

## **5-03/085.00 Handling of Inmate 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 Automated Justice Information System (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 (SH-J-437).

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 Correctional Health Services (CHS) personnel. Initial decisions and ongoing evaluation regarding an inmate's need for a mobility assistive device are made by CHS. Refer to CDM section 5-03/080.00, "Handling of Medical Appliances."

A watch commander who believes possession of a medical orthopedic or prosthetic appliance or footwear item poses a security risk shall adhere to procedures delineated in CDM sections 5-03/080.10, "Orthopedic or Prosthetic Medical Appliances," and 5-03/080.15, "Wheelchairs for Paraplegic or Quadriplegic Inmates."

Inmates with mobility and/or sensory impairments shall receive thermal clothing as a reasonable accommodation for their disability. Custody personnel shall ensure inmates classified as such receive thermal clothing upon their arrival to an ADA housing module, and exchange soiled thermals with clean thermals during weekly laundry exchange. Individual facilities may distribute thermal clothing bi-weekly so long as two sets of thermal clothing are provided with each laundry exchange.

Custody personnel shall provide reasonable assistance to inmates with mobility and/or sensory impairments

in the movement to and from court and attorney visits. Extra time shall be permitted to travel to inmate visiting and attorney and professional room visits. Refer to CDM sections 5-10/010.00, "Inmate Visiting," and 5-10/030.00, "Attorney and Professional Room Visits."

Inmates whose special handle classification is [REDACTED TEXT] (Wheelchair) shall be allowed to take their wheelchairs from their housing facility for transportation to court and medical appointments, and shall be safely secured in wheelchair-accessible vans during transportation.

Inmates with a [REDACTED TEXT] classification (Prosthetic, Crutches, Cane, or Walker) will be safely secured and transported to court in a Court Services Transportation (CST) bus. In instances where an inmate with a [REDACTED TEXT] classification is unable to board the CST bus, the concerned facility shall provide reasonable accommodations in arranging for alternative transportation (i.e., radio car or van) of the inmate to court.

### 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:

- 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."
- Reasonable assistance to attend all education programs provided by Education Based Incarceration (EBI). Refer to CDM section 5-13/130.00 "Inmate Education."
- Opportunity to have their eligibility for work assignments, including those on the same floor on which they are housed, determined by Population Management Bureau (PMB) personnel and CHS, as applicable. Refer to CDM section 5-01/020.00, "Inmate Worker Assignments."

### 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. When possible, the starting times of inmate recreational activities shall be rotated between housing locations to ensure fairness. Refer to CDM section 5-13/120.00, "Exercise and Recreation."

### Grievances

All inmate grievances involving mobility assistive devices and physical accessibility within the facility shall be

designated as ADA, regardless of whether the inmate who filed the grievance checked or did not check the "ADA" box. ADA grievances shall be handled in accordance with CDM sections 8-03/030.00, "ADA-Related Requests and Grievances," and 8-04/040.00, "Time Frames."

#### 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 concerned division chief for resolution.

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