



## Division Directive

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<b>Title:</b> Accommodations for Persons with Disabilities	<b>Directive Number:</b> DPDS.200.0007 – Revised
<b>Related MD Statute/Regulations:</b> ADA, 42 U.S.C. § 12132	<b>Rescinds and Replaces:</b> DPDS.200.0002 - Accommodations for Persons with Disabilities dated March 30, 2016
<b>Related ACA and MCCS Standards:</b> ACA: 1-CORE-6B-02; 1-CORE-6B-03; 1-CORE-7E-01 MCCS: .05A	<b>Authorized By:</b>  <b>Michele Gardner</b> Department ADA Coordinator
<b>Related Directives:</b> DPSCS.200.0007- ADA Title II - Nondiscrimination and Accommodations for Persons with Disabilities OPS.200.0004 - Policy Statement- Inmates with Hearing Disabilities	<b>Issued Date: June 18, 2025</b> <b>Effective Date: July 1, 2025</b>
<b>Variance:</b> No facility directives are permitted. Division policies are subject to review and approval by the Department's ADA Coordinator.	<b>Number of Pages: 7</b>

### .01 Purpose.

The purpose of this directive is to establish and maintain policy and procedures for the Division of Pretrial Detention and Services (Division) to ensure that individuals who qualify under the Americans with Disabilities Act (ADA) are afforded reasonable accommodations, with regard to facility access, services, programs, and activities provided by the Division.

### .02 Scope.

This directive is applicable to all facilities within the Division.

### .03 Policy.

- A. The Division shall comply with the Americans with Disabilities Act (ADA) and the Department of Public Safety (Department) policies and procedures that prohibit discrimination and harassment based on an individual's disability and provide guidance on providing reasonable accommodations to individuals who qualify as disabled.

B. It is the policy of the Division to ensure:

- (1) Incarcerated individuals with disabilities, including temporary disabilities, are housed and managed in a manner that provides safety and security. Housing used by incarcerated individuals with disabilities, including temporary disabilities, is designed for their use and supports their integration with other incarcerated individuals; and
- (2) An ADA tickler system is developed to track all incarcerated individuals who qualify as disabled and ensure the system is updated and maintained by the Facility ADA Coordinator and correctional facility medical personnel.

**.04 Definitions.**

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

B. Terms Defined.

- (1) “Americans with Disabilities Act (ADA)”.
  - (a) The ADA is federal legislation enacted by the United States Congress in 1990 that prohibits discrimination against people with disabilities.
  - (b) The ADA makes it illegal to discriminate against a person on the basis of a disability in employment, public services, public accommodations, telecommunications, and protects against retaliation.
- (2) “Auxiliary aids and services” has the meaning stated in [28 C.F.R. §35.104](#).
- (3) Correctional Facility.
  - (a) “Correctional facility” has the meaning stated in Correctional Services Article, §1-101, Annotated Code of Maryland: ‘Correctional facility’ means a facility that is operated for the purpose of detaining or confining adults who are charged with or found guilty of a crime.
  - (b) “Correctional facility” includes a:
    - (i) Detention facility; and
    - (ii) Pre-release facility.
- (4) “Disabled person” means an individual:
  - (a) With a physical or mental impairment that substantially limits one or more major life activities of the individual;
  - (b) With a record of such an impairment; or
  - (c) Regarded as having such an impairment as described in [28 C.F.R. § 35.108](#).

- (5) “Facility ADA Coordinator” means an employee designated by the managing official to coordinate the correctional facility’s activities and responsibilities under the ADA Title II.
- (6) Incarcerated Individual.
  - (a) “Incarcerated individual” has the meaning stated in CSA, §1-101, Annotated Code of Maryland which states, “‘Incarcerated individual’ means an individual who is actually or constructively detained or confined in a correctional facility.”
  - (b) “Incarcerated individual” includes the term “incarcerated individual” as stated prior to October 1, 2023 CSA, §1-101, ACM.
  - (c) “Incarcerated individual” includes the term incarcerated person.
- (7) “Managing official” has the meaning stated in Correctional Services Article, §1-101, Annotated Code of Maryland: ‘Managing official means the administrator, director, warden, superintendent, sheriff, or other individual responsible for the management of a correctional facility.

## **.05 Responsibilities.**

### **A. The managing official shall:**

- (1) Comply with all requirements of *DPSCS.200.0007 - Americans with Disabilities Act (ADA) Title II Non-discrimination and Accommodations for Persons with Disabilities*;
- (2) Designate correctional staff with appropriate training to:
  - (a) Address concerns of an incarcerated individual with one or more disabilities regarding accommodations for their disabilities; and
  - (b) Resolve any security issues that may threaten the provision of necessary accommodations.
- (3) Make reasonable accommodations to ensure that all parts of the correctional facility that are accessible to the public are accessible and usable by staff and visitors with disabilities (e.g. ramps, elevators); and
- (4) Unless an ambulance is required to transport an incarcerated individual, ensure vehicles equipped with disability-adaptive equipment and/or modified for disability accessibility are utilized for transport.

### **B. The Assistant Warden of each correctional facility shall be designated as the Facility ADA Coordinator. If the facility does not have an assistant warden, the Facility Administrator is the Facility ADA Coordinator. The Facility ADA Coordinator has the authority to identify a team of individuals to ensure compliance with this directive.**

### **C. The Office of Clinical Services and Incarcerated Individual Health shall:**

- (1) In accordance with *OPS.130.0003 - Clinical Services and Incarcerated Individuals Medical Evaluations Manual*, ensure each incarcerated individual is evaluated to determine if the incarcerated individual has a disability that requires an accommodation under the ADA; and
- (2) If the incarcerated individual is diagnosed with a qualifying disability, the healthcare provider shall order the appropriate accommodations including, but not limited to:
  - (a) Housing assignment;
  - (b) Sign language or interpreter services;
  - (c) An auxiliary aid or service;
  - (d) Durable medical equipment;
  - (e) A wheelchair or other mobility device;
  - (f) A prosthesis;
  - (g) Adapted transportation and mobility vehicles; and
  - (h) Adapted showers, toilets, and other related personal hygiene needs.

D. The Facility ADA Coordinator shall ensure that:

- (1) Reasonable accommodations are made to provide:
  - (a) Adequate housing;
  - (b) Equal access to programs;
  - (c) Services to include:
    - (i) Specialized medical services; and
    - (ii) Off-site medical treatment determined to be necessary by the Office of Clinical Services and Incarcerated Individual Health;
  - (d) Activities, such as recreation; or
  - (e) Other appropriate activity or service.
- (2) Written guidelines are provided to designated staff regarding appropriate accommodations that are approved for disabled incarcerated individuals. General accommodations include, but are not limited to:

- (a) Persons with hearing or speech impairments, who use the assistance of auxiliary aids;
- (b) Persons with mobility or visual impairments:
  - (i) The identification of special housing needs as determined by the correctional medical staff and appropriate bed assignments as implemented by the Shift Commander or designee;
  - (ii) The provision for ramps, chairlifts, and elevators which allow direct access to staff, legal representatives, court personnel, family, and other persons of interest.
- (c) Persons with cognitive disabilities:
  - (i) The identification of the potential for increased vulnerability or need of special housing as determined by correctional medical staff; and
  - (ii) Appropriate bed assignments as implemented by the Shift Commander or designee.
- (3) Information related to accommodations are disseminated to appropriate staff and recorded on an ADA log. This log should be cross referenced between case management, medical, and traffic.

E. ADA Rounds and Inspections. The Facility ADA Coordinator or designee shall:

- (1) Conduct ADA rounds with the ADA Nurse and custody designated Medical Liaison at least twice per month to reinforce medical and custody guidelines with incarcerated individuals who receive ADA accommodations; and
- (2) Conduct monthly routine housing unit rounds to address and resolve any ADA accommodation related issues.

F. The Training Unit Supervisor is responsible for documenting the inclusion of this directive in pre-service training provided to:

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

G. The Regional Case Management Manager or designee shall ensure that:

- (1) The process for requesting an accommodation, as established in *Accommodation for Persons with Disabilities, General Guidelines for Staff and Volunteers - Appendix A*, is described in orientation materials, to include:

- (a) Adult and juvenile orientation handbooks;
  - (b) Abbreviated handouts such as an informational bulletin, change notice, or addendum; and
  - (c) Video presentations, when available;
- (2) Upon receipt of an ADA accommodation request during an orientation, interview, or housing location visit, a case manager shall promptly refer the request to the Facility ADA Coordinator with the incarcerated individual's name and SID number.

## **.06 Procedures.**

### **A. ADA Alerts.**

- (1) The Office of Clinical Services and Incarcerated Individual Health shall designate a medical administrator or medical staff member to send out ADA alerts via the following email address, [DLBaltimoreADAAlert\\_DPSCS@maryland.gov](mailto:DLBaltimoreADAAlert_DPSCS@maryland.gov). This email notification will:
- (a) Alert the following authorized staff of the incarcerated individual's arrival, name, Bin #, and their disability:
    - (i) Custody supervision;
    - (ii) Facility administration;
    - (iii) Regional transportation;
    - (iv) Case management;
    - (v) Medical; and
    - (vi) Other authorized staff.
  - (b) Initiate the ADA process to ensure accommodations are provided to the disabled person.
- (2) The Medical Administrator or designee shall manage the ADA email alert system and make appropriate corrections to the email notification and alert list as determined by medical or the Facility ADA Coordinator.

### **B. Upon notification of a request for ADA accommodation, the Facility ADA Coordinator or designee shall take appropriate action to:**

- (a) Provide; and

- (b) Document the accommodation in accordance with provision established in *DPSCS.200.0007 - Americans with Disabilities Act (ADA) Title II Non-discrimination and Accommodations for Person with Disabilities*.
- C. At the notification of an unmet request for ADA accommodations, correctional staff shall submit a Matter of Record before the end of the shift to the immediate supervisor whenever a requested accommodation cannot be provided because of the following:
  - (a) Limited resources;
  - (b) Limited information; or
  - (c) The request is unreasonable.
- D. Correctional staff responsible for processing Incarcerated Individual Grievances, both adult and juvenile, shall follow procedures established in *Appendix A - Accommodation for Persons with Disabilities, General Guidelines for Correctional Staff and Volunteers* when addressing complaints of discrimination under the ADA-related issues.
- E. Staff and volunteers having direct contact with the incarcerated individual population and visitors shall follow:
  - (1) Correctional facility guidelines for providing appropriate auxiliary aids and services as described in this directive; and
  - (2) General guidelines provided in *Appendix A - Accommodation for Persons with Disabilities, General Guidelines for Correctional Staff and Volunteers*.

## **.07 Appendices.**

- A. Accommodation for Persons with Disabilities, General Guidelines for Correctional Staff and Volunteers
- B. Policy Management Audit Tool

## **.08 History.**

- A. This directive rescinds and replaces DPDS.200.0002, titled Accommodations for Persons with Disabilities issued on March 30, 2016; and
- B. This directive supersedes provisions of any other prior existing communication with which it may be in conflict.

## **.09 Distribution.**

A  
B  
L  
S – Medical and Traffic

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

**Offering Accommodations**

1. Staff and volunteers should not assume that an accommodation is needed. However, there are times (e.g. prior to incarcerated individual 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 that they require. Such conversations should be discreet 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 incarcerated individual 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, reported in a Matter of Record, and submitted to a correctional supervisor prior to the end of the shift.

**Request for Accommodation and Response**

1. An incarcerated individual or visitor requesting accommodations may make a formal request by completing an Individual Reasonable Accommodation Request Form - DPCS Form #200-07aR.
2. Informal requests may be made directly to any DPDS employee or volunteer with whom the requesting individual has direct contact at the correctional facility. An employee or volunteer receiving an informal request shall adhere to the following guidelines:
  - a. The employee or volunteer shall take immediate action to comply with the request, if the request is reasonable and it is within their authority to do so (e.g. assist in the completion of a form or dialing a telephone). Such action shall be taken in a discreet 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 a Matter of Record to be completed and submitted before the end of the shift.
  - c. At no time shall an incarcerated individual be directed to provide assistance or accommodations to a disabled individual.



3. An incarcerated individual 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 incarcerated individual must identify the specific disability or disabilities and specific accommodation(s) sought.

For further information, refer to: *DPDS.200.0002 -Accommodations for Persons with Disabilities and DPSCS.200.0007 - DPSCS.200.0007 - Americans with Disabilities Act (ADA) Title II Non-discrimination and Accommodations for Persons with Disabilities*

## Division of Pretrial Detention and Services

### Policy Management Audit Tool

Title & Directive Number: Accommodations for Persons with Disabilities  Institution/Facility: _____  Audit Date: _____ Audit Period: _____  Auditor(s): _____ Auditor's Comments: _____			Mark "C" for compliant.	Mark "D" for deficient.	Mark "X" for Corrective Action Plan attached
1	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 Appendix 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.002.000 in pre-service training material.			
3	.05 C	Orientation Materials (adult & juvenile) prepared and distributed by Case Management describe the process for requesting accommodations.			