an identified need for accommodations for adaptive or programming services.
- D. A medical recommendation (e.g. "lower bunk," "lower tier") shall be initiated and entered into JIMS upon determination that the recommended instructions are necessary for the safety and/or welfare of a disabled inmate.
- E. If sworn staff is unable to accommodate the aforementioned housing recommendations, medical staff shall be notified.

- F. Re-evaluation of functional performance will be conducted by the registered nurses once a month for those inmates identified as having a temporary medical disability. A possible reassignment of housing unit and/or facility may be recommended.

## II. ACCOMMODATIONS

Inmates requiring ADA accommodations will be assisted in receiving access to the following by either Medical Services Division (MSD) or RSD staff:

- A. Medical services
- B. Psychiatric services
- C. Adaptive services to assist in participation in programs or services
- D. Adaptive services to report to medical and/or sworn staff if they have been sexually assaulted.

## III. REQUEST FOR ACCOMMODATIONS

- A. A request for reasonable accommodation will be initiated by the individual, his or her family members, or outside agency.
- B. A request for an assessment of accommodations will be forwarded to the MSD ADA case manager for review. Assessments can be completed by either a Registered Nurse or by a Physician. The findings and disposition will be documented in JIMS.
- C. Requests will be acted upon within 72 hours

## IV. ADA GRIEVANCE PROCEDURE

Grievances will be handled according to section N.1 Grievance Procedures and forwarded to an MSD supervisor or designee. All ADA related grievances will be forwarded to the MSD ADA case manager for processing.