

# The Americans with Disabilities Act

**DISABILITY RIGHTS**  
**ARE CIVIL RIGHTS**

Ann Deschamps, EdD  
Director, Mid-Atlantic ADA Center  
TransCen  
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# Americans with Disabilities Act



# What is the ADA?

- Americans with Disabilities Act, passed in 1990
- Federal CIVIL RIGHTS legislation
- **Goal:** The full inclusion of people with disabilities in all aspects of American society

# The Americans with Disabilities Act

- Title I: Employment
- Title II: State & Local Government
- Title III: Public Accommodations
- Title IV: Telecommunications
- Title V: Miscellaneous

# Definition of Disability

An individual with a disability is one who:

- has
- has a record of, or
- is regarded as having

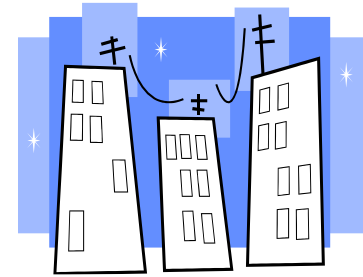
a physical or mental impairment that substantially limits a major life activity.

# Title II Overview

Title II prohibits discrimination against individuals with disabilities and requires public entities to take an active role in ensuring the accessibility of all of their programs, services, and activities.



# Who is Covered by Title II?



Every type of state and local government entity, including all types of county and city agencies as well as:

- Jails
- Prisons
- Courts
- All parts of the justice system

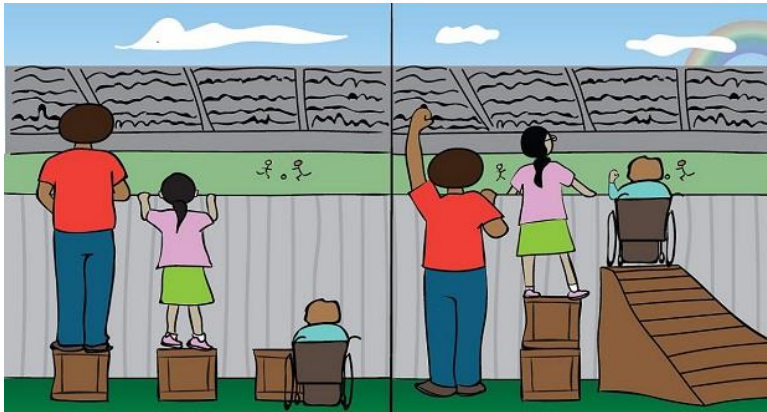
# General Requirements

- A government entity must **reasonably modify its policies, practices, or procedures** to avoid discrimination.
- Services and programs must be delivered in the **most integrated setting appropriate** to the person's level of need even if separate programs exist.
- A public entity ensure **effective communication** with people with disabilities



# Title II: Program Access

- Programs accessible “when viewed in their entirety”
- ADA does **NOT** give special privileges or entitlements – it’s about equity.
- Reasonable modifications to ensure program access



# Title II: Effective Communication

- Auxiliary aids and services are used to ensure effective communication
- In determining what type of auxiliary aid and service is necessary, ***primary consideration*** shall be given to the requests of the individual with disabilities.

# Modifications in Policies, Practices, or Procedures

Local government shall make reasonable modifications in policies, practices, or procedures, when the modifications are necessary to afford goods, services, facilities, privileges, advantages, or accommodations to individuals with disabilities.

## Examples:

- Relocate to alternate, accessible location
- Provide individualized assistance
- Provide auxiliary aids and services

# So what does that mean

- Rules are Rules....
- ADA=Civil Rights
- Exceptions to the Rule – making accommodations

# Title III: Public Accommodations

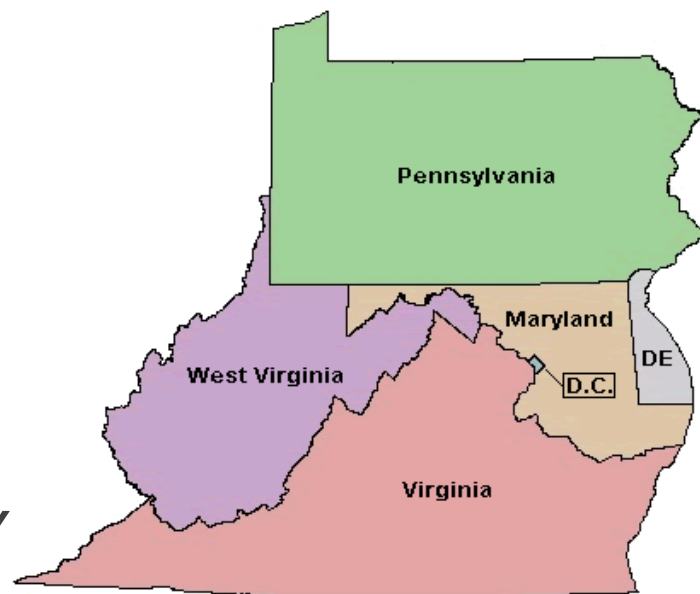
Goods and services must be available to people with disabilities

- Modify policies, practices, procedures
- Effective communication
  - Auxiliary aids and services



The Mid Atlantic ADA Center is 1 of 10 Regional Centers Providing:

- Information
- Guidance
- Materials
- Newsletter/E-Bulletin
- Training
- Toll-free: 800-949-4232 V/TTY
- Website: [www.ADAinfo.org](http://www.ADAinfo.org)



# Arlington County Jail



# ACSO ADA Accommodations The “How Can We Help You?” Mindset

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BY CAPTAIN BRODERICK LINDSEY

ACSO – ASSISTANT DIRECTOR OF PROFESSIONAL  
COMPLIANCE



# ADA Accommodation

- ▶ ADA Accommodations should not be seen as what the individual is “allowed to have” or “what we are giving them.” --- It is actually a **right** in accordance with the Americans with Disabilities Act.
- ▶ It Is a **Civil Right**.
- ▶ Being incarcerated does not in any way diminish the importance of adhering to all ADA standards.



## It Takes Everyone to Get It Done

Accommodations require teamwork at all levels of an organization. No one individual can see every circumstance or situation. Everyone has to buy in to the idea that, we should all be aware and constantly strive to meet the needs of those who have disabilities.

Right Mindset  
Right Attitude  
Right Culture

❖ Mindset

❖ Attitude

❖ Culture

# Types Of Accommodations

- ❑ Devices Or Services
- ❑ Process Changes, Exception or Allowances

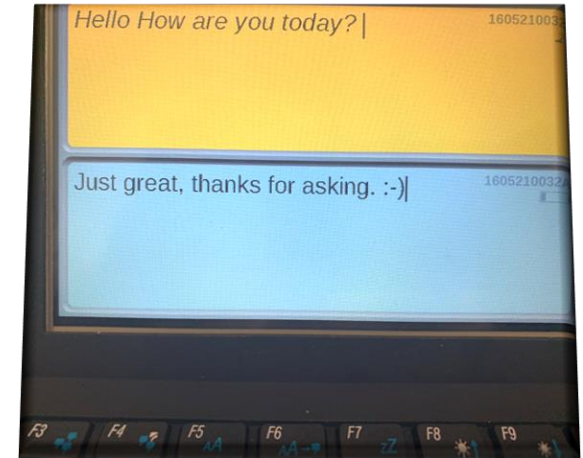
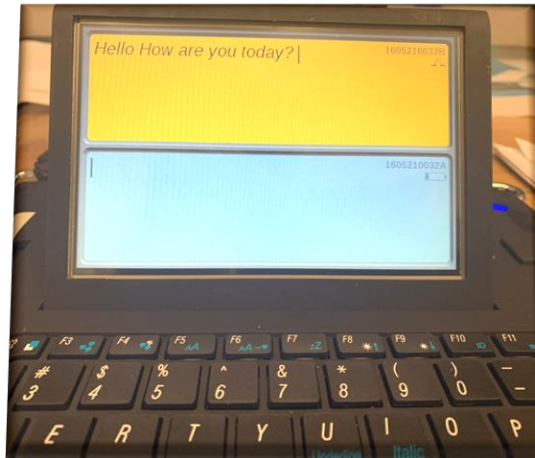
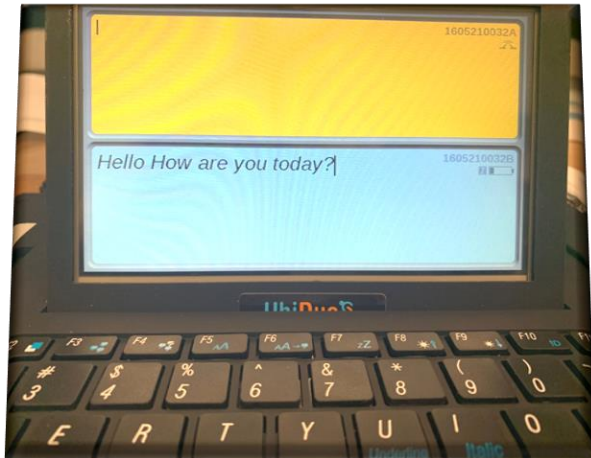


# Devices & Services

# UbiDuo Face to Face Communicator



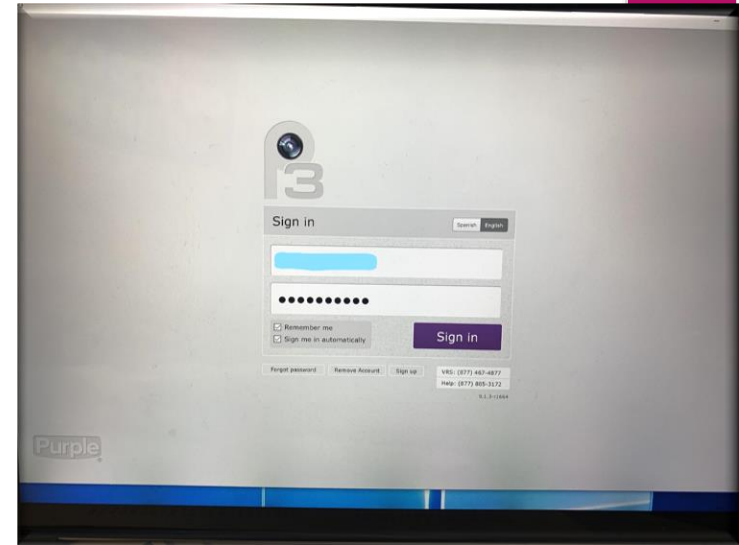
# Face To Face Communication



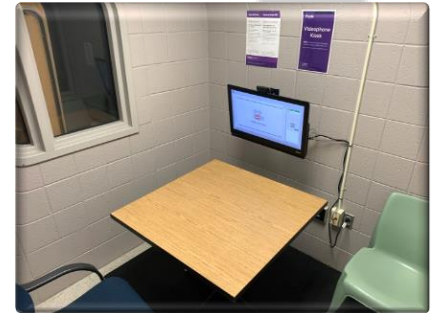
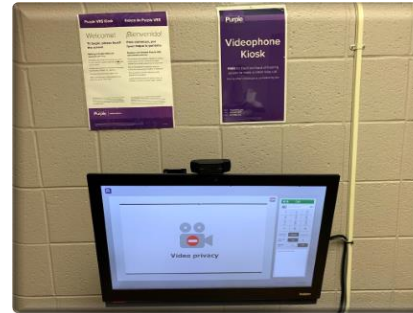
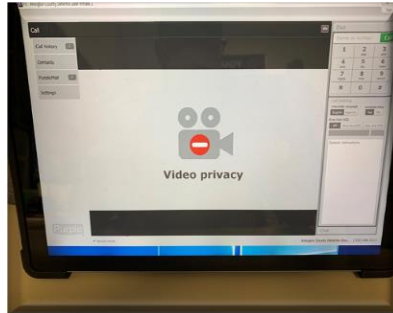
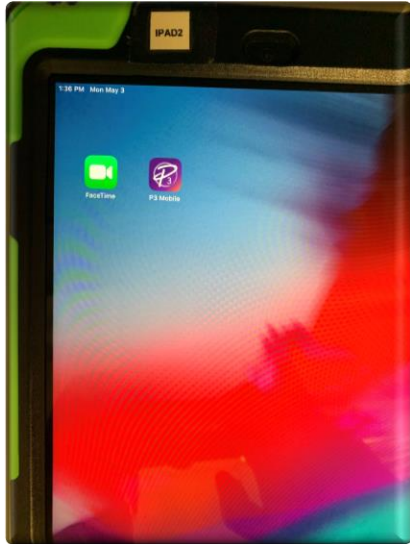
# Face To Face Communication



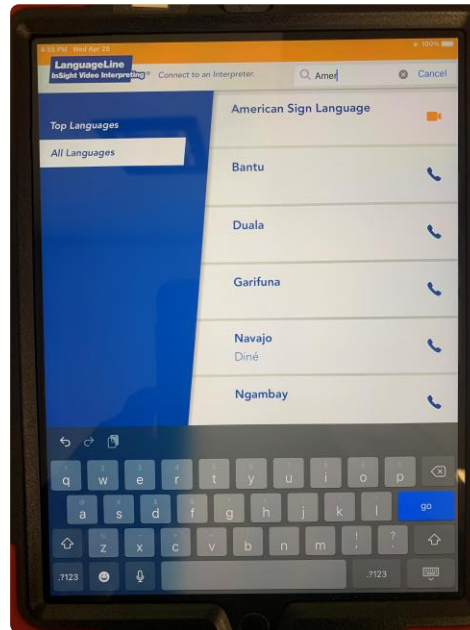
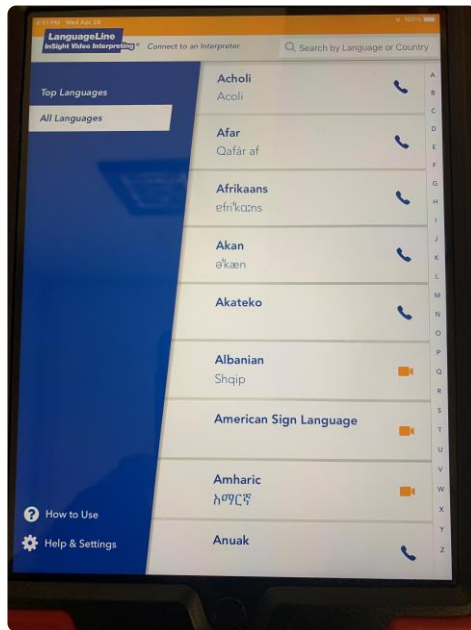




# Purple Communications VRS and VRI



# Purple Communications VRS/VRI

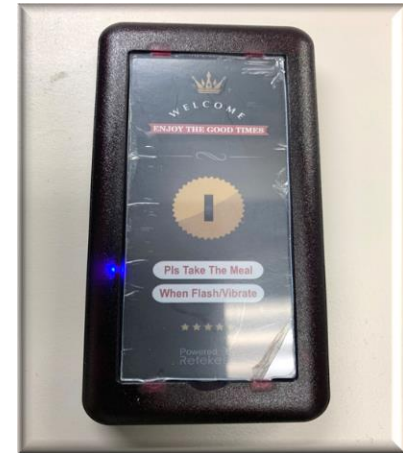


# InSight Video Interpreting and Language Line (by Volatia)

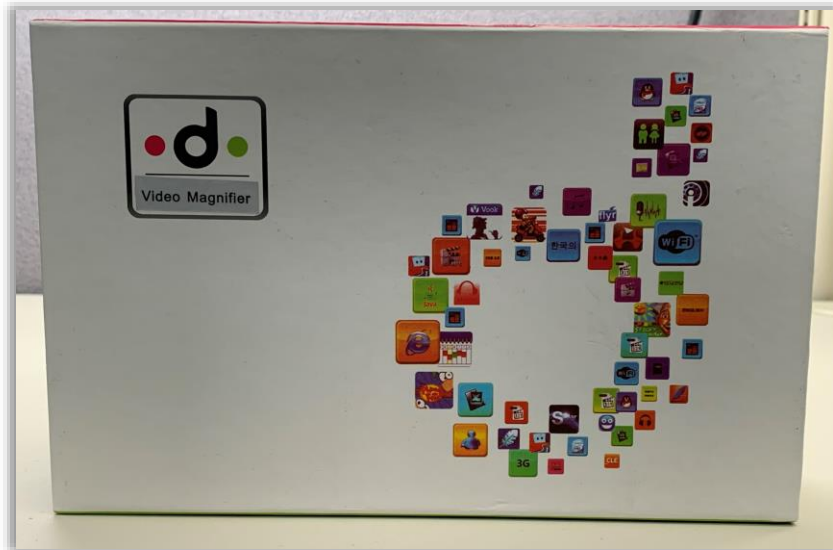


# Visual Alert Paging System

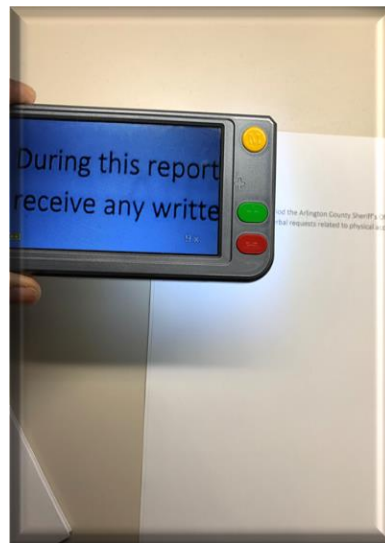
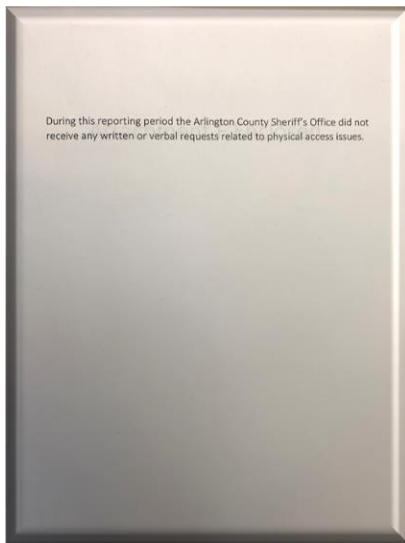
# Visual Alert Paging System




# Kena Video Magnifier (Ocular Device)



# Kena Video Magnifier (Ocular Device)







# Process Changes, Exception or Allowances



**ARLINGTON COUNTY SHERIFF'S OFFICE  
INTER-DEPARTMENTAL MEMORANDUM**

**Date:** December 21, 2020

**To:** Sheriff's Office Personnel  
**From:** Sergeant J. Smith S-888  
**Subject:** **ADA Provisions and/or Accommodations** for Inmate Doe, Johns BK# 21-12345

Inmate Doe has been identified as having a disability and requests the following accommodations while in our custody. When interacting with Inmate Doe, please ensure that Policy #8-1000, Inmates with a Disability, as well as the following are followed:

1. Inmate Doe will be assigned to **bottom bunk and lower tier.**
2. Inmate Doe may have use **of wheelchair.**
3. **Inmate Doe is expected to participate in all housing unit activities given the allotted time necessary to accommodate their disability.** Inmate Doe is not to receive IRT's or DAR's for moving slower during normal routine operations. For example, not standing for headcount or not locking down **as quickly.** **(Inmate is NOT exempt from taking part in headcounts.)**
4. Inmate Doe is to be afforded the same privileges as other inmates as it relates to programs under Policy 8-1004.
5. The Zone Sergeant will review this accommodation on post with the deputy assigned at the beginning of the shift & document the review in the Deputy's Activity Log in CJRMS.
6. Captain B. Lindsey is assigned as a staff liaison and will meet with Inmate Doe weekly. Documentation will be maintained in CJRMS.

Inmate Doe has the right to file a grievance in respect to this ADA Special Directive. His status is to be reviewed by Inmate Services.

CC:

ARLINGTON COUNTY SHERIFF'S OFFICE  
INTER-DEPARTMENTAL MEMORANDUM

Date: May 3, 2021

To: Sheriff's Office Personnel  
From: Sergeant Young S456  
Subject: **ADA Provisions and/or Accommodations** for Inmate Smith, David BK# 21-2345

Inmate Smith has been identified as having a disability. Inmate Smith has a **hearing impairment in his right ear** and requests the following accommodations while in our custody. When interacting with Inmate Smith, please ensure that Policy #8-1000, Inmates with a Disability, as well as the following are followed:

1. **Inmate Smith has been issued a hearing aid by Medical.**
2. **Staff are to physically go to Inmate Smith's cell to make all notifications. (shift change, inspections, meal service, recreation, medication, etc.) This will be required until a Visual Pager is available/issued.**
3. **Inmate Smith will be notified of head count, meal service, rec time, visits or other notifications by using the pager alert system. If Inmate Smith does not acknowledge, the staff member will make the notification by going to his door. If the inmate refuses, the refusal will be documented in CJRMS.**
4. **Visual alert pagers will be exchanged at shift change. Ensure the issued pager is operative and the toggle switch is positioned to "on". 2 pagers have been assigned to Inmate. When one pager is not in use it will be connected to the charger. Pager operation only requires the page button to be pressed on the base station at the Deputy's station. When the page button is activated on the base, the visual alert pager in the inmate's possession will vibrate until the page button on the base is pressed again to turn it off.**
5. Inmate Smith has chosen to wear a purple armband for purposes of identifying him as having a hearing impairment.
6. **When speaking to Inmate Smith please ensure you use a clear, loud, audible tone. Ensure Inmate Smith makes eye contact and acknowledges he/she understands the communication, need or instruction.**
7. **Inmate Smith is not to receive IRT's or DAR's for disregarding normal routine operations if his/her disability affects being able to do so. For example, not standing for headcount, not locking down as quickly or speaking loud due to his inability to hear. (Inmate is not exempt from taking part in headcounts or inspections.)**

Device Allowances

Process Changes

Exceptions

ARLINGTON COUNTY SHERIFF'S OFFICE  
INTER-DEPARTMENTAL MEMORANDUM

Date: March 29, 2021  
Updated: April 1, 2021

**To:** Sheriff's Office Personnel  
**From:** Sergeant Smith S222  
**Subject:** **ADA Special Directive: Provisions and / or Accommodations** for Inmate Jackson, Michael  
BK# 2020-1212

Inmate Jackson has been identified as being **hearing impaired** and requires the following accommodations. When interacting with Inmate Jackson please ensure that Policy #8-1000, Inmate with Disabilities as well as the following are followed:

1. **Visual Alert pager** will be issued.
2. **Inmate Jackson will be notified of head count, meal service, rec time, visits or other notifications by using the pager alert system. If inmate does not acknowledge, the staff member will make the notification by going to his door. If the inmate refuses, the refusal will be documented in CJRMS.**
3. **Visual alert pagers will be exchanged at shift change.** Ensure the issued pager is operative and the toggle switch is positioned to "on". 2 pagers have been assigned to Inmate. When one pager is not in use it will be connected to the charger. Pager operation only requires the page button to be pressed on the base station at the Deputy's station. When the page button is activated on the base, the visual alert pager in the inmate's possession will vibrate until the page button on the base is pressed again to turn it off.
4. Inmate Jackson is not to be **housed near the sally port door** of any housing unit.
5. **Due to the nature of Inmate Jackson' disability, all written communications should be read and explained to the inmate by ACSO staff.** This is especially true for documents **requiring his signature, such as legal forms, all disciplinary and administrative forms.** Once Inmate Jackson indicates an understanding of the forms and whatever actions, it requires, he should be allowed to place his initials on the page. Staff should write "Read by" and provide their signature and badge number. Staff will then make entry of the event in the inmate's activity log to indicate what was read and when. **In the case of medical forms, all communications will be handled by Corizon Staff.**
6. **In the event that Inmate Jackson has to prepare written communications (e.g., referrals, legal requests, Inmate Grievances, etc.), an Inmate Service Counselor will be contacted.** Inmate Jackson will relay his need, and the ISC will complete the appropriate documentation on his behalf and submit it in accordance with policy and procedure. The ISC counselor will also make the appropriate entry on the inmate's Activity Log to record that the request was completed.

# ADA Accommodation Closing

ADA Accommodations are an essential part of ensuring that the rights of those who are disabled in our community are protected. They ensure that they are given fair and non-discriminatory treatment throughout our Federal, State, and Local systems. We must continually challenge ourselves to think outside of the box and use best practices concerning those in our care with disabilities. Remember team, in the words of David Fram of the National Employment Law Institute, when addressing ADA, the magic words are----

**“How Can We Help You?”**