

**Third Semi-Annual Report by the Settlement Monitor
(May 31, 2017)**

Appendix II

ADA staff computer-based-training (Apr. 20, 2017)

Kentucky Department of Corrections



COMMUNICATING WITH DEAF AND HARD OF HEARING OFFENDERS



KENTUCKY
Department of Corrections
Division of Corrections Training

2017 INS

KYDOC's Non-discrimination Policy



Under the Americans with Disabilities Act, and a settlement agreement entered in federal court, KYDOC provides deaf and hard-of-hearing inmates:

- **Non-Discrimination**
- **Effective Communication**
- **Auxiliary Aids and Services**

Equal access is the law *and* it's the right thing to do!

Non-Discrimination Policy



The KYDOC will ensure that deaf and hard of hearing inmates have full and equal access to and enjoyment of all services, privileges, facilities, advantages, and accommodations available to similarly situated non-deaf inmates. The KYDOC shall provide deaf and hard of hearing inmates with access to services, privileges, facilities, advantages, and accommodations substantially equivalent to those offered to similarly situated non-deaf inmates.

Non-discrimination Policy



Effective Communication:

KYDOC will communicate effectively with deaf and hard-of-hearing inmates—ensuring that inmates can receive information from and provide information to staff.

Non-discrimination Policy



Auxiliary Aids and Services:

When needed for effective communication, KYDOC will provide “auxiliary aids and services.” This means devices or services that assist in communication, such as:

- Qualified interpreters, via remote video interpretation or in-person
- Hearing aids and amplifiers
- Video captioning
- Visual or other non-auditory alert or alarm systems
- Videophone/video relay service
- TTY/TDD, including telephone relay services
- Written materials
- Assistive listening systems

Non-discrimination policy



Remember the anti-discrimination principle: The ADA requires KYDOC to provide deaf and hard-of-hearing inmates with access to services, privileges, facilities, advantages, and accommodations substantially equivalent to those offered to similarly situated non-deaf inmates.

HOWEVER, if something a deaf or hard-of-hearing inmate seeks—a particular job, for example—would be dangerous, KYDOC can bar the inmate's access to that job because it poses a **direct threat of injury or death** to the inmate or others. You **must** discuss any such situation with the ADA Coordinator, who will ensure that the court settlement monitor receives required notice.

Overview Of Deaf And Hard Of Hearing Offenders



EFFECTIVE MANAGEMENT AND INTERACTION

Demographics



- Nearly 50 million Americans have a hearing loss, roughly 17% of the U.S. population
- Nearly 700,000 deaf or hard of hearing Kentuckians (third largest per capita)
- Hearing loss is currently the 3rd largest health issue following heart disease and arthritis.
- Hearing loss is currently the #1 war wound.

Appropriate Terminology



Inappropriate:

- ☒ Deaf and dumb
- ☒ Hearing Impaired
- ☒ Mute
- ☒ Death

Appropriate:

- ☒ Deaf
- ☒ Hard of Hearing
- ☒ Non-Verbal

Population Diversity



There is tremendous diversity within the deaf and hard of hearing community. Some factors that affect this are:

Type of Hearing Loss
Degree of Loss
Age of onset
Etc.

IDENTIFICATION

- Deaf
- Hard of Hearing
- Late Deafened

COMMUNICATION MODE

- Sign
- Oral
- Both

Understanding Differences



- Louder Speech
- Culturally Different
- Very Animated With Use Of Hand Gesture
- Not Affected By Verbal Commands And Loud Noises

Potential Side Effects Of Hearing Loss



- DEPRESSION
- WITHDRAWAL
- ISOLATION
- BLUFFING
- DEMENTIA
- MISLABELING

“DEAF IN PRISON”



https://www.youtube.com/watch?v=AstF5kMaH_w

Challenges Facing Deaf and Hard-of-Hearing Inmates



- Difficulty hearing announcements and alerts:
 - Count
 - Chow
 - Pill-call
 - Pages
 - Other announcements
- Difficulty hearing orders issued orally
- Need to avoid seeming vulnerable

Special Barriers to Communication



- Prisons are very loud, with lots of ambient noise and terrible acoustics.
- Prisons have many congregate situations, which are particularly difficult to understand.
- Announcements made over intercom system can be distorted and hard to understand.
- Prisoners—particularly deaf and hard-of-hearing prisoners—often have low literacy, so writing cannot always be used to substitute for speech.

Special Considerations



Try to imagine what it would be like to enter prison without the ability to hear:

"Deaf people in prison are isolated, frustrated, ignored and vulnerable." - Deaf Prison Project, BDA/BID



How does this affect you?



As an employee, you most likely take some things for granted. For instance, you probably expect offenders to respond when you order them to report to the visiting room, perform an emergency evacuation, move away from a perimeter fence, and respond to other spoken commands.

Deaf and hard-of-hearing offenders may have difficulty doing these things if you don't communicate effectively.

Identification Of Deaf And Hard Of Hearing Offenders



**OFFENDERS ARE IDENTIFIED IN
AN INITIAL ASSESSMENT FOR
HEARING LOSS**

Identification & Assessment



- Medical staff shall assess for the presence of a hearing impairment
- If the assessment concludes the offender is deaf or hard of hearing,
- Medical staff shall notify the ADA Coordinator
- The ADA coordinator will consult with the individual and medical staff to determine what auxiliary aides or services are necessary
- Previously waived aides or services can be requested at any time by the offender

Signs of Hearing Loss



For inmates who entered KYDOC custody before screening became routine, who were missed, or who developed hearing loss after the screening, you may observe signs of hearing loss, such as:

- Seeking frequent repetition.
- Having difficulty following conversations involving more than two people.
- Thinking that other people sound muffled or like they're mumbling.
- Having difficulty hearing in noisy situations.
- Answering or responding inappropriately in conversations.
- Watching people's faces intently when they speak.
- Avoiding conversation and social interaction.

If you see these, contact the inmate's case worker, unit administrator, or health services personnel for additional screening.

Identification

Department of Corrections Medical Alert Card

Name John Doe Number 12345

☐ Asthma ☐ Diabetes
☐ Epilepsy ☐ Heart Disease
☐ Glaucoma ☐ Thyroid Disease
☐ Renal Dialysis ☐ High Blood Pressure
☒ Other Hearing impaired

Issuing Signature A. Harper
Date 9/1/15 Card No. _____

Once an offender is identified as deaf or hard-of-hearing that will be noted on a pink (or in some facilities red) Medical Alert Card.

Identification



When an offender is identified as deaf this is the symbol that will be on their ID card and displayed on the cell door or bunk.

KOMS Notification



- All Deaf or Hard of Hearing offenders have a precaution entered into KOMS
- This is listed under the red exclamation point in the KOMS header; the precaution is entered as a serious medical issue
- The precaution states, *Deaf or Hard of Hearing*



EMR Notification



- Medical staff enter a deaf or hard of hearing alert in the electronic medical record
- The alert is entered in the header of the electronic medical file



Stay Aware of Identifications



Why would you want to know that an inmate is deaf or hard-of-hearing? You need to know for both emergencies and routine interactions. It's a matter of improving your communication with the offender. In some cases, improved communication can mean the difference between life and death.

For example:

- If you're a housing officer, you should know who the deaf or hard-of-hearing inmates in your unit are, so you can make sure to use best practices for communication.
- If you don't know an inmate you are about to page, check his or her KOMS file, to look for the Deaf or Hard-of-Hearing alert; the page may need to be made personally, instead of using the intercom.

Emergency Procedures



- Staff shall be aware of the deaf or hard of hearing offenders assigned to the living unit
- In the event of emergency, all cells of deaf or hard of hearing offenders shall be checked by staff
- The symbol below is utilized to identify the cells which house all deaf or hard of hearing offenders



**HEARING IMPAIRED
INMATE**

Effective Communication Strategies



**ENSURE OPTIMAL SAFETY FOR
OFFICERS AND INMATES**

Provide Effective Communication



- **Remember: Part of KYDOC's anti-discrimination policy is to communicate effectively with deaf and hard-of-hearing inmates**—ensuring that inmates can receive information from and provide information to staff.
- Depending on the inmate's needs, this can mean:
 - Using a sign-language *interpreter* (either on a laptop computer or in-person)
 - Using other *auxiliary aids and services*
 - Using *strategies* for talking with hard-of-hearing inmates



When is effective communication required? (Sign language interpretation OR auxiliary aids)

- Educational programs (literacy, adult basic education, GED, and technical education and certification classes).
- Vocational/work programs
- Rehabilitative, counseling, therapeutic, substance abuse, and evidence-based programs
- Work assignments
- Religious services (except KYDOC does not provide interpretation for volunteer-led religious programming)
- Intake, transfer and classification matters
- Transitional programming – post-release supervision
- On-site medical care and healthcare appointments
- Grievance and disciplinary hearings and meetings
- All important conversations between staff and inmates.

Disciplinary Proceedings: Effective Communication



Q: What parts of the Adjustment process are covered?

A: All of them.

Effective communication—including use of auxiliary aids and interpretation when needed—is required for:

- Miranda warnings
- When notifying the inmate of the date, time and place of the hearing
- Meetings with the investigator
- Meetings with a legal aide
- The Adjustment Committee hearing
- Etc.

Interpreters



- Knowing some sign language is NOT the same as being an interpreter
- Interpreting requires specialized expertise
- Interpreters are highly skilled professionals
- Kentucky has a licensure law that requires the use of LICENSED interpreters
- Using non licensed interpreters for legal, professional or educational matters is extremely risky to the inmate as well as the facility
- Can be in person or accessed remotely via technology
- Using other inmates as interpreters creates problems with adequate understanding, confidentiality, and safety.

No request necessary



Inmates can request interpretation for any significant communication. But **no request is necessary** for:

- **Intake and orientation**
- **Classification and transfer** hearings and related meetings
- **Grievance** meetings and hearings
- **Disciplinary** hearings and **all** related processes
- **Parole** meetings and hearings
- **Emergency health** care on-site

For these situations, **interpretation must be offered** to the inmate by staff (the inmate can waive the right to interpretation if he or she chooses).

VRI or In-Person Interpretation?



KYDOC offers both video remote interpretation (**VRI**), via a laptop, and, when necessary, **in-person** interpretation. An inmate's request for in-person interpretation should be passed on to the ADA Coordinator, who will grant it if it is necessary for effective communication, for example:

- During group classes in which student participation is key.
- When remote interpretation is unlikely to be, or has not been, effective.

Auxiliary Aids

TV Closed Captioning



Bed Shaker



VRI Laptop



Hearing aids



TTY



Phone Volume Adjustment



Amplifier



Lip-reading



**Studies have shown that lip reading is
30%-35% accurate AT BEST.**

are that in of
world. gather and from .
The these the of the
that over get
and but they they are
that are new each
with
the more .

Communication Tips



The U.S. Department of Justice, Civil Rights Division, Disability Rights Section, has published some practical suggestions for communicating effectively with hard-of-hearing people. The slides that follow present those tips.



Communication Tips



Starting the conversation:

- ✓ Always get the person's attention before you start speaking .
- ✓ Just because someone is wearing a hearing aid does not mean they can hear you.
- ✓ Ask if the person can understand you, or needs some adjustment; you may want to write a note to ask him or her what communication aid or service is needed.
- ✓ Provide accommodations if and when requested.
- ✓ Minimize background noise and other distractions whenever possible.
- ✓ Allow extra time for communication.

Lighting and facilitating lip-reading

- ✓ Face the person and maintain normal eye contact. Do not turn away while speaking.
- ✓ Try to converse in a well-lit area, but avoid glare or back-lighting that puts your mouth in shadow.
- ✓ Do not cover your mouth or chew gum while you are speaking.

Communication Tips



Simple language, normal speech

- ✓ Speak at a normal pace, enunciating clearly.
- ✓ Speak with simple, direct words.
- ✓ Do not shout or exaggerate mouth movements .

Visual cues

- ✓ Use gestures and facial expressions to reinforce what you are saying.
- ✓ Use visual aids when possible, such as pointing to printed information on a document.

Communication Tips



Check on understanding

- ✓ Remember that only about 1/3 of spoken words can be understood by speech (lip) reading.
- ✓ Be conscious of bluffing.
- ✓ Check on understanding: ask the hard-of-hearing person to repeat back to you, so you can be sure he or she understood.
- ✓ For anything but the most simple communication, written notes can be a problem. Keep in mind that many people—especially those who use sign language—may lack good English reading and writing skills.

Other Accommodations



Sometimes what is needed for effective communication is not equipment or technology but a different kind of accommodation:

- A deaf or hard-of-hearing inmate may function better in a quieter environment; you can consider this when you make a cell assignment.
- A deaf or hard-of-hearing inmate may not be able to understand group instruction, so might need an individual tutor for a class or program, or one-on-one orientation.
- A deaf or hard-of-hearing inmate may not hear an announcement or page, so might need individual notifications.

Procedures



CORRECTIONS POLICY AND PROCEDURE CPP 15.6

Follow Institutional Policy



- When interviewing an offender or engaging in any complex conversation with an individual whose primary language is sign language, interpretation is usually needed to ensure effective communication
- Check out the VRI Laptop to conduct the conversation. If the inmate does not want interpretation, have him fill out a waiver form.
- If indicated, write a note to inquire if communication aids or services are needed

Right To Waive Services



- The offender has the right to waive any service
- If an offender completes and signs a waiver form, the form shall be placed in the offender's KOMS file to ensure consistent documentation of services offered and waived

Transportation



- Prior to transporting an offender to an outside appointment, the precautions in KOMS shall be reviewed to determine if the offender requires the use of his or her hands to communicate
- If the KOMS precaution reflects the offender communicates by sign language, hospital restraints shall be taken on the transportation trip
- The Transport Officer is required to call the Captain's Office for approval to place the offender in the 2-point hospital restraints **PRIOR** to the restraints being used

Use of Hand Restraints



- Transporting to or from an adult institution
- Transferring into or out of Restrictive Housing Units
- Response to security threats
- Hand restraints will be removed
 - Once the inmate is in a secure environment
 - Security is no longer a threat
 - When possible use other security devices as to allow the inmate to effectively communicate using his or her hands

Monitoring Communication



- Monitoring communication of offenders with the outside world is a part of our security requirement
- Deaf and hard of hearing offender communication must also be monitored with the same discretion applied to non-deaf inmates; however, deaf inmates get twice as many minutes to complete a Videophone call, and at least three times as many minutes to complete a TTY call.

Avoiding Discrimination



When deaf or hard-of-hearing inmates have not heard an announcement or order because of their disability, it would be discriminatory to penalize them. Use your discretion to avoid illegal discrimination.

Auxiliary Aids and Services



USE OF APPROPRIATE COMMUNICATION AIDS

When is effective communication required? (Sign language interpretation OR auxiliary aids)

- Educational programs (literacy, adult basic education, GED, and technical education and certification classes).
- Vocational/work programs
- Rehabilitative, counseling, therapeutic, substance abuse, and evidence-based programs
- Work assignments
- Religious services (except KYDOC does not provide interpretation for volunteer-led religious programming)
- Intake, transfer and classification matters
- Transitional programming – post-release supervision
- On-site medical care and healthcare appointments
- Grievance and disciplinary hearings and meetings
- All important conversations between staff and inmates.

Auxiliary Aids

TV Closed
Captioning

CC

CLOSING CAPTIONING

VRI Laptop



TTY



Phone Volume
Adjustment



Amplifier



Bed Shaker



Hearing aids



Auxiliary Aids



Definition

- Modifications used to assist with communicating with individuals who are deaf or hard of hearing
- Allow for equal access to expressive and receptive forms of communication

Examples

- Qualified Interpreters
- Hearing Aids
- Transcription Services
- Assistive Listening Systems
- Closed Caption Decoders
- Open And Closed Captioning
- Tdd/Tty
- Videotext Displays
- Videophones
- Telephone Relay Services
- Visual Alert Systems
- Bed Shakers

Videophones



- Allows point to point contact or a deaf user to call anyone with a telephone using purple sign language interpreters
- Same rules apply to videophone as conventional phones, except for doubled time limit to allow time for signing
- How to use: select a 10-digit number and dial
- The videophones utilize standard correctional standards
- No in-bound calls, no 3-way calls, no call history, and HIPAA
- Time limit per call: twice as long as regular phone calls.



Federal Communications Commission (FCC)



- The FCC is required by Title 4 of the ADA to provide 24/7/365 Video Relay Services (VRS) to all deaf Americans
- VRS allows deaf individuals to communicate via sign language interpreters to anyone in the United States
- FCC provides financial reimbursement for each VRS call, which makes the service available at no cost to the individual
- State Department of Corrections are required by ADA (Title II) to make all programs and services accessible, including the offender telephone system.

TTY/TDD Phone



- Teletypewriter, or TTY, is a device that permits deaf or hard of hearing individuals to communicate using regular phones
- Location: Varies. Often at the officer's station of the offender's unit

Time limit per call: 45 minutes

(extended phone time to allow time for typing).



- How to use: Place the handset in the acoustic coupler attached to a regular telephone and turn on the power, or attach a phone cord to the input.
- Can be used to call another TTY or a regular phone, via relay. (see next slide)

TTY Relay



- A communications assistant (CA) relays the TTY input to the telephone user and types that person's response back to the TTY user.
- Telecommunications relay services can be reached by dialing 711 on the TTY.

Phone volume controls

Some of KYDOC's Securus phones have volume controls, which can be essential for hard-of-hearing inmates. There should be at least one volume-controlled phone in any area where needed by such an inmate.



VRI Laptop



- Allows same-room sign language interpreting
- How to use:
 1. Plug in blue Ethernet cable into laptop.
 2. Click on Purple icon on desktop
- Talk at your normal rate or slightly slower
- Only one person should speak at a time
- Use short sentences and simple words

Who sits where for VRI ?



Use either of these setups for you and the inmate:

1.

or

2.

(Desk or table)

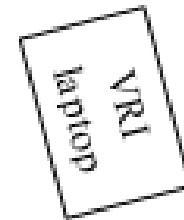


Staff member

Inmate

Staff member

(Desk or table)



Inmate

Closed captions



All KYDOC televisions and most videos are closed-caption-enabled. Institutional movies should have captions turned on. Turn on TV and video captioning on inmate request.



Fire Alarm System And Alarm Clock Shaker



- The bed shaker is connected to the Simplex fire system.
 - The fire alarm is activated
 - The bed shaker will shake the bed of the user.
 - The bed shaker push button is located in the Control Center.
 - When pushed, it will shake the bed of the user.
- Use when any announcement is made



Hearing Aids



- Hearing aids shall be provided to any inmate who has a hearing loss of a severe nature
- An inmate may request hearing aids be provided for hearing loss that is less than severe (less than 80dB), but the inmate shall pay for the full cost of the hearing aids.
- Hearing aids only amplify sound; they aren't perfect.
 - If a person is wearing a hearing aid, do not assume the person can hear you. Hearing aids help, but they don't mean the inmate can hear well.
 - Minimize background noise and other distractions whenever possible.
 - When you pack up an inmate's property, he should keep his hearing aids with him. Be sure not to lose them!

Assistive listening systems



Assistive listening systems allow a speaker or speakers to use a wireless microphone that sends a signal to an earbud that a deaf or hard-of-hearing inmate wears.

If you run a program or a class, KYDOC institutions are making such systems available when needed. The ADA Coordinator will keep you informed.

Review



Summary



- The Department of Corrections houses many deaf and hard of hearing inmates.
- Remember to communicate with these offenders in a courteous and dignified manner
- To avoid misunderstandings and potentially dangerous incidents, make every effort to make sure that the communication is understood
- All inmates have the right to effective communication
- Lack of knowledge and training can cultivate the development of other issues

Conclusion



Each institution has an assigned ADA Coordinator who has received training on federal and state law

The ADA Coordinator is the institutional expert for questions regarding deaf and hard of hearing inmates

When in doubt error on the side of understanding and ask the ADA Coordinator for help and clarification

Thank You



STAY SAFE