

# ADA

(Americans with Disabilities Act)

# Unit



# What is the ADA?

- ▶ In 1990, President George H.W. Bush signed the Americans with Disabilities Act (ADA).
- ▶ The ADA is a civil rights law that prohibits discrimination against individuals with disabilities in all areas of public life, including jobs, schools, transportation, and all public and private places that are open to the public.
- ▶ The ADA is comprised of 5 different titles that set out the requirements for different areas of public life.
- ▶ According to the Center for Disease Control and Prevention, 1 in 4 (27%) adults in the United States have some type of disability ([CDC.gov](https://www.cdc.gov))



# 5 Titles of the ADA

- ▶ Title 1 –Employers must provide qualified individuals with disabilities an equal opportunity to benefit from employment-related opportunities
- ▶ **Title II - State and local governments must provide qualified individuals with disabilities an equal opportunity to benefit from all of their programs, services, and activities**
- ▶ Title III - Businesses must provide people with disabilities an equal opportunity to access the goods or services that they offer
- ▶ Title IV - Telephone companies must provide services to allow callers with hearing and speech disabilities to communicate
- ▶ Title V – Miscellaneous section covering a variety of topics, including prohibition against retaliation and coercion and that a person with a disability is not required to accept accommodations



# What is a Disability under the ADA?

**Disability** - To be regarded as having a disability under the ADA, a person must have a *physical or mental impairment* that substantially limits one or more major life activities, have a history or a record of such impairment, or be perceived by others as having such an impairment.

- ▶ Some examples of disabilities that may substantially limit one or more major life activities include but are not limited to diabetes, epilepsy, blindness, hard of hearing, HIV/AIDS, paralysis, depression, Autism, dementia, schizophrenia, post-traumatic stress disorder, or alcoholism.



# What is a “Major Life Activity”?

Include, but are not limited to:

- ▶ Seeing
- ▶ Hearing
- ▶ Eating
- ▶ Sleeping
- ▶ Walking
- ▶ Standing
- ▶ Lifting
- ▶ Bending
- ▶ Speaking
- ▶ Breathing
- ▶ Learning
- ▶ Reading
- ▶ Concentrating
- ▶ Working
- ▶ Thinking
- ▶ Communicating
- ▶ Operation of a major bodily function



# What does that mean for the Department?

- ▶ The San Diego Sheriff's Department (SDSD) recognizes the need to ensure persons with disabilities have access to the same rights, privileges, programs, and services as those persons who do not have disabilities. The SDSD must make reasonable accommodations when necessary to avoid discrimination in its provision of goods and services to a person with a disability.
- ▶ Meeting all ADA requirements affects all aspects of public service and every bureau in our Department. From recruiting and retaining employees, to public and community interactions, to the arrest, transportation, booking, medical care and housing of incarcerated persons, and court processes.
- ▶ To ensure compliance with the ADA, the SDSD created the ADA Unit. The unit members are tasked with the oversight and assessment of all policies, procedures, processes, training, and required modifications related to the ADA for the Department.

*It is **EVERYONE'S** responsibility to uphold the ADA and related state laws*



# Key Terms

- ▶ **Being regarded as having an impairment:** An individual who -
  - 1) has a physical or mental impairment that does not substantially limit a major life activity, but that is treated by a public entity as constituting such a limitation;
  - 2) has a physical or mental impairment that substantially limits major life activities only as a result of the attitudes of others toward such an impairment; or
  - 3) does not have a disability but is treated by a public entity as having such an impairment



# Key Terms (cont.)

- ▶ **Physical or mental impairment** - 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, genitourinary, hemic and lymphatic, skin, and endocrine. Any mental or psychological disorder such as organic brain syndrome, emotional or mental illness, and specific learning disabilities.

\*\*\*The term also includes, but is not limited to, contagious and noncontagious diseases and conditions; orthopedic, vision, speech, and hearing impairments; cerebral palsy; epilepsy; muscular dystrophy; multiple sclerosis; cancer; heart disease; diabetes; intellectual or developmental disability; HIV disease, whether symptomatic or asymptomatic; tuberculosis; alcoholism and drug addiction.





# Key Terms (cont.)

- ▶ **Reasonable accommodation** – Any modification or adjustment that is effective in enabling an individual with a disability 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. An accommodation is not reasonable if it would require a fundamental alteration of the nature of a service, program or activity or impose an undue burden or hardship.
- ▶ **Effective Communication** – A means of communication that is clear and understandable to the individual. The purpose of effective communication is to ensure that persons can communicate with, receive information from, and convey information to, the public entity.



# Examples of Reasonable Accommodations

1. Arrestee is deaf and needs assistance through the booking process using interpreter services.
2. Arrestee has a mobility restriction and utilizes a cane, wheelchair, or walker continuously.
3. A blind incarcerated worker wears a safety vest with the word “Blind” on the back when working.
4. A member of the public comes to a facility for a visit and brings their service animal. The dog is trained to assist the owner during a seizure.
5. An incarcerated person who is hard of hearing identifies their primary form of effective communication as spoken English in their line of sight. Employees must be in the person's line of sight to interact with them, including notifying them about various activities occurring in the module.



# Grievance Procedures

If the incarcerated person is grieving any aspect of condition of confinement as it relates to Title II of the Americans with Disabilities Act (ADA) regarding procedures and/or accommodations of the list provided below, the deputy, sergeant, or sworn staff will identify if there is an ADA issue. If it is an ADA grievance, the box to address the primary complaint on the Incarcerated Person Grievance Form (J-22) will be checked. The box titled "Other" will also be checked and "ADA" will be written in the space provided.

1. Medical/Mental Health care
2. Classification actions
3. Disciplinary actions
4. Program participation
5. Telephone, mail and visitation procedures
6. Food, clothing and bedding
7. Conditions that cause an incarcerated person to believe they are at a substantial risk of sexual abuse

\*\*\* Staff will scan a copy of the Grievance to the ADA Unit  
[ADA.Notification@sdsheriff.gov](mailto:ADA.Notification@sdsheriff.gov)  
and place a copy in the incarcerated person's booking jacket



# Complaint Procedures

Do not attempt to determine whether the complainant has a legal standing or whether the complaint is valid. Members of the public or Incarcerated Persons with requests for reasonable accommodations, questions regarding access to programs, facilities, or services may be made to the San Diego County Sheriff's Department's ADA Unit. Complaints or grievances regarding accessibility or discrimination against people with disabilities can file via the San Diego County Sheriff's Department's ADA Unit.

## ADA Unit

Address: 5530 Overland Dr., Ste. 370  
San Diego, CA 92123  
Phone #: (858) 974- 5841  
Email: [ADA.Unit@sdsheriff.gov](mailto:ADA.Unit@sdsheriff.gov)

The Sheriff's Department's ADA Coordinator is Captain Gloria Soto-Meza.

# *Reminder!!!*

- ▶ Ensure individuals with disabilities have access to the same rights, privileges, programs, and services as individuals without a disability
- ▶ Make reasonable accommodations when necessary to avoid discrimination in the Department's provision of goods and services to an individual with a disability
- ▶ It is **EVERYONE'S** responsibility to uphold the ADA and related state laws
- ▶ The **ADA Unit** is here to provide training and resources



# Resources

▶ ADA Unit – SharePoint Page 

▶ [ADA.gov](https://www.ada.gov)

▶ [CDC.gov](https://www.cdc.gov)

▶ [adata.org](https://adata.org)



# Sheriff's ADA Unit

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**Questions:**

**Please Contact the ADA Unit:**