



San Diego County Sheriff

Training Bulletin

Kelly A. Martinez, Sheriff

May 31, 2024



M.39 Incarcerated Persons with Disabilities and H.3 Evacuation Plans P & P Update

The purpose of this training bulletin is to outline the changes to [DSB P&P sections M.39](#) and [H.3](#). Please review the policies in their entirety for further details.

Incarcerated persons with disabilities are entitled to the same rights, privileges, and services as other incarcerated persons of the same classification level. No qualified incarcerated person with a disability, that meets all essential eligibility requirements, **shall** be excluded from participation in or denied the benefits of any in-custody program, service, or activity based upon their disability.

An incarcerated person is covered by the Americans with Disabilities Act (ADA) when the incarcerated person has a physical or mental impairment that substantially limits one or more major life activities, has a record or history of such an impairment, or is regarded or perceived as having such an impairment.

Screening and Identification of Disability Accommodations at Intake

All incarcerated persons **shall** be screened by a Registered Nurse (RN) during the intake process to identify disabilities and reasonable accommodations.

If an incarcerated person is identified to have a disability that requires an accommodation, the RN will update the person's health record and collaborate with sworn staff to ensure the person is appropriately accommodated through the booking process.

- The incarcerated person's J-15 form and face card will be notated to reflect the appropriate accommodations.

Incarcerated persons with **COMMUNICATION DISABILITIES** and effective communication needs **shall** be handled according to [DSB P&P section P.11](#).

Persons with **MOBILITY DISABILITIES** who require accessible accommodations, including but not limited to those who use a wheelchair, will be placed in accessible holding cells and assisted through the booking and intake process as necessary.

Assistive Devices and Durable Medical Equipment (DME) **shall** be furnished to incarcerated persons with disabilities that have been identified by health staff to require such accommodations. Please review [DSB P&P Section M.39](#) in its entirety for procedures specific to assistive devices and DME.



The information in this training bulletin was provided by the Sheriff's Department Americans with Disabilities Act (ADA) Unit. If you have any information or expertise in a specific area and would like to write a training bulletin, please contact the ADA Unit at [619-792-7000](tel:619-792-7000). For Staff: Phone-Home-Email-Birth-Medical Test Score

If JPMU identifies that an incarcerated person has a disability that requires accommodation that is not identified in their ADA Medical Instructions, the incarcerated person **shall** be referred to Sheriff's health staff for assessment.

Identification of Disability Accommodations After Intake

The identification of disabilities or requests for reasonable accommodations may occur at any time during an individual's incarceration (e.g., staff observation, incarcerated person request, reported by third parties such as family, etc.).

If at any point during an individual's incarceration a staff member identifies that an incarcerated person has a disability that requires accommodation that is not identified in their JIMS Medical Instructions, the incarcerated person **shall** be referred to health staff for assessment.

- The staff member who routed the incarcerated person to health staff **shall** document the incident in an Incident Report within JIMS with the primary incident type code: "ISR, Inmate Status Report".

Incarcerated persons can submit requests for new reasonable accommodations via the Healthcare Request form and process.

Tracking Incarcerated Persons and Providing Accommodations

At the beginning of each shift, or prior to conducting business with incarcerated persons, staff **shall** review the ADA List included in the JIMS Web Floor Count (Updated) report (or the unit equivalent list containing ADA information), for the areas in which they are assigned to work. Staff **shall** familiarize themselves with incarcerated persons in their assigned areas that require accommodations and/or are assigned assistive devices.

Providing Reasonable Accommodation

The Sheriff's Department **shall** provide the reasonable accommodations needed for qualified incarcerated persons with a disability to have an equal opportunity to participate in and benefit from in-custody programs, services, or activities, unless the accommodation would result in a fundamental alteration, direct threat or safety and security risk, undue financial or administrative burden, or during an emergency situation.

This includes, but is not limited to, accommodations for telecommunication and effective communication, accessible housing, and access to medical and mental health services.

Staff **shall** provide reasonable modifications to jail rules, policies, and practices based on the incarcerated person's documented ADA instructions to provide equal opportunity incarcerated persons with disabilities to participate in the services, programs, and activities offered to other incarcerated persons of the same classification level.

- This includes but is not limited to visitation, dayroom and recreation, transportation, communication systems and structured programming, including vocational and work positions.

Exclusion of Accommodations

Incarcerated persons may refuse reasonable accommodations and **shall not** be required to accept aids, services, or benefits provided under the ADA.



Refusals of reasonable accommodations by an incarcerated person for in-custody programs, services, or activities **shall** be documented when it results in the exclusion of a qualified incarcerated person from participating in or benefiting from the program, service, or activity. The staff member who identified the refusal **shall** document the incident in their appropriate records management system.

Accommodations are not considered reasonable, and can be denied if such accommodation would do any of the following:

- be, or not mitigate, a significant risk or "direct threat" to the health or safety of the individual or others;
- cause a "fundamental alteration" to the nature of in-custody programs, services, or activities; and/or
- create an "undue burden" to the Department, due to financial or administrative allocation of resources and personnel, or impact on jail operations.

Any incident that results in the exclusion of a qualified incarcerated person with a disability from participating in or benefiting from the program, service, or activity **shall** be documented in a JIMS Incident report. The Incident report should have a primary type code: "ADA – Americans with Disabilities Act" and **shall** document any pertinent information. The **ADA Unit shall** be notified via email of the incident.

ADA Related Grievances and Complaints

All ADA related grievances will be forwarded within one business day to the ADA Unit for processing. Any grievances related to the provision of medical services **shall** be forwarded to a MSD supervisor or designee.

Emergency Preparedness

Each detention facility **shall** maintain an Emergency Operations Manual (EOM) as required by [DSB P&P Section H.2](#). Staff **shall** provide assistance to incarcerated persons with disabilities during the evacuation process, based on the incarcerated person's reasonable accommodation needs and disability according to [updated DSB P&P Section H.3 – Evacuation Plans](#).

Please refer to the "[Incarcerated Persons with Disabilities: Quick Reference Guide for Staff](#)" and the "[Assistive Devices and Durable Medical Equipment \(DME\) Reference Guide](#)" as an additional resource.

