

08-05 (Revised 06/22/2010) HANDLING INMATES THAT ARE DEAF OR HARD OF HEARING

Number 08-05

REVISED: 06/22/2010

Effective November 1, 2008

HANDLING INMATES THAT ARE DEAF OR HARD OF HEARING

PURPOSE

The purpose of this directive is to provide direction to Court Services personnel on how to interact with deaf or hard of hearing persons and how to properly identify deaf or hard of hearing inmates scheduled to appear in court.

DEFINITIONS - EFFECTIVE COMMUNICATION:

The general Effective Communication requirement under the Title II of the Americans with Disabilities (ADA) Act requires all state and local governments, law enforcement agencies included, take steps to ensure that their communications with people with disabilities are as effective as communications with others. Additionally, government entities are required to make appropriate auxiliary aids and services available to ensure effective communication with people who are deaf or hard of hearing. These include a wide range of services and equipment such as: written materials in alternate format, note takers, teletypewriters (TTYs), assistive listening devices (ALDs), and qualified sign language interpreters.

BACKGROUND

A lawsuit was filed by Mr. Humberto Suarez, a deaf inmate, against the Los Angeles County Superior Court and the Los Angeles County Sheriff's Department. Mr. Suarez

alleged that he was not provided a qualified sign language interpreter to ensure effective communication which led to his eight day incarceration. As a result, the 9th Circuit Court of Appeals recommended that the Department establish protocol to ensure effective communication is provided pursuant to Title II of the American's with Disabilities (ADA) Act and to minimize the risk in a similar event.

DEAF OR HARD OF HEARING INMATES FROM CUSTODY FACILITIES

Inmates classified as deaf or hard of hearing are housed in a designated module at TTCF and CRDF and are issued a jail uniform consisting of an orange shirt and dark blue pants in accordance with CDM 5-01/015.00. In addition, the deaf or hard of hearing inmates are issued a green wristband (CDM 5-01/030.00) that displays the letter "D", indicating the inmate is deaf or hard of hearing.

Lockup personnel shall utilize the Special Handling Court list to identify the deaf or hard of hearing inmates scheduled to appear in court that day. Lockup personnel, upon identifying this class of inmates, shall ensure they are placed in a holding cell designated for deaf or hard of hearing inmates.

Deputy personnel shall immediately make contact with the inmate to determine if a qualified sign language interpreter or other assistive listening device(s) will be needed.

Deputy personnel shall notify a supervisor and the Court Clerk in the respective courtroom, of the deaf or hard of hearing inmate's court appearance and whether a qualified sign language interpreter or other assistive listening device(s) will be required.

HANDLING NEW BOOKINGS

When lockup personnel receives new bookings who are deaf or hard of hearing, lockup personnel shall complete a special handling card and ensure the inmate is placed in a

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holding cell designated for deaf or hard of hearing inmates. Lockup personnel shall notify a supervisor and the Court Clerk in the respective courtroom, of the deaf or hard of hearing inmate's court appearance and whether a qualified sign language interpreter or other assistive listening device(s) will be required.

HANDLING REMANDS

When a deaf or hard of hearing inmate is remanded in court, the bailiff must complete a special handling card and ensure the inmate is placed in a holding cell designated for deaf or hard of hearing inmates. It is the bailiff's responsibility to ensure the special handling card is given to lockup personnel.

SPECIAL HANDLING TRANSPORTATION FROM COURT

When an inmate who is deaf or hard of hearing is returning to a custody facility, the inmate shall be transported by Transportation Bureau to either the Inmate Reception Center or the Century Regional Detention Facility. Custody Division personnel shall then ensure that the inmate is returned to their appropriate housing facility.

When an inmate (new booking) or court remand that is deaf or hard of hearing is being transported to a custody facility, the completed special handling card shall be given to deputies from Transportation Bureau. The inmate shall be transported to either the Inmate Reception Center or the Century Regional Detention Facility where the inmate will be processed, medically screened, classified, and housed in the appropriate location by Correctional/Custody Division personnel.

TELETYPEWRITER (TTY) USAGE

Title II of the ADA requires that auxiliary aids or devices be provided to ensure effective communication and equal access to programs and services is provided. Therefore, the

same standards, programs, and services provided to able-bodied inmates in accordance to Title 15, shall be provided to inmates with disabilities.

A deaf or hard of hearing inmate in lockup at a court facility requesting the use of a TTY shall be accommodated. Calls made using a TTY require typing messages back and forth; therefore, allowing double the allotted time given for a telephone call made by hearing inmates, is necessary to ensure that equivalent conversation time is provided. Lockup personnel shall notify either the Sheriff's Office or Civil Management Unit Office at their respective court and request that the TTY be made available. The TTY shall be set up in a place where security is not compromised and the safety of Department personnel and the inmate shall always be considered.

The California Relay Service can be reached at the following numbers:

- Voice- 1-800 735-2922
- TTY- 1-877 735-2929

For further information regarding TTY set up and usage, refer to the attached user guides: Superprint 4425 Manual (attachment #1), Superprint 4425 Quick Guide (attachment #2), and Superprint 4425 Get Started (attachment #3).

ASSIGNED RESPONSIBILITY: SIGN LANGUAGE INTERPRETER OR ASSISTIVE LISTENING DEVICE REQUESTS

Communication between Sheriff's Department personnel and Superior Courts staff is essential in ensuring that effective communication is provided to the deaf or hard of hearing inmates. It is important that Sheriff's personnel understands each Department's requirement to provide a qualified sign language interpreter.

In all courtroom proceedings, it is the Courts responsibility to provide effective

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communication to include qualified sign language interpreters and/or assistive listening devices for an inmate who is deaf or hard of hearing, when necessary.

Interactions occurring between deaf or hard of hearing inmates and Sheriff's personnel in lockup (e.g. medical situations, Use of Force incidents, etc.), it is the responsibility of the Sheriff's Department personnel to provide effective communication to include qualified sign language interpreters and/or assistive listening devices for an inmate who is deaf or hard of hearing, when necessary.

Contact Sheriff's Headquarters Bureau at (323) 526-5541 to request a qualified sign language interpreter (MPP5-09/005.30 Communicating Through A Sign Language Interpreter).

ADA COORDINATORS

On January 4, 1994, the Los Angeles County Board of Supervisors established County policy of non-discrimination on the basis of disability (**#3.060**) in accordance with the ADA of 1990. The policy mandates that each County Department designate an ADA Coordinator to ensure compliance with the non-discrimination provisions of the ADA.

It is important that all Court Services personnel be aware of the appropriate Department ADA Coordinator to contact for assistance regarding ADA compliance issues.

For further ADA compliance matters relating to the Superior Courts, contact Nagi Ghobrial, ADA Coordinator at (213) 974-5426.

For additional information regarding effective communication or other ADA compliance matters, contact Marie Villalobos, Sheriff's Department ADA Coordinator at (323) 526-5675.

APPROVED: ORIGINAL SIGNED

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