

 <p style="text-align: center;">Massachusetts Department of Correction <b>STANDARD OPERATING PROCEDURE</b></p>	Effective Date	Responsible Division  Deputy Commissioner, Clinical Services and Reentry
	3/26/2024	
	Annual Review Date	
	3/26/2024	
Policy Name	M.G.L. Reference: M.G.L. c. 19C; M.G.L. c. 22, §13A; M.G.L. c. 124, §§1 (c) and (q); 42 U.S.C. §12101 et seq.; 28 C.F.R. §§ 35.130(h), 35.139(a)-(b), 35.150(a)(3)	
<b>STANDARD OPERATING PROCEDURE (SOP) TO 103 CMR 408, REASONABLE ACCOMMODATIONS FOR INMATES</b>	DOC Policy Reference: 103 DOC 408; 103 CMR 482; 103 DOC 488	
	ACA/PREA Standards: <a href="#">Click here to enter text.</a>	
	Applicability: Staff/Inmates	
Attachments Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Inmate Library Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
Public Access Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Location: Department Central Policy File Superintendents/Division Heads Policy Files	
<b>PURPOSE:</b> This standard operating procedure (SOP) to 103 DOC 408, <i>Reasonable Accommodations for Inmates</i> is intended to address Department of Correction (Department) incarcerated individual requests and/or needs for Reasonable Accommodations for Deaf and Hard-of-Hearing inmates which may fall under the Americans with Disabilities Act (ADA) or other provisions of local, state and federal law.		
<b>RESPONSIBLE STAFF FOR IMPLEMENTATION AND MONITORING OF POLICY:</b> Deputy Commissioner, Clinical Services and Reentry Assistant Deputy Commissioner, Clinical Services Department ADA Coordinator Superintendents		
<b>CANCELLATION:</b> 103 DOC 408 cancels all previous Department policy statements, bulletins, directives, orders, notices, rules, or regulations which are inconsistent with this policy.		
<b>SEVERABILITY CLAUSE:</b> If any part of 103 DOC 408 is, for any reason, held to be in excess of the authority of the Commissioner, such decision shall not affect any other part of this policy.		

## **TABLE OF CONTENTS**

Section I	Notifying Inmates of the Reasonable Accommodation Process	3
Section II	Disability Accommodation Resources Assessment	4
Section III	Meetings with Institution ADA Coordinators Regarding Accommodations for Deaf and Hard-of-Hearing Inmates	8
Section IV	Documentation Regarding Reasonable Accommodations for Deaf and Hard-of-Hearing Inmates	8
Section V	Tracking Deaf and Hard-of-Hearing Inmates in Department Custody	9
Section VI	Qualified Sign Language Interpreters	10
Section VII	Telecommunication	16
Section VIII	Visual and Tactile Notifications	21
Section IX	Housing Determinations	26

## **ATTACHMENTS**

Attachment #1	Housing Unit Pager Accountability Sheet	28
---------------	---	----

**PURPOSE:**

The purpose of the Standard Operating Procedure (SOP) for Deaf and Hard-of-Hearing inmates in the Department’s custody is to provide clear guidelines, practices, rules, and expectations for all personnel and inmates regarding policy 103 DOC 408, *Reasonable Accommodations for Inmates*. This SOP defines the process for: notification of Reasonable Accommodations; the assessment of Deaf and Hard-of-Hearing inmates; the care, treatment, and accommodation of Deaf and Hard-of-Hearing inmates; the identification and tracking of Deaf and Hard-of-Hearing inmates; the provision of Qualified Sign Language Interpreters; the provision of telecommunication devices; the provision of visual and tactile notifications of non-emergency announcements to Deaf and Hard-of-Hearing inmates; and consideration of a Deaf or Hard-of-Hearing inmate's request at classification hearings to be housed at a Department Institution that already houses another Deaf or Hard-of-Hearing inmate.

**SECTION I:            NOTIFYING INMATES OF REASONABLE ACCOMMODATIONS PROCESS**

- A.     If, at any time during an inmate's incarceration, the inmate informs a Department staff member that they are having hearing difficulties or a Department staff member observes that an inmate may be having hearing difficulties, the staff member should notify the inmate that:
  - 1.     They may seek accommodations per the 103 DOC 408, *Reasonable Accommodations for Inmates* policy; and
  - 2.     They may also submit a sick call slip requesting to be seen by the Contract Medical Provider for an evaluation.
  
- B.     If, at any time during an inmate's incarceration, an Institution ADA Coordinator is informed by an inmate or a member of the Department’s staff or observes that an inmate may be having hearing difficulties, the Institution ADA Coordinator shall notify the inmate that:
  - 1.     They may seek accommodations per the 103 DOC 408, *Reasonable Accommodations for Inmates* policy; and
  - 2.     They may also submit a sick call slip requesting to be seen by the Contract Medical Provider for an evaluation.
  
- C.     The Department’s Health Services Division shall ensure that its Contract Medical Provider conducts a hearing screening of any inmate not previously identified as Deaf or Hard-of-Hearing who:
  - 1.     Initiates a request for reasonable accommodation by reporting a hearing disability;
  - 2.     Submits a sick call slip or makes a verbal report to medical staff concerning hearing issues; or

3. Medical staff identifies as having potential hearing issues.

## **SECTION II: DISABILITY ACCOMMODATION RESOURCES ASSESSMENT**

### A. Introduction

The Department ADA Coordinator for Inmates or the Institution ADA Coordinator shall initiate an assessment of inmates who have been identified as Deaf or Hard-of-Hearing, utilizing the **Disability Accommodation Resources Assessment** form (Attachment F to 103 DOC 408, *Reasonable Accommodations for Inmates* policy), no later than **five (5) days** after an inmate has been identified as Deaf or Hard-of-Hearing and shall complete the assessment within **thirty (30) days**, unless additional input about the nature of an inmate's hearing needs has been sought but cannot be obtained within the thirty (30) days. The inmate shall not be required to complete the Request for Reasonable Accommodation form in connection with this initial assessment.

### B. Meeting to Discuss Hearing-Related Accommodations

No more than **five (5) days** after an inmate has been identified as Deaf or Hard-of-Hearing, the Institution ADA Coordinator shall meet with that inmate. The meeting shall address, need not be limited to:

1. The specific hearing-related accommodations available to the inmate; and
2. The inmate's need for such hearing-related accommodation(s).
  - a. If the Deaf or Hard-of-Hearing inmate requires an Auxiliary Aid or Service to effectively participate in the meeting to discuss hearing-related accommodations, it shall be provided. This includes the presence of a Qualified Sign Language Interpreter for Deaf or Hard-of-Hearing inmates whose primary language is American Sign Language (ASL) in accordance with Section VI.
  - b. At this hearing-related accommodations meeting, the Institution ADA Coordinator and the Deaf or Hard-of-Hearing inmate shall discuss the inmate's areas of hearing-related need (*e.g.*, making phone calls, receiving instructions, participating in programming, etc.) and the inmate's preferred method of communication and of receiving information (*e.g.*, lip-reading, written language, ASL, *etc.*).
  - c. The Institution ADA Coordinator shall provide the Disability Accommodation Resources Assessment form, which includes the Index of Terms, directly to the Deaf or Hard-of-Hearing inmate with a list of hearing-related Auxiliary Aids and Services that have been approved for use in Department Institutions in appropriate circumstances (*e.g.*, interpreter

services, CART, physical devices that have passed a security review). Where necessary, including when the Deaf or Hard-of-Hearing inmate is unfamiliar with any of the listed Auxiliary Aids or Services, the Institution ADA Coordinator shall explain the Auxiliary Aids and Services available to the Deaf or Hard-of-Hearing inmate, including what hearing-related need area they may help address and how. The Institution ADA Coordinator and the Deaf or Hard-of-Hearing inmate may also discuss any other topics that are relevant to the inmate's hearing-related needs, including whether the inmate has previously used other Auxiliary Aids or Services, not included on the provided list of available accommodations. The Institution ADA Coordinator shall document the substance of their discussion, including the inmate's preferred form of communication. The documentation of the discussion will be stored in the inmate's ADA Record.

- d. Based on the information provided, the Deaf or Hard-of-Hearing inmate shall indicate on the Disability Accommodation Resources Assessment form which Auxiliary Aids or Services they believe are necessary to enable them to effectively communicate and participate in Department programs, services, and activities. The Institution ADA Coordinator shall document which Auxiliary Aids and Services the inmate has selected in the inmate's ADA Record.

C. Institution ADA Coordinator Review of Deaf or Hard-of-Hearing Inmate's Request for Auxiliary Aids and Services

The Institution ADA Coordinator shall review the Deaf or Hard-of-Hearing inmate's selection of Auxiliary Aids and Services on the Disability Accommodation Resources Assessment form and, within **thirty (30) days**, shall determine which accommodations shall be approved and provided to the Deaf or Hard-of-Hearing inmate unless additional input about the nature of an inmate's hearing needs has been sought but cannot be obtained within the thirty (30) days. In making this decision, the Institution ADA Coordinator shall give primary consideration to the preference expressed by the inmate for particular Auxiliary Aids or Services. Primary consideration means the Department will honor a Deaf or Hard-of-Hearing inmate's expressed choice(s) of assistive devices or services when determining what types of Auxiliary Aids and/or Services are necessary to ensure that the inmate is able to communicate effectively and have effective, meaningful, and substantially equal access to Department programs, services, and activities, unless the Department can demonstrate that:

1. Another means of effective communication or access is available; or
2. The means chosen by the inmate would result in a fundamental alteration in the service, program, or activity; in undue financial and administrative burdens; or will result in actual risks or impairment of the safe operation of a Department Institution or the service, program, or activity.

- a. Any decision to deny an Auxiliary Aid or Service selected by an inmate must be based on an individualized assessment of the inmate, and not on any set guidelines, protocols, or threshold levels of hearing loss shown on an inmate's audiogram. Notwithstanding the foregoing, for Deaf or Hard-of-Hearing inmates whose primary language is ASL, the Institution ADA Coordinator shall approve and provide as soon as is feasible: Qualified Sign Language Interpreter services, the telecommunication services of the inmate's choosing, and a visual and/or tactile notification device (*e.g.*, institution-approved receiver/pager and vibrating watch).
- b. The Institution ADA Coordinator shall document the approved Auxiliary Aids or Services in the inmate's ADA Record and in IMS. If the Institution ADA Coordinator denies or modifies any requested Auxiliary Aid or Service, they shall document the reasons for such denial or modification in the inmate's ADA Record and provide documentation of the reasons for denial or modification to the inmate. The Institution ADA Coordinator shall notify the Department ADA Coordinator for Inmates of the following:
  - i. The inmate's requested accommodations;
  - ii. Whether such requested accommodations were granted, denied, or modified; and
  - iii. Where a requested accommodation was denied or modified, the reasons therefor.

The Department ADA Coordinator for Inmates shall document this information in the centralized database that they maintain.

The Institution ADA Coordinator shall render a decision regarding any requested Auxiliary Aids and Services on the Disability Accommodation Resources Assessment form and provide each inmate a copy of their completed Disability Accommodation Resources Assessment form. Additionally, the Institution ADA Coordinator will notify the inmate of the process to appeal any denial or modification of requested Auxiliary Aids or Services.

**D. Appeal of Denial or Modification of Requested Auxiliary Aid or Service**

A Deaf or Hard-of-Hearing inmate shall have the opportunity to appeal the denial or modification of a requested Auxiliary Aid or Service to the Department ADA Coordinator for Inmates. Inmates who verbally or in writing notify the Institution ADA Coordinator they are appealing their decision will have their appeal noted on the Disability Accommodation Resources Assessment form with the date the appeal was requested. The appealed Disability Accommodation Resources Assessment form should be immediately forwarded by the Institution ADA Coordinator to the Department's ADA Coordinator for Inmates for review and response. The Department's ADA Coordinator for Inmates will review the appeal and consult with the Institution ADA Coordinator or any other appropriate Department,

Institution, or contracted Medical/Mental Health staff to render a decision. The Department ADA Coordinator for Inmates shall render a decision on the appeal within twenty (20) business days unless additional input about the nature of an inmate's hearing needs has been sought but cannot be obtained within the twenty (20) business days. If an extension beyond the twenty (20) business days is required, the inmate shall be notified in writing. Depending on the needs of the Deaf or Hard-of-Hearing inmate, Auxiliary Aids and/or Services will be made available to allow the inmate effective access to the appellate process.

E. Supplemental Training from MCDHH and Request for Input

The Department shall coordinate with the Massachusetts Commission for the Deaf and Hard-of-Hearing (MCDHH) or other community resources to provide Institution ADA Coordinators with supplemental training regarding the Auxiliary Aids and Services available to Deaf and Hard-of-Hearing inmates. Additionally, the Department shall coordinate with MCDHH or other community resources to prepare approved language that Institution ADA Coordinators should use to explain the Auxiliary Aids and Services available to Deaf and Hard-of-Hearing inmates.

1. Institution ADA Coordinators who have not yet received the supplemental training may initiate the initial assessment within five (5) days after an inmate has been identified as Deaf or Hard-of-Hearing if they use this approved language. However, they may not complete the initial assessment or issue any decision denying the preferred Auxiliary Aids or Services sought by a Deaf or Hard-of-Hearing inmate unless they:
  - a. Receive input from MCDHH or a qualified specialist recommended by MCDHH; or
  - b. Consult with an Institution ADA Coordinator who has already received the supplemental training or the Department ADA Coordinator for Inmates.
2. An Institution ADA Coordinator who has received the supplemental training may solicit input and/or assistance from MCDHH, a qualified specialist recommended by MCDHH, the Department's Contract Medical Provider, or other community resources if they determine that such input or assistance would be helpful for determining which Auxiliary Aids or Services would be appropriate for a particular Deaf or Hard-of-Hearing inmate. The Institution ADA Coordinator shall also request input or assistance from MCDHH, or a qualified specialist recommended by MCDHH, for profoundly or severely hearing-impaired inmates, unless the inmate declines such input or assistance in writing. When an Institution ADA Coordinator requests and receives such input or assistance from MCDHH, documentation of the request(s) and response(s) from MCDHH, including any accommodations recommended by MCDHH, shall be included in the inmate's ADA Record.

**SECTION III: MEETINGS WITH INSTITUTION ADA COORDINATORS REGARDING ACCOMMODATIONS FOR DEAF AND HARD-OF-HEARING INMATES**

- A. Meetings between the Institution ADA Coordinator and a Deaf or Hard-of-Hearing inmate whose primary language is ASL to discuss their request(s) for accommodations pursuant to 103 DOC 408, *Reasonable Accommodations for Inmates* (103 DOC 408.07A (6) and (9)-(11)) **must be scheduled by the Institution ADA Coordinator in advance of the meeting**, unless qualified ASL interpreter services are available.
- B. The Institution ADA Coordinator shall keep a written record of all scheduled meetings. This record shall include information regarding:
1. The date of the meeting;
  2. A summary of the discussion; and
  3. Any accommodations provided during the meeting, including the name of any interpreter utilized.
- C. Whenever pursuant to the 103 DOC 408, *Reasonable Accommodations for Inmates* policy (103 DOC 408.07A (6) and (9)-(11)), the Institution ADA Coordinator and a Deaf or Hard-of-Hearing inmate whose primary language **is not ASL** have a discussion about their request(s) for accommodations, the Institution ADA Coordinator shall keep a written record of that conversation. This record shall include information regarding:
1. The date of the meeting;
  2. A summary of the discussion; and
  3. Any accommodations provided during the meeting, including the name of any interpreter or CART provider utilized.

**SECTION IV: DOCUMENTATION REGARDING REASONABLE ACCOMMODATIONS FOR DEAF AND HARD-OF-HEARING INMATES**

- A. The Department ADA Coordinator for Inmates shall maintain a centralized database that contains:
1. Information regarding all requests for Reasonable Accommodation and
  2. A list of which inmates at the institution who have been identified as Deaf or Hard-of-Hearing and the status of any related requests for Reasonable Accommodations. This information shall be updated at least monthly.



- B. The Institution ADA Coordinators shall submit a **monthly report** to the Superintendent and the Department ADA Coordinator for Inmates that contains information regarding:
1. All Requests for Reasonable Accommodation made by Deaf and Hard-of-Hearing inmates, including the accommodations requested, whether the requests were granted, modified, or denied, and the reasons for any modification or denial; and
  2. Any accommodations approved for Deaf and Hard-of-Hearing inmates without submission of a Request for Reasonable Accommodation.

**SECTION V: TRACKING DEAF AND HARD-OF-HEARING INMATES IN DEPARTMENT CUSTODY**

The Department shall employ the following procedures to track inmates in Department custody who have been identified as Deaf and Hard-of-Hearing, as well as what Reasonable Accommodations have been requested, approved, denied, and/or modified:

- A. IMS will reflect whether an inmate is Deaf and Hard-of-Hearing; the hearing-related medical restrictions and hearing-related accommodations for which an inmate has been approved; and whether the inmate's preferred language is ASL and/or needs a Qualified Sign Language Interpreter.
- B. If an inmate has been identified as deaf, or hearing in the Medical Restrictions Screen in IMS, a red dot shall be placed on the lower right corner of his bed book card for use by the housing unit officer. This distinguishing mark shall follow Deaf and Hard-of-Hearing inmates to all Department Institution placements.
- C. Deaf and Hard-of-Hearing inmates shall be offered an accessibility symbol for hearing loss and/or an accessibility symbol indicating the need for Sign Language Interpretation. These symbols will be placed on an inmate's identification card indicating the nature of their hearing disability that they are able to carry on their person and present to staff and/or other inmates as necessary. Inmates may decline to accept such accessibility symbols for their identification card.
- D. Deaf and Hard-of-Hearing inmates shall be offered an accessibility identification sign for hearing loss and/or an accessibility sign indicating the need for Sign Language Interpretation. These accessibility identification signs will indicate the nature of their hearing disability that will be placed on their cell door or in close proximity to their bed area. Inmates may decline to accept such accessibility identification signs.
- E. Transfer of Deaf and Hard-of-Hearing Inmates

Each Institution ADA Coordinator shall document Deaf and Hard-of-Hearing inmate's approved Reasonable Accommodation(s) in a manner that will ensure that the information will follow inmates if they transfer to another Department Institution. Prior to the transfer, or as soon as possible thereafter, the Institution ADA Coordinator from a transferring

Institution shall contact the Institution ADA Coordinator at the receiving Institution to inform the latter that a Deaf and Hard-of-Hearing inmate who has been granted a Reasonable Accommodation(s) will be arriving or has recently arrived at their Institution. Record of this contact between ADA Coordinators shall be maintained in the inmate's ADA Record at the receiving Institution. The Institution ADA Coordinator from the transferring institution shall ensure that the transferred inmate's ADA Record of written documents is forwarded to the Institution ADA Coordinator at the receiving institution as soon as possible.

**SECTION VI: QUALIFIED SIGN LANGUAGE INTERPRETERS**

A. The Department will provide Qualified Sign Language Interpreters consistent with the procedures set forth in the 103 DOC 408, *Reasonable Accommodations for Inmates* policy and as required by relevant law, including the ADA. This shall be an in-person interpreter, when possible, or a Video Remote Interpreting (VRI) service if an in-person interpreter cannot be obtained within a reasonable time frame. Each institution shall have a VRI accessible computer in relevant areas in accordance with the listing below. When it has been determined that a Deaf or Hard-of-Hearing inmate needs an ASL interpreter to have communications that are substantially as effective as communications by hearing inmates, the Department shall ensure that Qualified Sign Language Interpreter services are available at the programs, appointments and/or major events listed below without requiring the inmate to submit a request for accommodation pursuant to the 103 DOC 408, *Reasonable Accommodations for Inmates* policy:

1. Inmate orientation;
2. Classification hearings;
3. Sex offender treatment programming;
4. Medical appointments, evaluations, mental health services, and the required mental health rounds for inmates in Behavior Assessment Units (BAU) and Secure Adjustment Units (SAU), (but excluding routine medical events like daily insulin shots or trips through the medication line) that occur within Department Institutions (to be provided by the Department's medical provider);
5. Inner Perimeter Security or other Department investigations and related questioning (e.g., investigations into Prison Rape Elimination Act (PREA) allegations);
6. Disciplinary proceedings; BAU/SAU proceedings at which the inmate has the opportunity to appear in person;
7. Grievance interviews; Scheduled meetings with the Institutional ADA Coordinator, Department ADA Coordinator for Inmates, or Contract Medical Provider concerning requests for accommodations;

8. Educational and vocational classes in which the inmate is enrolled;
  9. All programs included on the inmate's Personalized Program Plan in the Need Areas of Substance Abuse, Criminal Thinking, Anger, Cognitive/Behavioral, Academic Education/Vocational, and Sex Offender Treatment;
  10. Any other program in which the inmate is enrolled for which "earned time" may be awarded, leading to a possible reduction in sentence, or where a liberty interest may be implicated;
  11. Programs and meetings concerning reentry and discharge planning;
  12. Religious services; and
  13. Any specific pre-release Department program recommended by the Parole Board.
- B. As defined in the 103 DOC 408, *Reasonable Accommodations for Inmates* policy, a Qualified Sign Language Interpreter is a “sign language interpreter certified by the National Registry of Interpreters for the Deaf or approved by the Massachusetts Commission for the Deaf and Hard-of-Hearing who can interpret effectively, accurately, and impartially, both receptively and expressively, using American Sign Language.” American Sign Language, or ASL, is the most encountered form of sign language in the United States. The Department is required to provide Reasonable Accommodations to inmates who speak a sign language other than ASL. If the Institutional ADA Coordinator requires assistance or guidance in accommodating a non-ASL sign language speaker, they should contact the Department ADA Coordinator for Inmates.
- C. For religious services, programs in the Personalized Program Plan Need Area of Low-Risk Alternative that the inmate has accepted, and other programs that an inmate has signed up to attend (as opposed to being enrolled by the Department programming staff), the Department may engage in preliminary discussion(s) with the Deaf or Hard-of-Hearing inmate to establish whether and how frequently the inmate intends to participate. The Department shall provide a Qualified Sign Language Interpreter to facilitate these preliminary discussions. Once it has been determined both that the inmate will attend and how frequently, the Department shall provide the Deaf or Hard-of-Hearing inmate with Qualified Sign Language Interpreter services, which may include VRI, in accordance with that schedule without requiring that the inmate submit any subsequent requests for Reasonable Accommodation. The inmate should notify the Department if their anticipated schedule changes, requiring more or less frequent assistance from Qualified Sign Language Interpreters. With respect to the programs discussed in this paragraph, in the event that the inmate's voluntary attendance, the inmate's preference for an interpreter as opposed to another (or no) Auxiliary Aid, or the nature of the program changes, the Department may engage in another discussion with the Deaf or Hard-of-Hearing inmate to reassess the provision of Qualified Sign Language Interpreters.
- D. The Department shall also provide Qualified Sign Language Interpreter services in other situations as circumstances may warrant. Deaf and Hard-of-Hearing inmates may request

Qualified Sign Language Interpretation for any Department program, service, activity, appointment, or major event by initiating a Request for Reasonable Accommodation pursuant to the 103 DOC 408, *Reasonable Accommodations for Inmates* policy. All such inmate requests for Qualified Sign Language Interpretation shall be considered and processed in accordance with the 103 DOC 408, *Reasonable Accommodations for Inmates* policy.

- E. When circumstances prevent the Department from providing necessary interpreter services for the programs, appointments, and/or major events listed above, the Department must document in writing the reason(s) that such services could not be provided and must take any other action to nevertheless ensure that, to the maximum extent possible, the Deaf or Hard-of-Hearing inmate receives substantially equal access to the benefits or services provided by the Department.
- F. The Department shall provide Deaf and Hard-of-Hearing inmates with the opportunity to participate in the programs, appointments, and/or major events listed above, consistent with the opportunities for participation afforded to similarly situated hearing inmates. Deaf and Hard-of-Hearing inmates shall not remain on waiting lists for the above programs, appointments, and/or major events for longer than hearing inmates, due to the fact of their disability.
- G. For programs and services that do not fall within the programs, appointments, and/or major events listed above, and for which the Department permits volunteers to provide or facilitate, the Department will notify the volunteer organization or facilitator, if it is aware, that the program and service will be attended by one (1) or more Deaf or Hard-of-Hearing inmates whose primary language is ASL and encourage the volunteer organization or facilitator to arrange for Qualified Sign Language Interpretation and make any other accommodations to facilitate the Deaf or Hard-of-Hearing inmate's effective participation and communication.
- H. Whether a Qualified Sign Language Interpreter or other particular Auxiliary Aid or Service is needed is based not only on the particular inmate's method of communication, but also on the nature, length, context, and complexity of the communication. In determining what form of Auxiliary Aid or Service is necessary, the Department shall give primary consideration to the request of the Deaf or Hard-of-Hearing inmate. The Department shall not be required to provide a Qualified Sign Language Interpreter at any particular program, appointment, and/or event if:
  - 1. The inmate knowingly and voluntarily waives in writing their right to a Qualified Sign Language Interpreter;
  - 2. The Department can demonstrate that another substantially equal and effective means of communication is available; or
  - 3. Provision of a Qualified Sign Language Interpreter would result in a fundamental alteration in the service, program, or activity; in undue financial and administrative

burdens; or will result in actual risks or impairment of the safe operation of a Department institution or the service, program, or activity.

To the extent that provision of a Qualified Sign Language Interpreter would not be required for reason number (3) above, the Department must provide a written statement of the reasons for reaching that conclusion and must take any other action to nevertheless ensure that, to the maximum extent possible, the Deaf or Hard-of-Hearing inmate receives the benefits or services provided by the Department.

I. Statements Made Without a Qualified Sign Language Interpreter

The Department shall not rely on any statements, including written statements, made or obtained without a qualified ASL interpreter from a Deaf or Hard-of-Hearing inmate whose primary language is ASL during an Inner Perimeter Security Investigation (IPS), other Department Investigations, or informal investigative interviews conducted by IPS, a Superintendent's Special Investigator (SSI), or the Professional Standards Unit (PSU) for purposes of disciplining said inmate. Nothing in this paragraph shall be interpreted to prevent the Department from responding as it deems appropriate in an emergency or rapidly developing situation, including when the Department must act quickly to prevent harm to the Deaf or Hard-of-Hearing inmate, another inmate, staff, or the public.

J. The Department may rely on voluntary, unsolicited oral or written statements made by an inmate for the following purposes:

1. To discipline the inmate where the making of the statement itself is the violation;  
or
2. To initiate an investigation into a possible disciplinary infraction by the inmate.

K. Interpretation of Written Materials

Where an inmate indicates that they so require, the Department shall provide Qualified Sign Language Interpreter services to Deaf and Hard-of-Hearing inmates whose primary language is ASL and who are unable to effectively understand written English or Spanish to permit those inmates to understand the content of written materials that the Department provides to all inmates, written communications from the Department to the Deaf or Hard-of-Hearing inmate, and any forms that the inmate may need to complete.

If a Deaf or Hard-of-Hearing hearing inmate whose primary language is ASL participates in any program or class, except one that is run by an outside academic institution, that has a written requirement that is to be completed outside of program or class time, *e.g.*, homework, the Department will provide the Deaf or Hard-of-Hearing inmate with a reasonable accommodation for that written requirement. The reasonable accommodation may include providing a Qualified Sign Language Interpreter to permit the Deaf or Hard-of-Hearing inmate to effectively complete the written requirement, or making an adjustment to the written requirement, *e.g.*, allowing the work to be done in class or not in

writing. However, Qualified Sign Language Interpretation shall not be provided to Deaf and Hard-of-Hearing inmates for use during the Test of Adult Basic Education (TABE) reading and language components so that the resulting scores provide an accurate reflection of the inmate's English language abilities.

L. Methods for Providing Interpreter Services

1. Contract Medical Provider

The Contract Medical Provider for the Department shall provide access to on-demand video remote interpreting (VRI) at on-site medical appointments (but excluding routine medical events like daily insulin shots or trips through the medication line), unless VRI is not appropriate based on the circumstances or the needs of the Deaf or Hard-of-Hearing inmate. The provision of VRI for any on-site medical appointment shall meet the requirements set forth in 28 C.F.R. § 35.160(d)(1)-(4).

The Contract Medical Provider for the Department will provide VRI for use in unscheduled on-site medical emergencies where the exigencies of the situation permit. Life-saving medical care or emergent or urgent clinical interventions necessary to treat a potentially progressive acute condition will never be delayed because no interpretation services are available.

If remote interpreting services are unavailable or not appropriate in the situation, the Contract Medical Provider for the Department will secure an in-person Qualified Sign Language Interpreter as soon as possible. The Contract Medical Provider may arrange for the provision of in-person interpreters at on-site medical appointments through the MCDHH, pursuant to the Massachusetts state contract for interpreter services that MCDHH manages, or through other available community resources (*e.g.*, Partners Interpreting).

2. The Department

The Department shall arrange for Qualified Sign Language Interpreter services and CART services for Deaf and Hard-of-Hearing inmates either through its contract ASL interpreters or through MCDHH. Unforeseen circumstances outside of the Department's control may occasionally prevent it from providing necessary interpreter services or Auxiliary Aids (*e.g.*, institutional emergencies, institutional lockdowns, severe weather). These circumstances should be documented and placed in the inmate's ADA Record, and the necessary services and Auxiliary Aids should be provided to the inmate as reasonably as possible.

3. Choice Between On-Site Interpreter Services and VRI

The Department shall retain discretion to decide whether to provide Qualified Sign Language Interpreter services through on-site interpreters or through VRI, except

when VRI is not appropriate based on the Deaf or Hard-of-Hearing inmate's needs or abilities.

M. Off-Site Medical Care

The Department is not required to provide Qualified Sign Language Interpreter services or other communication access accommodations to Deaf or Hard-of-Hearing inmates when those inmates receive medical care outside of a Department Institution. The Department's Contract Medical Provider shall inform all off-site medical providers of that Deaf or Hard-of-Hearing inmate's need for an interpreter or other Auxiliary Aid as soon as possible.

N. Parole Hearings

The Department is not required to provide Qualified Sign Language Interpreter services or other communication access accommodations to Deaf or Hard-of-Hearing inmates at parole hearings provided by the Massachusetts Parole Board. The Department shall inform the Massachusetts Parole Board of any Deaf or Hard-of-Hearing inmate that needs an interpreter or other Auxiliary Aid as soon as possible.

O. Use of Inmates as Interpreters for Deaf or Hard-of-Hearing Inmates

The Department shall not require Deaf and Hard-of-Hearing inmates to provide another inmate to interpret for them. Inmates shall not be used as interpreters for Deaf or Hard-of-Hearing inmates in any of the areas listed in 103 DOC 488, *Telephonic Interpreter Service*, 488.03(1) except in an emergency situation in which institutional security or the health or safety of an individual, including the Deaf or Hard-of-Hearing inmate, is in jeopardy. If an inmate interprets for a Deaf or Hard-of-Hearing inmate in such emergency circumstances, the Department shall make available within a reasonable period of time a Qualified Sign Language Interpreter to review with the Deaf or Hard-of-Hearing inmate the discussion conducted with the inmate interpreter. If an inmate is used as an interpreter in an emergency situation, as described above, a written record shall be made of:

1. The name of the Deaf or Hard-of-Hearing hearing inmate;
2. The name of the inmate interpreting;
3. The name(s) of the Department or vendor staff whose communication required interpretation;
4. The date on which the interpretation occurred; and
5. The reason(s) that an inmate interpreter was used.
  - a. If inmate interpretation is provided during a medical or mental health appointment or evaluation on an emergency basis, said written record shall be included in the Deaf or Hard-of-Hearing inmate's medical records.

- b. If an inmate is used as an interpreter during an Inner Perimeter Security or other Department Investigation or for questioning related to such an investigation, all official notes concerning those communications shall be preserved.
- c. A Deaf or Hard-of-Hearing inmate shall never be asked or required to sign a waiver or release of their confidential CORI or medical information to an inmate serving as an interpreter.
- d. If another inmate interprets for a Deaf or Hard-of-Hearing inmate on an informal basis, neither the Deaf or Hard-of-Hearing inmate nor the assisting inmate shall be subjected to disciplinary consequences solely because the assisting inmate provided interpretation.
- e. A Deaf or Hard-of-Hearing inmate's informal use of an inmate interpreter in a particular circumstance or use of an inmate interpreter in an emergency situation, as referenced above, shall not constitute or be construed as a general waiver of the Deaf or Hard-of-Hearing inmate's request for a Qualified Sign Language Interpreter or as a general waiver of the Deaf or Hard-of-Hearing inmate's confidentiality rights.
- f. Deaf and Hard-of-Hearing inmates who request the assistance of another inmate to communicate during events and staff interactions for which the Department does not provide Qualified Sign Language Interpreters may, in the Department's discretion, be assigned inmate companions.

**SECTION VII: TELECOMMUNICATION**

A. General Policy

The Department shall provide Deaf and Hard-of-Hearing inmates in its custody with access to telecommunication services and devices that enable Effective Communication with people outside of Department Institutions. Effective Communication is communication that is as clear and understandable to persons with disabilities as it is for persons who do not have disabilities. Effective Communication affords inmates with disabilities an opportunity to participate in communications with people outside of Department Institutions in a manner that is substantially equal to the opportunity provided to similarly situated inmates who do not have disabilities. A list and description of all telecommunication services and devices available at each institution will be provided to each inmate during an inmate's orientation at that Institution and in the Institution's inmate handbook.

B. Telecommunication Services and Devices to Be Provided

Telecommunications services and devices for approved inmates include the following:

1. Videophones & Video Relay Services (VRS)

Videophone technology is available at each institution to inmates who have been identified as Deaf or Hard-of-Hearing and whose primary language is sign language.



The purpose of the videophones is to enable approved inmates who communicate using sign language to effectively communicate with sign language speakers outside of Department Institutions through point-to-point video communication and to effectively communicate with hearing individuals outside of Department Institutions using VRS.

a. Stationary Videophones Available at Each Institution

At least one (1) stationary videophone shall be available at each Institution. The stationary videophone shall be available during the same hours, including nights and weekends, that hearing inmates have access to traditional phones, consistent with 103 CMR 482, *Telephone Access and Use*. Deaf and Hard-of-Hearing inmates who have been approved to use the stationary videophone must request access to the stationary videophone each time they wish to use it by communicating to their unit correctional officers either in writing, if they are able, or by using the ASL sign for "phone." Department personnel shall clearly communicate to each Deaf inmate that the ASL sign for "phone" may be used to request access to the stationary videophone. Unit correctional officers will be trained to understand that an inmate signing in ASL "phone" is requesting access to the videophone.

b. Mobile Videophones Available in Housing Units

At least one (1) mobile videophone shall be available in each housing unit in which an approved Deaf or Hard-of-Hearing inmate is housed in a manner that is consistent with 103 CMR 482, *Telephone Access and Use*. Such mobile videophone technology will be generally available for use during the same hours, including nights and weekends, that hearing inmates have access to traditional telephones. Once a Deaf or Hard-of-Hearing inmate has been approved to use the videophone phone, the approved inmate shall not be required to request access to the mobile videophone in their housing unit each time they wish to use it. Instead, an approved inmate's authorization to use the videophones shall be associated with that inmate's PIN number, as defined in 103 CMR 482, *Telephone Access and Use*, 482.05. When, consistent with the Department's regulations, telephones are not available for general inmate use, the mobile housing unit videophone shall be stored in a location, to be determined by each individual Department Institution. The Department will ensure that there are staff members on each shift in each housing unit in which an inmate approved to use videophones is housed who know where the mobile videophone is stored and are responsible for making it available in the housing unit for use in accordance with the foregoing. The presence of a mobile videophone on a Deaf or Hard-of-Hearing inmate's unit shall not prevent that inmate from accessing other types of telecommunication service(s) and device(s) that the inmate is approved to use. In addition, in the event that a mobile videophone is not fully functional, Deaf and Hard-Hearing inmates approved for

videophone use shall be able to request and access the stationary videophone installed at the inmate's Institution.

2. Captioned Telephones (CapTel)

At least one (1) CapTel device is available at each Department Institution. The Department will provide additional CapTel devices in an Institution when possible, based on the location of analog telephone lines and availability of a suitable space for use thereof, as determined by the Department taking into consideration such factors as use of the space by correctional staff, operational needs, security concerns, technical needs and concerns, and the safe use and storage of the device. The portable CapTel device will be stored in a designated location at each Institution, to be determined by each Institution. The CapTel device shall be available during the same hours, including nights and weekends, that hearing inmates have access to traditional phones, consistent with 103 CMR 482, *Telephone Access and Use*. Deaf and Hard-of-Hearing inmates who have been approved to use the CapTel device must request access to the CapTel device each time they wish to use it.

3. Teletypewriters (TTY)

At least one (1) TTY device is available at each Department Institution. The portable TTY device will be stored in a designated location at each Institution, to be determined by each Institution. The TTY device shall be available during the same hours, including nights and weekends, that hearing inmates have access to traditional phones, consistent with 103 CMR 482, *Telephone Access and Use*. Deaf and Hard-of-Hearing inmates who have been approved to use the TTY device must request access to the TTY device each time they wish to use it.

C. Access to Stationary Videophones, CapTel, and TTY

An approved inmate who requests access to a stationary videophone, CapTel, or TTY shall be provided such access as soon as possible and without delay, with the expectation that access will be provided within forty-five (45) minutes and that occasions in which access is not provided within two (2) hours shall be the rare exception. In no event shall an approved inmate have to wait longer than two-and-a-half (2.5) hours, unless access must be prevented or delayed as permitted by 103 CMR 482, *Telephone Access and Use*. If an inmate's access is prevented or delayed, the Department must notify the requesting inmate and provide access as soon as is feasible. The requirements of 103 CMR 482, *Telephone Access and Use*, 482.07(1) shall apply to access to stationary videophones, CapTels, and TTYs. The Department will ensure that there are staff members on each shift at each Department Institution who know where the stationary videophone, CapTels, and TTYs are located and the process by which Deaf and Hard-of-Hearing inmates approved to use them may access them. The Department shall ensure that the location designated for these devices' use at each Institution does not result in such frequent or repeated interruptions or interference to approved inmates' access and use that Deaf and Hard-of-Hearing inmates are deprived of effective Communication with persons outside of Department institutions

that is substantially equal to the access to telecommunication services and devices that the Department provides to inmates without a hearing disability.

D. Telephones with Amplified Volume Control

The Department will ensure that all traditional telephones provided for inmate use include a built-in user-controlled volume button that permits telephone users to amplify call volume.

E. Hearing Aid Compatible Traditional Telephones

The Department will ensure that all traditional telephones provided for inmate use include Handsets that are hearing aid compatible in accordance with Federal Communications Commission guidelines.

F. Requesting Approval for and Access to Telecommunication Services and Devices

1. The Department will provide access to videophone, TTY, and/or CapTel services and devices to those Deaf or Hard-of-Hearing inmates who have requested access thereto and whose requests have been approved, or to Deaf or Hard-of-Hearing inmates who have been otherwise approved, in accordance with the procedures set forth in 103 DOC 408, *Reasonable Accommodations for Inmates*. Deaf and Hard-of-Hearing inmates may be approved for and receive regular access to more than one (1) of the above telecommunication service(s) or device(s). The Department shall maintain a record of a Deaf or Hard-of-Hearing inmate's approval to access certain telecommunication service(s) or device(s) in IMS as an open-ended medical restriction, subject to periodic reviews for appropriateness. In the event of a transfer, approvals for telecommunication service(s) and device(s) shall follow Deaf and Hard-of-Hearing inmates from institution to institution.
2. Deaf and Hard-of-Hearing hearing inmates who have been approved to access videophone, TTY, and/or CapTel services and devices shall not be required to submit a new Request for Reasonable Accommodation each time they wish to access the approved telecommunication service(s) and device(s). Once approved, Deaf and Hard-of-Hearing inmates shall only require permission to use videophones on a particular occasion in the same limited circumstances in which other inmates require permission to use traditional telephones. For TTY and/or CapTel devices, once approved, Deaf or Hard-of-Hearing inmates need only to informally notify Department staff that they wish to access the device in question, and Department staff shall permit and facilitate timely access thereafter, in keeping with the provisions above.
3. Inmates who have been identified as Deaf or Hard-of-Hearing, either through self-identification or identification by the Department or its Contract Medical Provider, shall be notified during booking and admission and at inmate orientation of all telecommunication services and devices available at Department Institutions, so

that they are aware of what technologies exist and may submit a Request for Reasonable Accommodation for approval to access the appropriate service(s) or device(s). A written description of all available telecommunication services and devices shall also be included in each institution's Inmate Orientation Manual. If an inmate is later identified as Deaf or Hard-of-Hearing while in Department custody, either through self-identification or identification by the Department or its Contract Medical Provider, the Institutional ADA Coordinator or designee at the institution in which such inmate is housed shall notify the inmate of the telecommunication services and devices available so that the inmate may submit a Request for Reasonable Accommodation for approval to access the appropriate services and devices.

G. Monitoring Communications

All calls placed by inmates, including but not limited to those placed by Deaf and Hard-of-Hearing inmates through videophones, CapTel devices, and TTY machines, will be subject to monitoring, recording, and storage, consistent with 103 CMR 482, *Telephone Access and Use*.

H. Additional Time for Communication

Deaf and Hard-of-Hearing inmates who have been approved to use videophones, TTY, and/or CapTel devices shall be provided **twice the amount of time** to complete calls using such devices as is afforded to inmates who complete telephone calls using traditional telephones, subject to operational or security concerns or administrative constraints (*e.g.*, institutional emergencies).

I. Responsibility for Maintaining Equipment

The Department, through its Telecommunication Vendor, will ensure that the telecommunication services and devices used to permit communication between Deaf and Hard-of-Hearing inmates and people outside of Department Institutions are in good working order. The Department will attempt to resolve complaints about any malfunctioning equipment within one (1) week of receiving that complaint. To the extent services, equipment, and resources that are outside of the Department's control are involved, the Department will notify the relevant providers or companies of any equipment problems within one (1) week and, to the extent necessary or possible under the circumstances, work with these third parties to expeditiously resolve the problem(s).

All calls placed by inmates, including but not limited to those placed by Deaf and Hard-of-Hearing inmates through videophones, CapTel devices, and TTY machines, will be subject to monitoring, recording, and storage, consistent with 103 CMR 482, *Telephone Access and Use*.

J. Cost for Use of Telecommunication Services and Devices

Videophone, TTY, and CapTel services and devices are available at no cost to Deaf and Hard-of-Hearing inmates who have been approved to use such services and devices (except for international calls).

**SECTION VIII: VISUAL AND TACTILE NOTIFICATIONS**

A. General Policy

Deaf and Hard-of-Hearing inmates housed in Department Institutions should not miss announcements, alarms, or any other auditory information delivered by Department staff to the general inmate population solely because of their disability.

B. Relaying Non-Emergency Information

The Department shall provide an effective non-auditory alert system that will be used to notify approved Deaf and Hard-of-Hearing inmates of prison-wide events (including but not limited to announcements, visitations, and count) and events specific to Deaf and Hard-of-Hearing inmates. The non-auditory alert system must be capable of effectively alerting Deaf and Hard-of-Hearing inmate events in real time. The non-auditory alert system shall rely upon:

1. A visual or tactile notification system, and
2. In-person contact/communication between Department staff and the Deaf or Hard-of-Hearing inmate.

C. Visual or Tactile Notification Systems

The Department shall use either a pager or receiver system that can function effectively at an Institution to alert approved Deaf and Hard-of-Hearing inmates to announcements and non-emergency events. The identified systems use a transmitter that can be manually triggered to send a signal to a corresponding receiver or pager unit. Depending on the system, the corresponding receiver or pager unit may vibrate, emit a flashing light, or display a short, typed message when manually triggered. When the receiver or pager unit has been activated, the Deaf or Hard-of-Hearing inmate may seek additional information regarding the announcement or non-emergency alert from the Department staff in the housing unit. The Department will employ a system that provides both a tactile or light alert and a short, typed message in those Institutions where the Department has identified such a system that can function effectively.

The Department staff shall convey any information to the inmate using simple written English, flash cards containing simple pictures and words, or other such means of simple communication to effectively convey to the Deaf or Hard-of-Hearing inmate the substance of the announcement or non-emergency alert.

The Department shall offer either a receiver or pager unit, depending on what is operational in the inmate's Institution to Deaf and Hard-of-Hearing inmates whose primary language is ASL without requiring the inmate to complete the Request for Reasonable Accommodation Form or follow the Reasonable Accommodation process. If a Deaf or Hard-of-Hearing inmate whose primary language is ASL selects the receiver or pager unit available at the institution at which they are housed, it shall be provided to them and a transmitter unit shall be placed in each such inmate's housing unit, which will be operated by Department correctional staff within that unit. Department staff responsible for operating the transmitter shall be properly trained in how to effectively use the technology and in accepted methods of communicating announcements or non-emergency alerts to the Deaf or Hard-of-Hearing inmate.

1. Vibrating Watches

The Department has also identified vibrating watches that a Deaf or Hard-of-Hearing inmate can program to vibrate at certain times. The Department shall offer a vibrating watch to Deaf and Hard-of-Hearing inmates whose primary language is ASL without requiring the inmate to complete the Request for Reasonable Accommodation Form or follow the Reasonable Accommodation process. If a Deaf or Hard-of-Hearing inmate whose primary language is ASL selects the vibrating watch, it shall be provided to them.

2. Supplementary Non-Auditory Information Relay Systems

In addition to the foregoing devices, the Department shall also publish the institution-specific schedule in the inmate handbook that each inmate receives when the inmate is housed in a specific institution and shall promptly post notice of any schedule changes in the housing unit of each Deaf or Hard-of-Hearing inmate whose primary language is ASL.

3. LRS Paging System

The Department has selected the LRS E467 Alphanumeric Pager in conjunction with the LRS T7470 Paging System Transmitter for those inmates that have been approved for the pager and agree to be notified of prison wide announcements and non-emergency events or for reporting to the officer's station to be provided in-person communication for specific appointments or notifications specific to the individual inmate via the pager.

The LRS E467 Alphanumeric Pager is a one-way pager that receives messages from the LRS T7470 Paging System Transmitter to inform inmates of announcements and non-emergency events. This unit runs on one (1) AAA battery that shall be provided by the institution.

The LRS T7470 Paging System Transmitter is the base station that staff will use to send messages to the LRS E467 Alphanumeric Pager notifying inmates of

announcements and non-emergency events. This base station is a hard-wired unit that shall be affixed to the Officer's Station within the Housing Units.

a. Issuance of Pager

Inmates who have been identified as Deaf or Hard-of-Hearing via the Special Accommodation Notification form received from the Department's contracted Medical Provider shall be interviewed by the Institution ADA Coordinator via the Disability Accommodation Resources Assessment within five (5) days of the inmate being identified.

- i. During the Disability Accommodation Resources Assessment conducted by the Institution ADA Coordinator the inmate will be provided an individualized assessment to determine the auxiliary aids and services available to them to include the pager.
- ii. The Institution ADA Coordinator will meet with the inmate after a decision is rendered and notify the inmate of all approved, denied, or modified auxiliary aids and services to include the pager if requested.
- iii. All inmates approved to receive a pager shall then be afforded the opportunity to accept or refuse the LRS Pager. This shall be documented and filed with the Institution ADA Coordinator with a copy also forwarded to the Property Department. This in no way precludes an inmate from later applying or withdrawing from the pager system.
- iv. Once the proper documentation is obtained, the inmate shall be assigned a pager from the ADA Coordinator for use and retention.

b. Property Department Responsibilities

The Property Department shall be responsible for engraving all pagers and pager holders. The Property Department shall engrave a unique identifier on both the pager and pager holder. Each set (pager and pager holster) shall have the same unique identifier. (E.g., Pager #1 and Pager Holder #1 would be a set).

The Property Department shall also be responsible for entering the necessary information into the IMS Property Screen of the inmate for the pager and the holder that was issued.

The Property Department shall be responsible for maintaining the IMS property screens for the addition and removal of the pager and pager holster. This shall occur anytime an inmate changes housing units, transfers, releases, paroles, etc.

c. Housing Unit Officer Responsibilities

The Housing Unit Officer shall issue and collect the pager and pager holder in the following manner:

- i. The Institution ADA Coordinator shall maintain a current list of all inmates assigned a pager and holder with regard to the housing unit.
- ii. The Institution ADA Coordinator shall contact the housing unit of the inmate receiving the pager and pager holder.
- iii. The Housing Unit Officer shall activate and test the pager to ensure functionality of the unit.
- iv. Upon positive functionality, the Housing Unit Officer shall denote the pager number, pager holder number, inmate's name, commitment number, and cell number on the Housing Unit Pager Accountability Sheet (Attachment #1).
- v. Anytime an inmate is moved out of the Housing Unit, the Housing Unit Officer shall collect the pager and pager holder from the inmate and notify the Institution ADA Coordinator of the move.

d. Storage of Pager

All spare LRS E467 Alphanumeric Pagers, LRS T7470 Paging System Transmitters, and accessories shall be held in a secured location. The Unit Team shall be responsible for ensuring all necessary reports are generated and tracked in regard to any requests for replacements.

e. Programming of Pager

- i. The Unit Team shall be solely responsible for the programming of the pagers and base stations. Other personnel shall refrain from attempting to repair or reprogram the devices and shall contact the Unit Team in case of errors.
- ii. The Unit Team shall provide placards to the Housing Unit Officers on how to properly activate the paging system utilizing the base station.
- iii. As part of the programming, the following preprogrammed messages shall be incorporated into the base station to be transmitted to the pagers:

- Count
- Lock-in
- Chow Call
- Movement Period
- Appointments
- Report to the Officer's Station
- Medication Call
- Opposite sex in the unit



f. Unit Operations of Pager

It shall be the responsibility of the Housing Unit Officers to activate the paging system to alert approved inmates with a pager of all announcements and non-emergency events including but not limited to the following:

- Counts
- Lock-in
- Chow Call
- Movement Period
- Appointments
- Report to the Officer's Station
- Medication Call
- Opposite sex in the unit

Upon commencement of one (1) of the above activities or related events, the Housing Unit Officer shall activate the paging system utilizing the base station either through an all call or an individual pager based on what is being called. The Housing Unit Officer shall then document the event into the IMS Unit Activity Log.

If the inmate does not report to the Officer's Station for the in-person notification or is not seen leaving the unit for an appointment, the Housing Unit Officer shall investigate in order to satisfy themselves that the inmate is not in any distress or that there is not an issue with the pager.

Any issues with the pager system shall be documented in an incident report and the Unit Team shall be notified.

Replacement of the single (1) AAA battery for the pager shall be provided to the inmate in a timely manner and a sufficient supply of replacement batteries shall be maintained at the institution for distribution.

g. Training on Pager Use

All staff shall be initially trained in the use of the LRS Alphanumeric Pager and LRS Paging System Transmitter. Staff will continue to be trained annually as part of the site-specific training curriculum. This training shall be documented.

All inmates approved for, and accepting a pager, shall be trained by the Unit Team in the operation of the pager and the functional capability it will provide to notify them of prison-wide events (to include Count, Lock-in, Chow Call, Movement Period, Medication Call, Opposite sex in the unit) and events (Appointments and Report to Officer's Station) specific to them.

Inmates will also be trained on the procedure to request a replacement battery from the Housing Unit Officer. All replacements shall be based on providing one (1) depleted battery for one (1) new battery.

h. Monitoring and Tracking Pager Use

The Institution ADA Coordinator will be responsible for developing and tracking the appropriate use and documentation of the pager system.

It shall be the responsibility of the Institution ADA Coordinator at the institution to monitor and confirm that inmates who have been identified as Deaf or Hard-of-Hearing and have been approved and received a pager have been paged of prison wide events and events specific to an individual Deaf and Hard-of-Hearing inmate. On a weekly basis the Institution ADA Coordinator will review the Inmate Management System (IMS) of at least one (1) housing unit in which Deaf and Hard-of-Hearing inmates are housed and have been provided pagers to determine if staff are paging those identified inmates housed in the respective unit. All housing units in which inmates who have been provided pagers shall be audited at least once per quarter. Additionally, the Institution ADA Coordinator will review if the unit staff assigned to the respective unit on all three assigned shifts have entered the paged notifications in the IMS. Paged notifications shall be entered into IMS for Count, Lock-In, Chow Call, Movement Period, Medication Call, Opposite sex in the unit, as well as specific paged notifications made to individual inmates for Appointments or to Report to the Officer's Station. The results of this weekly review and audit shall be documented and forwarded to the Superintendent, Department ADA Coordinator for Inmates, and the respective Assistant Deputy Commissioner of Prisons for your institution on a weekly basis.

**SECTION IX: HOUSING DETERMINATIONS**

At a Deaf or Hard-of-Hearing inmate's annual classification hearing, the Department shall inquire whether the inmate would prefer to be housed at an institution that already houses another Deaf or Hard-of-Hearing inmate. If an inmate indicates such a preference, the Department will consider the inmate's request at the classification hearing. The Department shall document the inmate's request in the inmate's classification report.

If an inmate has made such a request and has been placed at an institution at which there are other Deaf and Hard-of-Hearing inmates, the Department staff responsible for making housing determinations at that Institution will consider the inmate's request in determining their housing unit placement after any orientation period. Additionally, once a Deaf or Hard-of-Hearing inmate has been placed at an institution, they may request to be housed with other Deaf or Hard-of-Hearing inmates at that Institution at any time by submitting a request to the Institution Superintendent. The Department shall document the Deaf or Hard-of-Hearing inmate's request to the Institution Superintendent and the Institution Superintendent's response thereto in IMS.

These Institution and housing placement requests are within the sole discretion of the Department and will be considered only after the Department has taken into account the various factors upon which it relies in making Institution and housing placement decisions, including, but not limited to: classification status; individual programming needs; medical, mental health and sex offender treatment needs; the need for Reasonable Accommodations; and conflicts between and among the inmate population (*e.g.*, enemy situations, Security Threat Group (“STG”) affiliations, protective custody situations, etc.). The Department will not place a Deaf or Hard-of-Hearing inmate in a Department institution, housing unit, or cell in which it is unable to provide Reasonable Accommodations that ensure that the Deaf or Hard-of-Hearing inmate is afforded access to Department programs, services, and activities that is substantially equal to the access afforded to hearing inmates placed in the same Department institutions, housing unit, cell, or status.

**HOUSING UNIT PAGER ACCOUNTABILITY SHEET**

**Institution:** \_\_\_\_\_

**Unit:** \_\_\_\_\_

Pager #	Holder #	Inmate Name	Commitment #	Cell #	Received	Returned