



**DEPARTMENT OF CORRECTIONS**  
**Institutions**



<b>Title:</b>	<b>Effective Communication for Deaf/Hearing Impaired Inmates</b>	<b>Policy: 40.2.11</b>
<b>Effective:</b>	<b>5/15/12</b>	<b>Supercedes: N/A</b>
<b>Applicability: All Institutions and Functional Units</b>		
<b>Directives Cross-Reference: None</b>		
<b>Attachments: None</b>		

**I. PURPOSE**

The purpose of this policy is to establish staff responsibilities and procedures for ensuring that deaf and hearing-impaired inmates are afforded access to necessary hearing assessments and to auxiliary aids/services when required to permit deaf and hearing-impaired inmates to communicate effectively with others in accessing and participating in department programs, services, and activities.

**II. DEFINITIONS**

- A. **Auxiliary Aids and Services:** Include, but are not limited to, qualified interpreters or other effective methods of making aurally delivered materials available to individuals with hearing impairments, such as, computer-aided transcription services, closed caption decoders, open and close captioning, TDDs, TTYs, videotext displays, written materials, as well as videophones, access to telephone relay services, and visual alert or alarm systems.
- B. **Deaf and Hearing-Impaired Inmates:** Inmates who are unable to hear well enough to rely on their hearing as a means of processing information and who rely on auxiliary aids and services to effectively communicate and who qualify as individuals with disabilities under applicable state and federal laws. Inmates whose hearing is corrected by hearing aids so that they can understand the spoken word and communicate orally are not “deaf and hearing impaired inmates” within the meaning of this policy.
- C. **Direct Threat:** A significant risk to the health or safety of the deaf or hearing-impaired inmate that cannot be reduced or eliminated by reasonable accommodation.
- D. **Effective Communication:** Communication with deaf and hearing-impaired inmates that is substantially as effective as communication with the general inmate population, and will, when necessary, include the provision of appropriate auxiliary aids and services, such as qualified interpreters.
- E. **Qualified Interpreter:** An interpreter who is able to interpret effectively, accurately, and impartially both receptively and expressively, using any necessary specialized vocabulary. Inmates will not be used as qualified interpreters.

### III. POLICY

#### A. General Policies

##### 1. Non-discrimination Based on Disability:

- a. It is the policy of the Department of Corrections to make its inmate programs, services, and activities available to inmates on an equal and nondiscriminatory basis, without regard to disability, in a manner that is consistent with applicable state and federal nondiscrimination laws.
- b. The department will provide deaf and hearing-impaired inmates access to auxiliary aids and services without cost to the inmate when required for effective communication in accessing and participating in department programs, services and activities.
- c. As authorized by law, the department retains the authority and discretion to deny deaf and hearing-impaired inmates access to and participation in certain inmate activities when the department determines that a particular activity presents a direct threat of injury or death to the inmate, or the inmate's participation in the activity would affect or require a fundamental change in the nature of the program, service or activity.

##### 2. Services Coordinator for Deaf and Hearing-Impaired Inmates:

- a. The department's ADA coordinator shall serve as the department's services coordinator for deaf and hearing-impaired inmates.
  - 1) The services coordinator will be trained and knowledgeable concerning the requirements of applicable state and federal laws regarding the provision of auxiliary aids and services to deaf and hearing-impaired inmates.
  - 2) The services coordinator may consult with the Oregon Department of Human Services, Deaf and Hard of Hearing Services Program (ODHHS); U.S. Department of Justice, Civil Rights Division; Disability Rights Oregon (DRO); Oregon Department of Justice; and such other resources as the services coordinator deems appropriate in coordinating and overseeing the department's effective communication policy and services for deaf and hearing-impaired inmates.
- b. The service coordinator's name and contact information will be kept updated on the department's website. The name and contact information for the services coordinator and for the institution ADA coordinator will be posted in a secure area in any housing unit in which deaf and hearing-impaired inmates are held.
- c. The services coordinator, institution ADA coordinator, and the inmate's correctional counselor will together meet with each deaf and hearing-impaired inmate at least once yearly, utilizing the services of a qualified interpreter or other auxiliary aids or services as required for effective communication, to review the inmate's programming and communication needs and to discuss any issues of concern.

- 1) The services coordinator and institution ADA coordinator will jointly prepare and provide to the institution functional unit manager a brief written report following these review meetings summarizing the inmate's status, communication needs, and any issues of concern.
- 2) The institution functional unit manager will share the contents of these summary reports with the institution functional unit manager's management team.

## **B. Intake Processing**

### **1. General Policy**

The department will provide a deaf or hearing-impaired inmate at Intake with access to a qualified interpreter or other auxiliary aid or service as required providing effective communication to assist the inmate with medical, psychological, and educational assessments, and to help explain the department's rules and facility policies and procedures to the inmate.

### **2. Hearing Assessment**

As part of the department's intake processing of each inmate, Health Services staff will assess and, if necessary, test an inmate for hearing loss/impairment. Health Services staff will obtain and review records from the community, county jail incarceration, and court records, if available, as part of its assessment of the inmate. If Health Services staff determine that an inmate is deaf or has a substantial hearing impairment, Health Services staff will note the disability in the inmate's institutional file and in the department's computerized records.

### **3. Auxiliary Aids and Services Assessment**

- a. After Health Services staff determine that an inmate is deaf or hearing-impaired, the department will presume that auxiliary aids and services in the form of qualified interpreters, visual notifications, telecommunication devices, or other aids and services are required for the inmate to effectively communicate with others in accessing and participating in department programs, services and activities.
- b. If a deaf or hearing-impaired inmate indicates that he or she does not require or want any or all auxiliary aids and services he or she will sign a Waiver of Auxiliary Aids and Services, a copy of which will be maintained in the inmate's institution file and in the department's computerized inmate records.

### **4. Ensuring Staff Awareness**

- a. The institution functional unit manager or designee, in consultation with the institution ADA coordinator and services coordinator, will take appropriate steps to ensure that department staff having regular contact with a deaf or hearing-impaired inmate is made aware of the inmate's need for auxiliary aids and services.
- b. The institution functional unit manager or designee, in consultation with the institution ADA coordinator will ensure a notice is posted at the entrance to all

facilities that house deaf and hearing-impaired inmates, and outside each housing unit where deaf and hearing-impaired inmates are assigned -- a notice clearly stating that the facility and unit houses deaf and hearing-impaired inmates.

5. Interpretation of Written Materials

The institution functional unit manager or designee, in consultation with the services coordinator and institution ADA coordinator, will ensure that deaf and hearing-impaired inmates are provided written materials in a format that is interpreted when required for effective communication and understanding of the contents of the written materials. Written materials may be interpreted and provided to the inmate:

- In a recorded, video sign language interpreted, or otherwise appropriately interpreted, format ("interpreted materials") that can be accessed and viewed by the inmate in the institution with the appropriate equipment; or
- By providing a qualified interpreter.

**C. Access to Auxiliary Aids and Services When Required for Effective Communication**

1. The services coordinator, in conjunction with institution ADA coordinators, will ensure that deaf and hearing-impaired inmates are provided access to auxiliary aids and services when required for effective communication in accessing and participating in department programs, services and activities, in a manner that is consistent with state and federal nondiscrimination laws. Affected programs, services and activities include, but are not limited to the following:

- Intake assessments and classification
- Institution admission and orientation presentations
- Medical and mental health services
- Substance abuse and other treatment programs
- Inmate work and education programs
- Program, housing, classification, sentence computation and release, and other status reviews
- Disciplinary hearings, grievance, discrimination complaint, and other administrative processes for review of decisions and actions by department staff affecting inmates

2. Auxiliary aids and services for deaf and hearing-impaired inmates may include, but are not limited to the following:

- Aural materials
- Handwritten or typed notes if the communication is short and simple
- Qualified sign language interpreters if the communication is not short and simple (either in person or video interpretation) and for large meetings or events
- Real-time captioning for large meetings or events
- Open or closed captioning of video materials
- Written transcripts
- Other methods of making aurally delivered materials accessible to people with hearing impairments

3. When an auxiliary aid or service is requested by a deaf or hearing-impaired inmate, the institution ADA coordinator will consult with the inmate to assess what auxiliary aid(s) will be effective. Staff will give primary consideration to the inmate's choice unless another equally effective means of communication is available, and provision of the auxiliary aid or service requested by the inmate would result in an undue financial or administrative burden to the department or a fundamental alteration of program, services or activity.
4. Whenever the department provides a deaf or hearing-impaired inmate with the services of a qualified interpreter to permit effective communication, the department may do so by providing the qualified interpreter in person or via video remote interpreting (VRI), videoconferencing, or through other similar means.
5. The institution functional unit manager or designee, institution ADA coordinator, and other functional unit staff will consult with the services coordinator when considering provision or denial of auxiliary aids or services. Staff shall promptly provide notice to the inmate, not to exceed 30 days or as soon thereafter, by notifying the individual of the proposed auxiliary aid to be provided, no surcharge or fee will be assessed the inmate for the provision of auxiliary aids and services.

#### **D. Continuation of Provision of Auxiliary Aids and Services**

1. After conducting the initial assessments at intake, and documenting an inmate's hearing disability and need for auxiliary aids and services for effective communication in the inmate's institution file and in the department's computerized records, functional unit staff will continue to provide auxiliary aids and services to the inmate unless the inmate affirmatively indicates that he or she does not want such services, or the department determines that the inmate no longer requires such services.
2. If Health Services staff determine at intake that an inmate is not a deaf or hearing-impaired inmate that requires auxiliary aids or services for effective communication, or if the inmate initially refuses or does not request access to an auxiliary aids and services, but later believes that auxiliary aids and services are required for effective communication, institution Health Services staff will work with the services coordinator and institution ADA coordinator to provide the inmate with an assessment and determination of the inmate's need for access to auxiliary aids or services for effective communication upon receiving a written request from the inmate, if warranted.

#### **E. Grievances/Discrimination Complaints**

Inmate grievances and discrimination complaints submitted by a deaf or hearing-impaired inmate regarding perceived or actual barriers to access or participation in department programs, services and activities, or regarding auxiliary aids or services or other effective communication issues, will be routed to the services coordinator for review and response.

### **IV. IMPLEMENTATION**

This policy will be adopted immediately without further modification.

Certified: signature on file  
Birdie Worley, Rules Coordinator

Approved: signature on file  
Mitch Morrow, Deputy Director