



ADMINISTRATIVE POLICIES  
AND PROCEDURES  
State of Tennessee  
Department of Correction

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Effective Date: August 26, 2022

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Approved by:

*Lisa Deaton*

Subject: ACCOMMODATIONS FOR DEAF AND HARD OF HEARING INMATES

- I. AUTHORITY: Title II of the Americans with Disabilities Act (ADA), 42 U.S.C. §§ 12131-12134, TCA § 24-1-211 and 28 C.F.R. Part 35.
- II. PURPOSE: To establish guidelines in accordance with Title II Americans with Disabilities Act (ADA) by taking reasonable steps to provide appropriate auxiliary aids and services to ensure effective communication where necessary to afford inmates with hearing disabilities an equal opportunity to participate in or benefit from the services, programs, and activities of TDOC.
- III. APPLICATION: To all Tennessee Department of Correction (TDOC) employees and inmates under TDOC custody, including privately managed institutions, employees of Tennessee Rehabilitative Initiative in Correction (TRICOR), and all providers and recipients of departmental services including contract service providers.
- IV. DEFINITIONS:
  - A. ADA Compliance Director: The TDOC central office employee designated to coordinate all of the TDOC's statewide efforts to comply with and carry out its responsibilities under Title II of the ADA. The TDOC employee who has the responsibility and authority to ensure that TDOC institutions are readily accessible to and usable by inmates with disabilities, provide inmates with disabilities equal opportunity to participate in and benefit from TDOCs services, programs and activities, including the provision of appropriate auxiliary aids and services to ensure effective communication, and ensure that inmate requests for accommodations, complaints, and grievances are addressed and resolved as set forth in this Policy.
  - B. American with Disabilities Act (ADA): The ADA is a federal civil rights law that prohibits discrimination against individuals with disabilities in all areas of public life, including jobs, schools, transportation, and all public and private places that are open to the general public. Title II of the ADA prohibits discrimination on the basis of disability in the services, programs, or activities of a public entity, like TDOC. It further provides that no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any such entity. The purpose of the law is to make sure that people with disabilities have the same rights and opportunities as everyone else.
  - C. American Sign Language (ASL): A complete, natural language that has the same linguistic properties as spoken languages, with grammar that differs from English. ASL is expressed by movements of the hands and face. It is the primary language of many North Americans who are deaf and hard of hearing and is used by many hearing people as well.
  - D. Auxiliary Aids and Services: Includes qualified sign language interpreters on-site or through video remote interpreting (VRI) services; note takers; computer-aided real-time transcription services (CART); written materials; exchange of written notes; telephone handset amplifiers;

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assistive listening devices; assistive listening systems; telephones compatible with hearing aids; closed caption decoders; open and closed captioning, including real-time captioning; voice, text, and video-based telecommunications products and systems, including text telephones (TTY), videophones, and captioned telephones, or equally effective telecommunications devices; videotext displays; accessible electronic and information technology; or other effective methods of making aurally delivered information available to individuals who are deaf, hard of hearing, or who have a speech disability.

- E. Disability: A physical or mental impairment that substantially limits one or more major life activities of an individual or a record of such an impairment. Individuals have “hearing disabilities” if they have a physical impairment that substantially limits their hearing, without regard to mitigating measures such as hearing aids or cochlear implants.
- F. Effective Communication: Communication with individuals who are deaf or hard of hearing that is as effective as communication with others. Effective communication is achieved by furnishing appropriate auxiliary aids and services where necessary to afford inmates with disabilities an equal opportunity to participate in or benefit from the services, programs, or activities of TDOC, unless to do so would result in a fundamental alteration in the nature of the service, program, or activity or would cause an undue financial and administrative burden.
- G. Institutional ADA Coordinator: The Associate Warden of Treatment (AWT)/Deputy Superintendent at TDOC institutions and the Assistant Warden of Treatment at privately managed facilities.
- H. Qualified Interpreter: A sign language interpreter who, via a video remote interpreting (VRI) service or an on-site appearance, is able to interpret effectively, accurately, and impartially, both receptively (i.e., understanding what the person with the disability is saying) and expressively (i.e., having the skill needed to convey information back to that person) using any necessary specialized vocabulary, given the deaf or hard of hearing individual’s language, skills, and education. Qualified interpreters include, for example, sign language interpreters, oral transliterators, and cued-language transliterators.
- I. Text Telephone/Teletype Terminal/Teletypewriter (TTY): A device that allows individuals with hearing disabilities to use a telephone to type and send text messages.
- J. Telecommunications Relay Service (TRS): An operator service that allows individuals with hearing disabilities to place call to standard telephone users via keyboard or assistive device.
- K. Videophone: A telephone with a camera and screen for visual, real-time communication.
- L. Video Relay Service (VRS): A telephone service for individuals who are deaf and use American Sign Language and have videophones, smart phones, or computers with video communication capabilities. VRS uses interpreters connected to callers by video hook-up and provides services that are functionally equivalent to those provided to users who are hearing. For outgoing calls, the inmate contacts the VRS interpreter, who places the call and serves as an intermediary between the inmate and a person using a standard voice telephone; the interpreter tells the telephone user what the inmate is signing and signs to the inmate what the telephone user is saying.
- M. Video Remote Interpreting (VRI): An interpreting service that uses video conference technology over dedicated lines or wireless technology offering high-speed, wide-bandwidth video connection that delivers high-quality video images.

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V. POLICY: The TDOC will not discriminate against or exclude inmates with disabilities from participating in or deny them the benefits of the TDOC's programs, services, or activities, including, but not limited to, telephones, housing, education, vocation, recreation, and religious services programs and activities.

VI. PROCEDURES:

A. All institutions will provide appropriate auxiliary aids and services for deaf and hard of hearing inmates to ensure effective communication and the equal opportunity to participate in and benefit from TDOC's services, programs, and activities.

B. Institutional ADA Coordinator: The AWT/Deputy Superintendent (DS) at each TDOC institution is the designated ADA Coordinator for their institution. Each AWT/DS is responsible for coordinating requests for reasonable modifications and auxiliary aids and services for inmates with disabilities. Additionally, as Institutional ADA Coordinators the AWTs/DSs are responsible for the following:

1. Maintaining records of inmate requests for auxiliary aids and services, as well as the auxiliary aids and services provided with or without a specific inmate request.
2. Act affirmatively and take appropriate steps to assess the potential needs of an inmate with a known disability, regardless of whether or not the inmate has made a specific request for an accommodation.
3. Conduct individualized reviews regarding the type of action that is required to accommodate inmates with hearing disabilities and conduct ongoing reviews to ensure that an inmate's disability related needs are being met.
4. Investigate any inmate ADA grievance or complaint, that is communicated to the TDOC.
5. Maintain records of inmate ADA complaints and their resolution.
6. Ensure that other departments within TDOC are notified of the inmate's hearing disability and need for auxiliary aids and services.
7. Coordinate with and provide pertinent and/or requested information to the ADA Compliance Director to ensure the institution is in compliance with Title II of the ADA.

C. Identification of Deaf or Hard of Hearing Inmates: During the intake process, inmates with hearing disabilities must be offered a special ID card which provides notice of the disability and the inmates' preferred auxiliary aids and services to all employees having contact with the inmate. The names of those inmates requiring auxiliary aids and services will be documented and reported to the Institutional ADA Coordinator immediately. Inmates may refuse to accept a special ID card. If an inmate does not want this special ID card, the refusal must be documented in writing and signed by the inmate. The waiver of the special ID card does not waive the inmate's right and/or access to eligible services. This special ID card will not be treated as confidential medical information.

D. Provision of Auxiliary Aids and Services: All institutions must provide appropriate auxiliary aids and services, including qualified interpreters, to inmates who have a hearing disability when such aids and services are necessary to ensure effective communication. Determination of an appropriate auxiliary aid or service, including whether a qualified interpreter is required

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depends on the nature, length, complexity, and context of the communication and the inmate's normal method of communication. Primary consideration is to be given to the expressed choice of the inmate with a disability and the institution must honor the choice of the inmate unless it can demonstrate that another effective means of communication exists.

- I. The activities, services, and programs which require the provision of appropriate auxiliary aids and services, include, but are not limited to, the following:
  - a. Intake, including transfers between institutions.
  - b. Orientation.
  - c. Classification.
  - d. Critical communications which involve complex information, lengthy exchanges, or anything involving legal due process.
  - e. Medical care, health programs and services, including, but not limited to, physicals, medical screenings, and treatments, dental, visual, and/or mental health examinations or treatment, and drug and alcohol recovery services.
  - f. Counseling or psychological services.
  - g. Educational and vocational programming, including any programming required for parole or early-release.
  - h. Due process hearings, including, but not limited to, disciplinary hearings and hearings in which the inmate is a witness.
  - i. Classification review interviews.
  - j. Grievance interviews and processes.
  - k. Religious services.
  - l. Non-criminal investigations conducted by the institution or OIC.
  - m. Pre-release instructions.
  - n. All communications regarding PREA.

E. Qualified Interpreters for TDOC Programs, Services and Activities:

1. When a sign language interpreter is required to ensure effective communication with an inmate, the interpreter provided must be qualified, as defined above in Section IV.(H.) of this Policy.
2. On-site sign language interpreter services are required when VRI is not available or the use of VRI is not feasible or does not result in effective communication, such as where

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the inmate is unable to clearly see the video monitor (for example, due to vision difficulties or because the video monitor is out of the inmate's sightline), where the signal is interrupted causing unnatural pauses in communication, or where the image is grainy or otherwise unclear.

F. Procedure for Requesting and Documenting Qualified Interpreter:

The Institutional ADA Coordinator at each institution must contact the Director of Contract Administration at Central Office to request interpreter services. Requests must be made at least 48 hours in advance and the following information must be provided:

- a. Inmate First/Last Name
  - b. TOMIS ID of the inmate
  - c. Purpose of the appointment
  - d. Date and Time of the appointment
  - e. Length of time expected for interpreter services. Interpreter services are scheduled for a maximum two-hour time period. If the requested interpreter services are expected to exceed two-hours, more than one interpreter will be scheduled.
  - f. Location, including the street address.
1. A qualified interpreter must be requested and provided at the earliest reasonable time. The activity, service, or program may be delayed until the interpreter is made available, or the inmate may elect to delay his or her participation in the activity, service, or program until the interpreter is available, except in situations or circumstances involving an emergency.
  2. Until a qualified interpreter is present, the institution must use the most effective, readily available means of communicating with the inmate. The institution must inform the inmate of the current status of efforts being taken to secure a qualified interpreter and provide supplemental updates to the inmate as necessary until an interpreter is secured. Notification efforts to secure a qualified interpreter does not lessen the institution's obligation to provide qualified interpreters in a timely manner.

G. Institutional Intake: A qualified interpreter or other auxiliary aids and services must be provided for deaf and hard of hearing inmates to understand and complete the intake process. If, prior to intake, the institution is not aware that an inmate will require an interpreter or other auxiliary aid to ensure effective communication, the nursing supervisor must immediately notify the Institutional ADA Coordinator or designee when a deaf or hard of hearing inmate is received for intake. If a qualified interpreter is needed to effectively communicate with the inmate, the Institutional ADA Coordinator or designee must immediately request a qualified interpreter, either in person in accordance with Section VI(F) of this Policy, or by videophone or VRI.

H. Orientation/Classification Assignment and Hearing: Inmates must be provided with information relative to Title II of the ADA during their orientation. Information will also be

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included in the inmate and visitor handbooks. Notices regarding Title II requirements and complaint procedures will be posted in the inmate living areas and in visitation areas. The Institutional ADA Coordinator will conduct a structural interview with the inmate explaining classification procedures through a qualified interpreter, if necessary, to achieve effective communication, and provide an explanation of the sentence structure. The Institutional ADA Coordinator will conduct all classification hearings through a qualified interpreter, if necessary, to achieve effective communication, and provide the inmate with an explanation of the results of the hearing and the recommendations made during the hearing. A written report thoroughly documenting these communications must be placed in the inmates' institutional file and must include the name of the interpreter used. If an interpreter was not used the written report must contain an explanation for why no interpreter was used.

- I. Medical/Mental Health Staff: If a qualified interpreter is needed to effectively communicate with an inmate for a medical appointment, the Institutional ADA Coordinator must request a qualified interpreter when notified that a medical appointment has been scheduled. No inmate shall ever be used to interpret for another inmate in matters dealing with inmate health care. The Institutional ADA Coordinator must place a written report in the inmates' medical file documenting all communications relating to inmate healthcare and must include name of the qualified interpreter used.
- J. Disciplinary Procedures: If a qualified interpreter is needed to effectively communicate with an inmate, the Institutional ADA Coordinator must request a qualified interpreter to discuss his/her case prior to the hearing and throughout the hearing process up to and including appeals. Inmates shall never be used as interpreters at disciplinary hearings. The name of the qualified interpreter must be documented in the disciplinary report.
- K. Grievance Procedures: If a qualified interpreter is needed to effectively communicate with an inmate, the Institutional ADA Coordinator must request a qualified interpreter to assist in the submission of grievances or in order to discuss his/her case prior to the hearing and throughout the hearing process up to and including appeals. The name of the qualified interpreter must be documented on Inmate Grievance, CR-1394 (See Policy #501.01). The Institutional ADA Coordinator must investigate the complaint according to the procedures outlined in TDOC Policy #501.01 and provide written notice to the inmate of the disposition of the complaint.
- L. Grievance Procedures for ADA Complaints: Any inmate alleging discrimination based on disability covered by Title II of the ADA may file a complaint with the TDOC in accordance with Policy #501.01.
- M. Parole Hearings: The Institutional ADA Coordinator will notify the Institutional Probation/Parole Specialist (IPPS) when an inmate with a hearing disability is scheduled to meet the parole board. The Institutional ADA Coordinator will ensure that a qualified interpreter is requested and provided for the parole hearing.
- N. Housing Assignments: Unit management staff shall monitor the housing assignments of all inmates with a hearing disability and ensure that the appropriate auxiliary aids and services are provided.
- O. Use of Other Inmates to Facilitate Communication: Institutions cannot require an individual with a hearing disability to bring another inmate to interpret for him or her. Institutions will not use another inmate to interpret unless:

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1. The individual with the hearing disability specifically requests such assistance from another inmate, the inmate agrees, and reliance on that inmate is appropriate under the circumstances; or
  2. In an emergency involving an imminent threat to the safety or welfare of an individual or the public where there is no interpreter available.
- P. Use of TDOC Employees to Facilitate Communication: Except for individuals hired specifically to serve as qualified sign language interpreters, the TDOC will not use any of its officers or employees to serve as sign language interpreters unless there is an emergency involving an imminent threat to the safety or welfare of an individual or the public where there is no interpreter available.
- Q. Medical Devices: TDOC will provide deaf and/or hard of hearing inmates with an effective visual or other notification system so that inmates who have a hearing disability do not miss announcements, alarms, or other auditory information, including times for meals, recreation, education, work assignments, and other events. Any personal devices, including but not limited to, hearing aids, cochlear processor batteries or a watch for alerts, must be deemed medically necessary and approved in the same manner as durable medical equipment pursuant to TDOC Policy 113.08.
- R. Handcuffing: In circumstances that reasonably require an inmate to be able to communicate, an inmate who has a hearing disability must be cuffed or restrained in a manner that allows for effective communication (i.e., cuffing inmates in the front so they can sign or have one hand free to write) unless legitimate safety concerns dictate otherwise. All incidences which involve non-routine handcuffing of deaf and hard of hearing inmates must be documented in the incident report. If an inmate who is deaf or hard of hearing is cuffed or restrained in a manner that does not allow for effective communication, then a written explanation of the legitimate safety concerns must be documented in an incident report.
- S. Privacy: Telephone calls involving hearing disabled inmates' use of a videophone, TTY, or a telephone with volume control must be equal to the privacy afforded to other inmates' telephone calls.
- T. Television Programming: Inmates who have a hearing disability must have equal access to captioned television programming as other inmates in the same classification level have to television programming.
- U. Training: All TDOC employees who have contact with inmates must complete training as to effective communication with inmates who have a hearing disability. All new TDOC employees who will have contact with inmates will receive this training as part of their Correctional Officer Basic Training. Current employees must receive this training during their annual in-service. Additionally, sub-recipients must provide ADA training to their staff. This training may be administered by the use of lesson plans and/or outlines. Training will be reviewed and approved by TDOC annually.
- V. The TDOC will monitor compliance with the Title II of the ADA through the following:
1. The annual inspection process.
  2. The collection and review of data concerning compliance.

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W. Notice of available auxiliary aids and services for inmates with a hearing disability must be clearly posted at the main entrance to the institution, intake, visitation galleries, the inmate library and inmate housing units.

VII. APPLICABLE FORMS: CR-1394 (Rev. 3-00).

VIII. ACA STANDARDS: 5-ACI-2F-03, 5-ACI-3D-04, and 5-ACI-5E-2.

IX. EXPIRATION DATE: August 26, 2025





TENNESSEE DEPARTMENT OF CORRECTION
INMATE GRIEVANCE

NAME NUMBER INSTITUTION & UNIT

DESCRIPTION OF PROBLEM:

REQUESTED SOLUTION:

Signature of Grievant Date

TO BE COMPLETED BY GRIEVANCE CLERK

Grievance Number Date Received Signature Of Grievance Clerk

INMATE GRIEVANCE COMMITTEE'S RESPONSE DUE DATE:

AUTHORIZED EXTENSION: New Due Date Signature of Grievant

INMATE GRIEVANCE RESPONSE

Summary of Supervisor's Response/Evidence:

Chairperson's Response and Reason(s):

DATE: CHAIRPERSON:

Do you wish to appeal this response? YES NO

If yes: Sign, date, and return to chairman for processing within five (5) days of receipt of first-level response.

GRIEVANT DATE WITNESS

Distribution Upon Final Resolution:

White - Inmate Grievant Canary - Warden Pink - Grievance Committee Goldenrod - Commissioner (if applicable)

