

Americans with Disabilities Act (ADA)



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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))

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5 Titles of the ADA

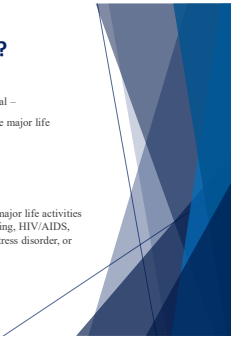
- ▶ **Title I** - Employers must provide qualified individuals with disabilities an equal opportunity to benefit from employment-related opportunities
- ▶ **Title II** - State and local governments must provide qualified individuals with disabilities an equal opportunity to benefit from all of their 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

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What is a Disability under the ADA?

- Disability** - The term "disability" means, with respect to an individual –
- a physical or mental impairment that substantially limits one or more major life activities
 - a record (or history) of such impairment, or
 - being regarded (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.



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What is a "Major Life Activity"?

Major life activities 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

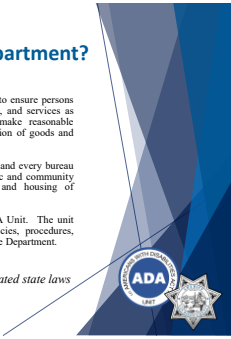


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What does that mean for the Department?

- ▶ 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



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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

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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.

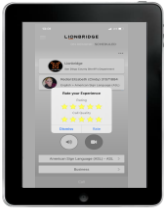
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Key Terms (cont.)

- ▶ **Reasonable accommodation** - Any modification or adjustment that is effective in enabling a qualified individual with a disability to participate in and receive the same benefits from a program, service, or activity.
 - ▶ 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 with a disability, as reasonably possible. The purpose of effective communication is to ensure that persons can communicate with, receive information from, and convey information to, the public entity/employee.
 - ▶ This rule applies regardless of the format of the communication (e.g., written, spoken, electronic, etc.)

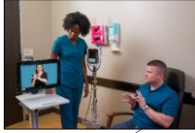
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Auxiliary Aids and Services Available



LIONBRIDGE

Currently, all booking detention facilities are equipped with designated tablets that have the InterpretManager app by Lionbridge Technologies installed to provide **Video Remote Interpreting (VRI)** services for those who are deaf or hard of hearing and communicate in American Sign Language (ASL). The InterpretManager app is also available on all department issued iPhones.



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Auxiliary Aids and Services Available

UbiDuo 3

The UbiDuo3 is a wireless communication device that enables incarcerated persons who are deaf, hard of hearing, or have difficulty speaking, to communicate with another person via typed text.

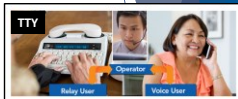


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Auxiliary Aids and Services Available

All detention facilities are equipped with three types of telecommunications services:

- **Captioned Telephones** - allows users to read what the called party is saying while listening to their voice.
- **Teletypewriter (TTY) or Telecommunications Device for the Deaf (TDD)** - relays typed text
- **Video Relay Services (VRS)** by Purple Communications - enables incarcerated persons to use sign language to communicate with voice telephone users (via an interpreter) or others who communicate in sign language ("point-to-point"), via a video call.



These devices allow incarcerated persons who are deaf or hard of hearing to make telephone calls.

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Identifying Incarcerated Persons with Effective Communication needs

- Incarcerated persons with Effective Communication needs will be offered optional safety vests (ADA VEST) that identify their disability on the back of the vest.
- Participation is voluntary.
- If safety or security issues arise due to the use of the optional safety vest, document the incident as appropriate and notify the ADA Unit.



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Examples of Reasonable Accommodations

1. An arrestee is deaf and prefers to use American Sign Language (ASL) to communicate. ASL interpreter services would be needed for effective communication throughout the booking process.
2. An arrestee has a mobility disability 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.

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Examples of Reasonable Accommodations

1. Deputies are not required to arrange for a sign language interpreter every time they interact with a person who is deaf. They are required by the ADA to ensure effective communication for individuals who are deaf or hard of hearing depending on the nature of communication and the needs of the requesting individual.
2. Individuals who are deaf or hard of hearing, or who have speech disabilities or intellectual disabilities, or who are blind or visually impaired may not recognize or be able to respond to police directions. These individuals may erroneously be perceived as uncooperative.
3. Some people with disabilities may have a staggering gait or slurred speech related to their disabilities or the medications they take. These characteristics, which can be associated with neurological disabilities, mental/emotional disturbance, or hypoglycemia, may be misperceived as intoxication.

ADA.gov

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REMEMBER!!!

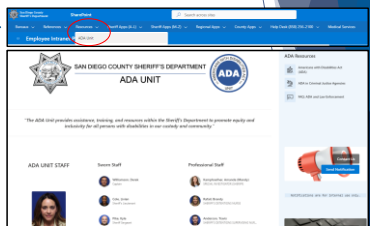
- ▶ We ALL must ensure individuals with disabilities have access to the same rights, privileges, programs, and services as individuals without a disability.
- ▶ We ALL must provide reasonable accommodations when necessary to avoid discrimination in the Department's provision of programs, services, and activities 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.



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Resources

- ▶ [ADA Unit – SharePoint Page](#)
- ▶ [ADA.gov](#)
- ▶ [CDC.gov](#)
- ▶ [adata.org](#)



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Sheriff's ADA Unit

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Questions?

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