

## 5-12/005.10 Handling of Inmates with Mobility and/or Sensory Impairments

The Americans with Disabilities Act of 1990 (ADA) and California Civil Code section 54.1 (the California Disabled Persons Act) provide in general that no disabled individual shall be excluded from participation in, denied the benefits of, or be subjected to discrimination in any services, programs, or activities of a public entity based upon the disability.

The ADA and California Disabled Persons Act apply to all custody facilities that house inmates with mobility and/or sensory impairments. Inmates with disabilities are entitled to the same rights, privileges, and services as other inmates of the same level of classification. In accordance with the ADA, inmates with mobility and/or sensory impairments shall be allowed to participate in inmate programs available in custody facilities.

### HOUSING

Inmates with mobility and/or sensory impairments shall be housed at designated housing areas equipped and staffed to provide reasonable accommodations, i.e.; telephones, lower bunks, sinks, shower benches, toilets and assistive devices. Inmates requiring a lower bunk indicated by medical personnel shall be assigned to one in an expeditious manner. If an inmate with a mobility and/or sensory impairment cannot be assigned to a lower bunk pursuant to CDM section 5-03/045.00 "Inmate Lower Bunk Assignments" and/or if AJIS records do not indicate a lower bunk assignment, and the inmate otherwise cannot be reassigned to a lower bunk, custody personnel shall instruct the inmate to submit an Inmate Request Form.

Shower access shall be available at least every other day or more often if possible. Benches shall be available in the shower areas to accommodate inmates with mobility impairments. Custody personnel should allow extra time for inmates to shower due to their physical impairments. Refer to CDM section 5-13/040.00 "Showering."

### ACCOMMODATIONS

Inmates with mobility impairments shall receive reasonable accommodations when they request them and as prescribed by LASD medical professionals.

Initial decisions and ongoing evaluation regarding an inmate's need for a mobility assistive device are made by Correctional Health Services (CHS). These devices shall be made available by custody personnel.

A watch commander who believes possession of a medical orthopedic or prosthetic appliance poses a security risk shall remove the appliance from the inmate, and CHS personnel shall examine the appliance within 12 hours of removal. The watch commander shall consider the following when determining if the appliance is to be returned to the inmate; CHS personnel's evaluation, the inmate's security level, special handle classification and or prior history of assaults towards staff or other inmates. The Custody Service Division ADA coordinator and the unit compliance lieutenant shall be notified within 12 hours with the final determination. Prostheses will be returned to the inmate within 24 hours if not determined to pose a security risk. Refer to CDM 5-03/080.00 "Medical Appliances."

As soon as practicable, custody personnel shall provide thermal clothing and/or extra blankets to mobility impaired inmates who have been prescribed such items as a reasonable accommodation for their disability.

Refer to CDM 8-03/030.00 "ADA-Related Requests and Grievances."

Custody personnel shall provide reasonable assistance to inmates with mobility and/or sensory impairments in the movement to and from attorney visits. Extra time shall be permitted to travel to inmate visiting and attorney and professional room visits. Refer to CDM section 5-10/010.00 "Inmate Visiting" and CDM section 5-10/030.00, "Attorney and Professional Room Visits".

Inmates in wheelchairs or other mobility aids shall continue to be transported in accessible vans and safely secured during transportation.

## **ACCESS TO PROGRAMS**

Unless inmates are restricted by medical personnel for medical reasons, by mental health personnel for mental health reasons, or by the unit commander (or their designee) for discipline, safety, or security reasons, custody personnel shall not exclude inmates with mobility and/or sensory impairments from regular scheduled recreation, programs, and activities. Custody personnel shall provide inmates with mobility and/or sensory impairments with reasonable assistance in movement to and from their housing location, and accommodations while in custody including but not limited to the following:

- Provide reasonable assistance to attend town hall meetings. Information regarding all available inmate programs shall be provided during town hall meetings in either paper or electronic form. Refer to CDM section 5-14/005.00, "Town Hall Meetings."
- Provide inmates reasonable assistance to attend all education programs provided by Education Based Incarceration (EBI). Refer to CDM section 5-13/130.00 "Inmate Education."
- Unless an inmate is disqualified for security reasons or by medical personnel, inmates with mobility and/or sensory impairments shall have the opportunity to work as an inmate worker on the same floor on which they are housed. Refer to CDM section 5-01/020.00 "Inmate Worker Assignments" and CDM section 5-01/025.00 "Housing Area Inmate Workers."

## **OUTDOOR RECREATION**

Recreational activities shall be available to all inmates with mobility and/or sensory impairments. Inmates shall have a minimum of three (3) hours of activities over a period of seven (7) days. Custody personnel shall allow mobility impaired inmates to travel outside housing areas for recreation activities with their prescribed assistive device (such as a wheelchair or crutches), if any. In addition, custody personnel should allow extra time for inmates with mobility impairments to travel to and from their housing location. For recordkeeping purposes, the inmates' recreation time begins when inmates arrive at the recreation location. Effort shall be made to rotate the starting times of inmate recreational activities between housing locations to ensure fairness when possible. Refer to CDM section 5-13/120.00 "Exercise and Recreation."

## **GRIEVANCES**

The inmate grievance form shall include an "ADA" box. Regardless of whether the inmate who filed the grievance checked or did not check the "ADA" box, all grievances involving mobility assistive devices and physical accessibility within the facility shall be designated as "ADA." The response time for ADA grievances

shall not exceed the current grievance policy. Refer to CDM 8-03/030.00, "ADA-Related Requests and Grievances," and CDM 8-04/040.00, "Time Frames." "ADA" grievances shall not be designated as basic grievances. Refer to CDM 8-03/005.00, "Inmate Grievances" and CDM 8-03/030.00, "ADA-Related Requests and Grievances."

## **ADA COORDINATOR**

ADA coordinators shall have authority to make recommendations regarding the provision of reasonable accommodations to inmates with mobility and/or sensory impairments including, when necessary, the authority to bring issues to the attention of the Unit Commander and if necessary the Custody Division Chief for resolution.

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