

Accessibility - ADA Compliance

210.1 PURPOSE AND SCOPE

This policy provides guidance for providing access to the facility and for communicating with individuals with disabilities, including those who are deaf or hard of hearing, have impaired speech or vision, or are blind, in compliance with the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act (29 USC § 794).

Additional guidance for addressing the needs and rights of youths detained in the juvenile detention facility can be found in the Youths with Developmental Disabilities Policy.

210.1.1 DEFINITIONS

Definitions related to this policy include:

Auxiliary aids - Tools used to communicate with people who have a disability or impairment. They include but are not limited to the use of gestures or visual aids to supplement oral communication; a notepad and pen or pencil to exchange written notes; a computer or typewriter; an assistive listening system or device to amplify sound; a teletypewriter (TTY) or videophones (video relay service or VRS); taped text; qualified readers; or a qualified interpreter.

Disability or impairment - A physical or mental impairment that limits a major life activity, including hearing or seeing, regardless of whether the person with the disability uses assistive or adaptive devices or auxiliary aids. Individuals who wear ordinary eyeglasses or contact lenses are not considered to have a disability (42 USC § 12102; Government Code § 12926; Government Code § 12926.1).

Qualified interpreter - A person who is able to interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary. Qualified interpreters include oral interpreters, transliterators, sign language interpreters, and intermediary interpreters.

210.2 POLICY

It is the policy of the San Diego County Probation Department to reasonably ensure that people with disabilities, including parents/guardians and visitors, have equal access to services, programs, and activities by providing reasonable accommodations and making efforts to communicate effectively with individuals with disabilities.

The San Diego County Probation Department will not discriminate against individuals or deny individuals access to services, rights, or programs based on disabilities (see the Juvenile Detention Manual Policy).

210.3 ADA COORDINATOR

The Chief Probation Officer shall delegate certain responsibilities to an Americans with Disabilities Act (ADA) coordinator (28 CFR 35.107). The coordinator shall be appointed by and directly responsible to the Division Chief or the authorized designee.

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The responsibilities of the coordinator include but are not limited to:

- (a) Remaining familiar with:
 - 1. The Department's structure, activities, and staff members, including special issues relating to the requirements of the Juvenile Detention Facility.
 - 2. The ADA and other laws that address the rights of people with disabilities, such as Section 504 of the Rehabilitation Act (29 USC § 794).
 - 3. Alternative formats and technologies that enable staff members, youths, and members of the public with disabilities to communicate, participate, and perform tasks related to Juvenile Detention Facility activities.
 - 4. Construction and remodeling requirements with respect to ADA design standards.
- (b) Working with the county ADA coordinator regarding San Diego County Probation Department efforts to ensure equal access to services, programs, and activities.
- (c) Developing reports or new procedures or recommending modifications to this policy.
- (d) Acting as a liaison with local disability advocacy groups or other disability groups regarding access to department services, programs, and activities.
- (e) Ensuring that a list of qualified interpreter services is maintained and available. The list should include information regarding:
 - 1. Contact information.
 - 2. Availability.
- (f) Developing procedures that enable staff members to access auxiliary aids or services, including qualified interpreters, and ensuring the procedures are available to all staff members.
- (g) Ensuring signage is posted in appropriate areas indicating that auxiliary aids are available free of charge to individuals with disabilities.
- (h) Ensuring appropriate processes are in place to provide for the prompt and equitable resolution of complaints and inquiries regarding discrimination in access to department services, programs, and activities (See Facility Grievance Procedures Policy and Personnel Complaints Policy).

210.3.1 STAFF MEMBER RESPONSIBILITIES

Staff members receiving a request for accommodation should make reasonable attempts to do so. If a request cannot be reasonably accommodated, a supervisor should be notified.

Staff members becoming aware of any potential ADA violation should document the issue and forward to the Division Chief, with a copy sent to the ADA coordinator.

Staff members receiving a complaint of disability discrimination or inability to reasonably access the facility, or any other complaint related to the ADA, should document the complaint and refer the matter to the Division Chief and ADA coordinator.

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210.4 ACCESS

As part of the compliance with the ADA and the commitment to provide access to persons with disabilities, the Department will provide reasonable accommodations that include but are not limited to:

- (a) Vehicle parking areas that accommodate cars, vans, or other vehicles with wheelchair lifts.
- (b) Public areas that are wheelchair accessible.
- (c) Drinking fountains that can accommodate wheelchairs or other mobility devices.
- (d) ADA-compliant elevators.
- (e) Restroom areas that are wheelchair-accessible and meet ADA standards for accessibility.
- (f) Search areas and metal detection devices, including private areas where alternative search methods may be performed.
- (g) Visitor check-in areas.
- (h) Visitation areas, including attorney interview rooms, that can accommodate wheelchairs and other mobility devices.

210.5 COMMUNICATIONS

Staff members must make efforts to communicate effectively with individuals with disabilities.

210.5.1 FACTORS TO CONSIDER

Staff members of this department should consider all information reasonably available to them when determining how to communicate with an individual with a disability. Staff members should carefully balance all known factors in an effort to reasonably ensure people with disabilities have equal access to services, programs, and activities. These factors may include but are not limited to:

- (a) The potential for miscommunication. Staff members should not always assume that effective communication is being achieved. The fact that an individual appears to nod in agreement does not always mean the individual completely understands the message. When there is any doubt, Staff members should ask the individual to communicate back or otherwise demonstrate understanding.
- (b) The nature of the disability (e.g., deafness versus hard of hearing, blindness versus low vision).
- (c) The nature of the contact (e.g., emergency versus non-emergency, custodial versus consensual contact, parent or guardian, offender, victim).
- (d) The availability of auxiliary aids. The fact that a particular aid is not available does not eliminate the obligation to reasonably ensure access. However, in an emergency, availability may factor into the type of aid used.

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210.5.2 INITIAL AND IMMEDIATE CONSIDERATIONS

Recognizing that some encounters may be potentially volatile and/or emotionally charged, staff members should remain alert to the possibility of communication problems.

Staff members should exercise special care in the use of all gestures and verbal and written communication to minimize initial confusion and misunderstanding when dealing with any individual with known or suspected disabilities.

In a non-emergency situation, when a staff member knows or suspects an individual requires assistance to effectively communicate, the staff member shall identify the individual's choice of auxiliary aid or service.

The individual's preferred communication method must be honored unless another effective method of communication exists under the circumstances (28 CFR 35.160).

Factors to consider when determining whether an alternative method is effective include:

- (a) The methods of communication usually used by the individual.
- (b) The nature, length, and complexity of the communication involved.
- (c) The context of the communication.

In emergency situations involving an imminent threat to the safety or welfare of any person, staff members may use whatever auxiliary aids and services reasonably appear effective under the circumstances. This may include, for example, exchanging written notes or using the services of a person who knows sign language but is not a qualified interpreter, even if the person who is deaf or hard of hearing would prefer a qualified sign language interpreter or another appropriate auxiliary aid or service. Once the emergency has ended, the continued method of communication should be reconsidered. The staff member should inquire as to the individual's preference and give primary consideration to that preference.

210.5.3 TYPES OF ASSISTANCE AVAILABLE

Staff members shall never refuse an available service to an individual with disabilities who is requesting assistance. The Department will not charge anyone to receive auxiliary aids, nor shall it require individuals to furnish their own auxiliary aid or service as a condition for receiving assistance. The Department will make every effort to reasonably accommodate and provide timely assistance to individuals with disabilities through a variety of services.

Individuals with disabilities may accept department-provided auxiliary aids or services, or they may choose to provide their own.

Department-provided auxiliary aids or services may include but are not limited to the assistance methods described in this policy.

210.5.4 AUDIO RECORDINGS AND ENLARGED PRINT

The Department may develop audio recordings to assist people who are blind or have a visual impairment with accessing important information. If such a recording is not available, staff

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members may read aloud from the appropriate form (e.g., a personnel complaint form) or provide forms with enlarged print.

210.5.5 QUALIFIED INTERPRETERS

A qualified interpreter may be needed in lengthy or complex transactions if the individual to be interviewed normally relies on sign language or speech reading (lip-reading) to understand what others are saying.

Qualified interpreters should be:

- (a) Available within a reasonable amount of time but in no event longer than one hour if requested.
- (b) Experienced in providing interpretation services related to law enforcement matters.
- (c) Familiar with VRS and/or video remote interpreting service.
- (d) Certified in either American Sign Language (ASL) or Signed English (SE).
- (e) Able to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.
- (f) Knowledgeable of the ethical issues involved when providing interpreter services.

Staff members should use a department-approved qualified interpreter at the earliest reasonable opportunity, and generally not more than 15 minutes after a request for an interpreter has been made or it is reasonably apparent that an interpreter is needed. Individuals with a disability shall not be required to provide their own interpreter (28 CFR 35.160).

210.5.6 TTY AND RELAY SERVICES

In situations where an individual without a disability would have access to a telephone (e.g., admission, attorney contacts), staff members must also provide those who are deaf, are hard of hearing, or have impaired speech the opportunity to place calls using an available TTY (also known as a telecommunications device for deaf people, or TDD). Staff members shall provide additional time, as needed, for effective communication due to the slower nature of TTY and TDD communications.

The Department will accept all TTY or TDD calls placed by those who are deaf or hard of hearing and received via a telecommunications relay service (28 CFR 35.162).

Because relay services translate verbatim, the conversation should be conducted as if speaking directly to the caller.

210.5.7 COMMUNITY VOLUNTEERS

Interpreter services may be available from community volunteers who have demonstrated competence in communication services, such as ASL or SE, and have been approved by the Department to provide interpreter services.

When qualified interpreters are unavailable to assist, approved community volunteers who have demonstrated competence may be called upon when appropriate. However, department staff

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members must carefully consider the nature of the contact and the relationship between the individual with the disability and the volunteer to ensure that the volunteer can provide neutral and unbiased assistance.

210.5.8 FAMILY AND FRIENDS

While family or friends may offer to assist with interpretation, staff members should carefully consider the circumstances before relying on such individuals. The nature of the contact and relationship between the individual with the disability and the person offering services must be carefully considered.

Children shall not be relied upon except in emergency or critical situations when there is no qualified interpreter reasonably available.

Adults may be relied upon when (28 CFR 35.160):

- (a) There is an emergency or critical situation and there is no qualified interpreter reasonably available.
- (b) The person with the disability requests that the adult interpret or facilitate communication and the adult agrees to provide such assistance, and reliance on that adult for such assistance is reasonable under the circumstances.

210.6 DISSEMINATION OF INFORMATION

The ADA coordinator will be responsible for the dissemination of information to staff members and visitors on issues specifically related to but not limited to:

- (a) Services available to visitors with disabilities.
- (b) Accessing services to accommodate disabilities.
- (c) Registering complaints or grievances relating to issues involving the ADA.

210.7 COMPLAINTS

The Department shall ensure that individuals with disabilities who wish to file a complaint regarding staff members of this department are able to do so. The Department may provide a qualified interpreter or forms in enlarged print, as appropriate. Complaints will be referred to the Division Chief and ADA coordinator.

Investigations into such complaints shall be handled in accordance with the Personnel Complaints Policy. Qualified interpreters used during the investigation of a complaint should not be staff members of this department.

210.8 TRAINING

The ADA coordinator should work with the Training Manager as appropriate, developing training regarding issues specifically related to but not limited to:

- (a) The requirements of Section 504 of the Rehabilitation Act (29 USC § 794).
- (b) Department policies and procedures relating to ADA requirements.