



**Division of Pretrial  
Detention and Services**

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Approved By:  
John S. Wolfe  
Commissioner

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| <b>Title:</b><br>Accommodations for Persons with Disabilities                | <b>DPDS Directive Number:</b><br>DPDS-200-0002  |
| <b>Related MD Statute/Regulations:</b><br>ADA, 42 U.S.C. § 12132             | <b>Supersedes:</b><br>DPDS.200.0002 titled,<br>Accommodations for Persons with Disabilities issued April 30, 2015.                  |
| <b>Related ACA Standards:</b><br>1-CORE-6B-02; 1-CORE-6B-03;<br>1-CORE-7E-01 | <b>Responsible Authority:</b><br><i>Carolyn J. Scruggs</i><br>Authorized By:<br>Carolyn J. Scruggs<br>Acting Assistant Commissioner |
| <b>Related MCCS Standards:</b><br>.01M; .02E                                 | <b>Effective Date:</b> March 30, 2016<br><br><b>Number of Pages:</b> 8  |

**Division of Pretrial Detention and Services Directive**

**.01 Purpose.**

This directive establishes procedures ensuring that, on request, persons who qualify under the Americans with Disabilities (ADA) Act are afforded reasonable accommodation while in the custody of the Division of Pretrial Detention and Services facilities.

**.02 Scope.**

This directive is applicable to the programs and services within the Division of Pretrial Detention and Services:

- A. Baltimore Central Booking and Intake Center (BCBIC);
- B. Baltimore Pretrial Complex:
  - (1) Annex Building;
  - (2) Jail Industries Pretrial and Pre-Release;
  - (3) Woman's Detention Center; and

(4) Wyatt Building.

**.03 Policy.**

It is the policy of the Division of Pretrial Detention and Services that:

A. “There is no discrimination regarding administrative decisions or program access based on an inmate’s:

(1) Race;

(2) Religion;

(3) Natural Origin;

(4) Gender;

(5) Sexual Orientation; or

(6) Disability.

B. When both males and females are housed in the same facility, available services and programs are comparable” (1-CORE-6B-02).

C. In the provision of a reasonable accommodation, the safety and security of persons and of the facility is properly considered.

D. “Inmates with disabilities, including temporary disabilities, are housed and managed in a manner that provides for their safety and security. Housing used by inmates with disabilities, including temporary disabilities, is designed for their use and provides for integration with other inmates. Program and service areas are accessible to inmates with disabilities” (1-CORE-6B-03).

E. Reasonable accommodation is made to ensure that all parts of the facility that are accessible to the public are accessible and usable by staff and visitors with disabilities (1-CORE-7E-01).

F. The timely delivery of necessary medical supplies to detainees or inmates with disabilities.

G. The reasonable accommodation shall include toilets that can be used without staff assistance, accessible showers, and areas providing appropriate privacy and sanitation for bowel disimpaction.

H. Staff with appropriate training shall be designated to address concern of a detainee or inmate with disabilities regarding accommodations for their disabilities and to assist in the resolution of any security issues that may threaten provision of necessary

accommodations.

I. A vehicle with adaptations to make it suitable for the safe transportation of persons with mobility-related disabilities is utilized unless an emergency situation occurs and it requires the use of an ambulance for transport.

**.04 Definitions.**

A. In this directive, the following terms have the meanings indicated.

B. Terms Defined.

(1) "American with Disabilities Act" (ADA).

(2) "Auxiliary aid" means a service or device to ensure communication with an individual who has:

(a) Hearing;

(b) Vision; or

(c) Speech impairments are as effective as communication with others.

(3) "Disabled individual" means a person who has a:

(a) Physical; or

(b) Mental impairment that substantially limits a major life activity.

(4) "Qualified individual" means a person who meets the eligibility requirements for the:

(a) Program;

(b) Activity; or

(c) Service being offered.

**.05 Responsibility.**

A. The Warden or designee is responsible for ensuring that:

(1) Reasonable accommodation is made to provide equal access via the:

(a) Program;

(b) Service, to include:

- (i) Specialized medical services; and
    - (ii) Off-site medical treatment.
  - (c) Activity to a qualified:
    - (i) Detainee/Inmate; or
    - (ii) Visitor who is disabled.
  - (2) Written guidelines are provided to designated staff regarding the appropriate accommodation. A general accommodation includes, but is not limited to:
    - (a) Persons with hearing or speaking impairments, who uses the assistance of:
      - (i) Auxiliary aids to allow communications with staff;
      - (ii) Legal representatives;
      - (iii) Court personnel;
      - (iv) Family; and
      - (v) Other persons of interest.
    - (b) Persons with mobility or visual impairment:
      - (i) The identification of special housing needs as determined by qualified health care professionals and appropriate bed assignments as implemented by the Shift Commander or designee;
      - (ii) The provision for ramps, chairlifts and elevators shall allow direct access to staff, legal representatives, court personnel, family and other persons of interest.
    - (c) Persons with cognitive disability:
      - (i) The identification of potential for increased vulnerability or need of special housing as determined by qualified health care professional; and
      - (ii) Appropriate bed assignments as implemented by the Shift Commander or designee.
- B. The Training Unit Supervisor is responsible for documenting the inclusion of this directive in pre-service training provided to the:

- (1) Staff; and
- (2) Volunteers.

C. The Case Management Director or designee shall ensure that:

- (1) The process for requesting an accommodation, as established in Appendix A, is described in orientation materials, to include:

- (a) Adult and juvenile handbooks;
- (b) Abbreviated handouts such as an Informational Bulletin, Change Notice or Addendum;
- (c) Video presentations; and

- (2) A Case Manager shall promptly refer to the Assistant Commissioner or designee the:

- (a) Name;
- (b) SID number of an inmate who request accommodation at:
  - (i) Orientation; and
  - (ii) Housing Location.

D. Staff responsible for processing Inmate Grievances, both adult and juvenile, shall follow procedures established in the applicable directive when addressing ADA-related issues.

E. Qualified health care professional shall:

- (1) On referral or at a routine examination, note in the medical record:

- (a) A disability; and
- (b) A major life activity that is limited and for which this detainee or inmate has requested or has agreed to accept accommodation related to the:
  - (i) Program;
  - (ii) Service; or
  - (iii) Activity.

- (2) Make the appropriate recommendation to the Shift Commander or designee and the

Director of Case Management in the area of:

- (a) Housing;
  - (b) Auxiliary aids;
  - (c) Durable medical equipment, utilizing the appropriate:
    - (i) Form; or
    - (ii) Other written communication.
  - (3) Communicate instructions directly to the Shift Commander or designee whenever immediate action is required to ensure:
    - (a) The health; and
    - (b) Safety of a disabled inmate.
  - (4) Forward a written referral to the Warden before the end of the shift, if a non-urgent accommodation is not addressed as described in this directive.
- F. The staff and volunteers having direct contact with detainee or inmate population and visitors shall follow:
- (1) Facility guidelines for appropriate auxiliary and other accommodations as described in this directive; and
  - (2) General guidelines provided in Appendix A of this directive.
- G. At the notification of an unmet request for ADA accommodations from a subordinate, staff shall:
- (1) Take appropriate action to:
    - (a) Provide; and
    - (b) Document the accommodation.
  - (2) Submit a Matter of Record before the end of the shift to the immediate supervisor whenever a requested accommodation cannot be provided because:
    - (a) Resources are lacking;
    - (b) Information is lacking; or
    - (c) The request does not appear reasonable.

H. On notification that a request for accommodation is pending, the Warden shall:

- (1) Meet with the requestor.
- (2) Consult with qualified health care professional or other persons of interest for further information pertaining to:
  - (a) Appropriate; or
  - (b) Reasonable accommodation for the particular:
    - (i) Disability; or
    - (ii) Circumstance.
- (3) Make and document a final determination on the rationality of the request.
- (4) Authorize corrective action as required.
- (5) Notify the requestor within two (2) working days of reaching a final determination, in writing, or in another format if necessary for the individual to understand, that a final determination was made including a:
  - (a) Summary of the resolution proposed; and
  - (b) Statement issued that was not capable of being resolved.

**.06 Attachment(s).**

Appendix A - Accommodation for Persons with Disabilities, General Guidelines for Staff and Volunteers.

Appendix B - Policy Management Audit Tool.

**.07 History.**

- A. This directive replaces DPDS.200.0002, titled Accommodations for Persons with Disabilities issued on April 30, 2015; and
- B. This directive supersedes provisions of Division of Pretrial and Detention Services Communication with which it becomes in conflict.

**.08 Distribution.**

A  
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DPDS Directive Number DPDS-200-0002

S- Medical, Case Management, Traffic



**Division of Pretrial Detention and Services**  
**Accommodations for Persons with Disabilities**  
General Guidelines for DPDS Staff and Volunteers

**Offering Accommodations**

1. Staff/volunteers should not assume that an accommodation is needed. However, there are times (e.g. prior to detainee orientation or a visitor's first time in a DPDS facility) when it is appropriate to directly ask if the individual wants help and if the individual can state the type of help they want. Such conversations should be discrete and not attract the attention of others.
2. Auxiliary or other accommodations may be offered, but not imposed. (*Auxiliary means a service/device to ensure that communications with individuals who have hearing, vision or speech impairments are as effective as communication with others*)
3. At no time shall an arrestee, detainee or inmate provide assistance or accommodations to a disabled individual (*i.e. a person who has a physical or mental impairment that substantially limits a major life activity.*)
4. Requests or accepted accommodations that cannot be provided, for whatever reason, shall be documented in a logbook and reported in a Matter of Record, submitted prior to the shift end.

**Request for Accommodation and Response**

1. An arrestee, detainee, inmate or a visitor to a Division facility may request accommodations when that persons believes he/she is denied equal access to services, programs or activities because he/she is a qualified individual (*i.e. person meeting the eligibility requirements for the program, activity or service being offered.*)
  2. Informal requests may be made directly to any DPDS employee/volunteers with whom the individual has contact.
    - (a) The employee/volunteer may take immediate action to comply with the request, if the request is reasonable and it is within his or her authority to do so ( e.g. assist in the completion of a form or dialing a telephone.) Such action shall be taken in a discrete manner that is not obvious to others and shall be documented in a logbook and a Matter of Record.
    - (b) If an informal request cannot be resolved due to a lack of authority, information or resources, or if it does not appear reasonable, the pending request shall be documented in a logbook and in a Matter of Record to be completed and submitted before the end of the shift.
    - (c) At no time shall an arrestee, detainee or inmate be directed to provide assistance or accommodations to a disabled individual.
  3. A detainee may file an informal request for accommodation through the Help Request Process or file a formal request through the Detainee Grievance Process. In each case the detainee must identify the specific disability or disabilities and specific accommodation(s) sought.

**DIVISION OF PRETRIAL DETENTION AND SERVICES  
Policy Management Audit Tool**

Appendix B to DPDS.200.0002

| Title & Directive Number: Accommodations for Persons with Disabilities<br><br>Institution/Facility: _____<br><br>Audit Date: _____ Audit Period: _____<br><br>Auditor(s): _____<br>Auditor's Comments: _____ |                     |   | Mark "C" for compliant. | Mark "D" for deficient. | Mark "X" for Corrective Action Plan attached |
|--|---------------------|---|-------------------------|-------------------------|--|
|  | Directive Reference | Compliance Indicators and Their Source  |                         |                         |  |
| 1  | .05 A (2)           | “Accommodations for Persons with Disabilities, General Guidelines for DPDS Staff and Volunteers” is available to staff on the <i>SafetyNet</i> as Attachment A to DPDS.200.0002. and upon request from the DPDS Policy Coordinator. |                         |                         |  |
| 2  | .05 B               | Facility Training Units records document the inclusion of DPDS 200.0002 in pre-service training material.   |                         |                         |  |
| 3  | .05 C               | Orientation Materials (adult & juvenile) prepared and distributed by Case Management describe the process for requesting accommodations.  |                         |                         |  |