

**FAIRFAX COUNTY SHERIFF'S OFFICE
STANDARD OPERATING PROCEDURE**

**SOP NUMBER: 116
SUBJECT: AMERICANS WITH DISABILITIES ACT:
ACCOMMODATIONS FOR INMATES**

I. PURPOSE

To provide guidelines for the management of and provision for reasonable accommodations to inmates with disabilities housed in the custody of the Fairfax County Sheriff's Office in accordance with the Americans with Disabilities Act of 1990, as Amended ([42 USC 12131: Definitions](#) and [42 USC 12101: Findings and Purpose](#)).

II. POLICY

It is the policy of the Fairfax County Sheriff's Office to comply fully with the Americans with Disabilities Act (ADA) in our efforts to treat inmates with disabilities in a fair, respectful, decent, and responsible manner. The Fairfax County Sheriff's Office does not discriminate against any individual with a disability in our programs, services, and activities. The Fairfax County Sheriff's Office will take the necessary steps to make "reasonable modifications and accommodations" to existing policies, administrative directives, and procedures to allow qualified inmates with disabilities the same opportunities as non-disabled inmates, unless to do so would place an undue hardship on the agency, or jeopardize the safety and security of staff, inmates and visitors, or would result in a fundamental alteration in the nature of the applicable program or activity.

III. DEFINITIONS

- A. ADA – Americans with Disabilities Act.
- B. Disability – a physical or mental impairment that substantially limits one or more of the major life activities of an individual; a record of such impairment; or being regarded as having such impairment.
- C. Effective Communication – communication with persons with disabilities that is as effective as communication with others. Effective communication is achieved by furnishing appropriate auxiliary aides and services where necessary to afford qualified individuals with disabilities an equal opportunity to participate in or benefit from the services, programs, or activities of the Sheriff's Office.
- D. Deaf – individuals who are unable to hear well enough to rely on their hearing as a means of processing information and who rely on auxiliary aids and services to effectively communicate and who qualify as individuals with disabilities under the Americans with Disabilities Act.
- E. Major Life Activities- include, but are not limited to, caring for oneself, performing manual tasks, such as seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working.
- F. Mobility-Impaired- unable to move about without the aid of crutches, a wheelchair, or any other form of support or because of limited functional ability to ambulate, climb, descend, sit, rise, or perform any related function.
- G. Physical Impairment- any physical condition, anatomic loss, or cosmetic disfigurement that is caused by bodily injury, birth defect, or illness.
- H. Qualified Interpreter – means an interpreter who, via a video remote interpreting (VRI) service or on-site appearance, can interpret effectively, accurately, and impartially, both receptively and expressively, using any specialized vocabulary, given the deaf or hard of hearing individual's language skills and education.

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- I. Reasonable Accommodation- a modification, action, or provision that will assist an inmate with a disability in the performance of essential functions without causing an undue hardship to the facility or compromise the health and safety of inmates, visitors, or staff.
- J. Undue Hardship- an accommodation that would be unduly costly, extensive, substantial, or disruptive; undue hardship refers not only to financial difficulty, but to accommodations that would fundamentally alter the nature or operation of the business or work performed.
- K. Video Remote Interpreting (VRI) – video telecommunication service that uses devices such as an iPad to provide sign language or spoken language interpreting services.
- L. Video Relay Services (VRS) – video telecommunication service that allows deaf, hard-of-hearing, and speech-impaired individuals to communicate over video telephones and similar technologies with hearing people in real-time, via a sign language interpreter.
- M. Teletypewriter/Telecommunications device (TTY/TDD) - Telecommunications device for persons with hearing or speech difficulties.

IV. PROCEDURES

- A. General Oversight:
 - 1. These procedures shall be implemented to ensure that inmates with disabilities have the same access to, and benefit from, all services, programs, and activities available to other inmates in the custody of the Fairfax County Sheriff's Office.
 - 2. An ADA Coordinator will be assigned to coordinate the efforts of the Fairfax County Sheriff's Office to comply with and carry out the responsibilities under the ADA.
 - 3. The ADA Coordinator shall be knowledgeable regarding the provisions of the Americans with Disabilities Act and attend all required training.
 - 4. The ADA Coordinator will meet with newly committed inmates that may potentially require ADA accommodations, as soon as reasonably possible and confer with ADC Medical and/or Behavioral Health staff to develop an accommodation plan for the inmate's incarceration.
 - 5. The ADA Coordinator shall facilitate reasonable accommodations for qualified inmates with disabilities.
 - 6. The ADA Coordinator will develop and maintain an inventory of written materials and other resources concerning ADA compliance including but not limited to: laws, regulations, reference materials, education materials, Department of Justice publications, and contact information and shall make such information available to staff and inmates upon request.
 - 7. The ADA Coordinator or designee will meet monthly and attend meetings with appropriate section supervisors (Confinement, AIB, Medical, and Behavioral Health) to ensure compliance with the ADA. The ADA Coordinator is responsible for maintaining information and statistics concerning the Sheriff's Office review of in custody inmates with accommodations under ADA. These stats will be

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compiled for the Fairfax County Sheriff's Office and submitted to the Sheriff or designee for review and publication, as deemed necessary in the Annual Report.

8. The ADA Coordinator will post and maintain ADA signs of conspicuous size and print in all inmate housing areas, intake and everywhere where other posters are required by law for inmates. Signs will include a notice of non-discrimination based upon disabilities and a list of available auxiliary services and contact information for further assistance, including contact information for the ADA Coordinator.
9. The ADA Coordinator will ensure that procedures for the prompt and equitable resolution of ADA complaints by inmates and/or requests by inmates with disabilities for reasonable modifications, appropriate auxiliary aids, services, and addressing physical access issues are in place, publicized, and implemented.
10. All Fairfax County Sheriff's Office employees who have direct contact with and provide programs, benefits and/or services to inmates shall receive orientation and annual training regarding issues and responsibilities related to staff, inmates, and visitors with disabilities.

B. Intake / Determination of Disability:

1. During the intake and medical screening process, Fairfax County Sheriff's Office staff will ascertain from the inmate, utilizing the Intake Screening Form and the Brief Jail Mental Health Screen (BJMHS) form, any disabilities the inmate may have.
2. Once an inmate with disabilities is identified by a staff member, that staff member shall immediately contact the medical section and/or behavioral health staff and inform them of the inmate with the disability.
3. As soon as it is practical during the intake process, the medical section and/or behavioral health staff shall perform a screening on the inmate to determine the disability. The Medical Section and/or Behavioral Health staff shall present the findings to the Receiving Supervisor. Once the Medical Section and/or Behavioral Health staff determines that the inmate does have a disability, a referral shall be submitted to the ADC Physician and/or ADC Psychiatrist. If the inmate is deaf or hard of hearing, the Video Remote Interpreting (VRI) service shall be used for all health consultations (pursuant to SOPs 408 and 428).
4. If the inmate has a disability, the Receiving Supervisor or designee shall contact the ADA Coordinator by telephone and email, as soon as possible, so that he/she can follow up with the disabled inmate. In the meantime, both deputies and ADC medical staff shall ascertain and provide reasonable accommodations, to the extent possible, for the disabled inmate. If the situation with the disabled inmate is more imminent and/or the ADA Coordinator is unavailable, the on-duty Shift Commander or designee shall be contacted immediately.
5. If the inmate is deaf or hard of hearing, the Shift Commander and/or the ADA Coordinator or ADC Medical staff, along with the inmate, will determine the auxiliary aides or services to be offered to assist the inmate with effective communication. Appropriate auxiliary aids may include notepads and pens/pencils or a computer text display. If a qualified interpreter is requested to provide effective communication, one will be provided by obtaining the iPad from

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the Classification Supervisor's Office and accessing the Video Remote Interpreting (VRI) service to provide this accommodation. The Video Remote Interpreting (VRI) service is available for video interpretation twenty-four hours a day seven days a week for all hearing-challenged inmates in the custody of the Sheriff's Office. This service allows interpretation through a contracted third party to establish effective communication. Use of this service will be documented on the disability form when any interaction with a hearing-challenged inmate is completed. On-duty staff will not be used to facilitate sign language interpretation.

6. If the deaf or hard of hearing inmate is unable to express a preference to communicate, the iPad from the Classification Supervisor's Office will be obtained and the Video Remote Interpreting (VRI) service will be accessed to provide this accommodation.
7. The deaf or hard of hearing inmate that requests an interpreter shall not begin the booking process without an interpreter via the Video Remote Interpreting (VRI) service.
8. If a deaf or hard of hearing person is committed to the Fairfax County Adult Detention Center, the ADA Coordinator and/or a Classification Deputy will coordinate a meeting with the inmate and appropriate staff as soon as reasonably possible to: discuss and explain the orientation video, the initial housing assessment, the inmate handbook, the Prison Rape Elimination Act, the classification process, the housing unit orientation, and to answer any other questions the inmate may have. The Medical and/or Behavioral Health Evaluation, Deaf or Hard of Hearing Communication Request Form and Needs Assessment Forms will be used to determine what accommodations will be needed during the inmate's term of incarceration.
9. When a disabled inmate is committed to the Fairfax County Adult Detention Center, the ADA Coordinator will meet with the disabled inmate, as soon as possible, after his/her arrival and at least bi-weekly to ensure accommodations and needs are being met. The ADA Coordinator shall provide the inmate with his/her contact information during the initial meeting.
10. As soon as reasonably possible and after commitment to the facility, inclusive of all disabled inmates, the ADA Coordinator and/or a Classification Supervisor will create a Special Directive based on the needs assessment and the medical and/or behavioral health evaluation, to ensure proper accommodations and care are given.
11. Special Directives generated for inmates requiring accommodations related to ADA are to be kept in the inmate's ADA file, with other medical information. Special Directives can be generated at any time during the inmate's incarceration; with a copy forwarded to the Classification Section, a copy kept at the inmate's housing unit, and a copy forwarded to the ADA Coordinator, who will maintain an electronic copy as well.

C. Housing:

1. Inmates with disabilities shall be housed 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

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inmates. To the extent possible, inmates with disabilities may be placed in general population and have access to programs and services offered to other inmates. Inmates requiring special health care and services will be placed in settings that provide health services appropriate to the inmate's health needs. Inmates shall not be housed in the medical unit unless they are actually receiving medical care and/or treatment. All inmates with documented medical disabilities shall have a Special Housing Observation Log initiated.

2. The findings of the medical and/or behavioral health staff in regard to any disabilities that the inmate has will be used in determining the housing accommodations necessary for the inmate.
3. When an ADA Directive is created for an inmate who is deaf or hard of hearing, the inmate will be offered a purple wristband. The purpose of the purple wristband is to assist Fairfax County Sheriff's Office staff in identifying inmates that are deaf or hard of hearing and will aid staff in their efforts to have effective communication with these inmates. The purple wristband will be generated in the same manner as all custody level wristbands, containing all identifying information. Deaf or hard of hearing inmates have the right to refuse or stop wearing the purple wristband at any time. In that instance, a white wristband will be issued. The ADA Coordinator will immediately be notified of this decision by the inmate. The ADA will make contact, as soon as possible, with the deaf or hard of hearing inmate, to ensure he/she understands his/her decision and its implications, should he/she stop wearing the purple wristband. This will then be documented in the inmate's medical record, Special Directive, as well as, in the inmate's Special Housing Observation Log.
4. Inmates who are deaf or hard of hearing should not miss announcements, alarms or any other auditory information. Post deputies will take the necessary steps to ensure that deaf or hard of hearing inmates are made aware of such auditory occurrences.

D. Programs, Privileges, Services:

1. All programs and services available to inmates shall also be made available to inmates with disabilities. This includes educational services, health care, recreation, television, commissary, communication and the ability to participate in, or benefit from, all aspects of our efforts to prevent, detect, and respond to sexual abuse and sexual misconduct. Inmates with disabilities shall also be afforded counseling services, to include: religious counseling, individual and crisis counseling, or other appropriate services.
2. The Fairfax County Sheriff's Office will provide and maintain close captioned televisions in each housing unit to enable inmates who are deaf or hard of hearing to enjoy the same opportunity for television viewing as that afforded to other inmates.

E. Formal and Informal Disciplinary Proceedings:

1. All inmates, regardless of medical and/or behavioral health disability are expected to adhere to and follow all applicable laws and rules while housed in the custody of the Fairfax County Sheriff's Office. Inmates with disabilities may be placed on Administrative Segregation and Disciplinary Segregation as

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required, but such segregation will not interfere with any special accommodations afforded the inmate.

2. If an inmate is deaf or hard of hearing, the Video Remote Interpreting (VRI) service will be used during the formal and informal hearing process.

F. Health Care:

1. During the intake process and/or physical assessment process, an ADC Medical Section staff member shall advise inmates of medical and related services for inmates who have disabilities and articulate how to access those services pursuant to [SOP 401 - Access To Health Care Services](#), [SOP 428 - Receiving/Screening](#), and [SOP 430 - Mental Health Evaluation](#).
2. The Video Remote Interpreting (VRI) service shall be used in cases where the inmate is deaf or hard of hearing.

G. Meal Service:

1. Inmates with disabilities shall receive meals equivalent to those served to all inmates. The deputy supervising the meal will ensure the inmate receives his/her meal, providing reasonable accommodations if necessary, and shall document in an ADC Incident Report any incidents where meals were not served and the reason. A copy of this Incident Report will then be immediately forwarded to the ADA Coordinator. Specifically, the documentation entered into SIMS concerning special medical dietary requests and/or adaptive devices that have been ordered by an advanced level practitioner shall include the actual type of meal accommodation provided to the inmate, the additional time (if any) that was required for the inmate to complete his/her meal, the type of assistance (if any) provided to the inmate to help him/her eat, and the type of eating utensils provided to the inmate. When applicable, this documentation shall also be notated on the Special Housing Observation Log.

H. Visitation:

1. Inmates with disabilities shall receive the same visitation privileges as general population inmates unless there are significant documented reasons for withholding such privileges, such as the result of a formal disciplinary hearing. Visiting, whether granted or denied, must be noted on the Special Housing Observation Log. If a visit is denied for any reason other than for sanctions as a result of a formal disciplinary hearing, it must be documented on the inmate's Special Housing Observation Log, as well as, in an ADC Incident Report. A copy of the report will then immediately be sent to the ADA Coordinator.
2. Inmates with disabilities shall have a minimum of 20 minutes for visiting commencing from the time they arrive in the visiting area or are connected to the Video Relay Services (VRS). Inmates who have a disability impeding communication (including but not limited to cognitive or speech conditions) may be permitted additional time, if recommended by the medical section and/or ADA Coordinator.
3. Reasonable accommodations to include the appropriate equipment, such as, the Video Remote Interpreting (VRI) service, for the visit shall be approved by the ADA Coordinator and explained in the inmate Special Directive.

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I. Library:

1. Inmates with disabilities shall have access to library services. Legal materials and library services are provided to the inmates by staff using the preferred method of communication approved by the ADA Coordinator and listed in the inmate's Special Directive. In the event that requests for library services by inmates with disabilities cannot be met, the ADA Coordinator must be notified immediately.

J. Telephone:

1. The Fairfax County Sheriff's Office will provide an effective means of communicating to facilitate phone calls for the deaf and hard of hearing, such as the teletypewriter/telecommunications device (TTY/TDD) and/or the Video Relay Service (VRS). Inmates using the preferred method of communication will be afforded both legal and non-legal calls on a daily basis.
2. Telephone calls placed using electronic means, such as the Video Relay Service (VRS) and/or the teletypewriter/telecommunications device (TTY/TDD) may take significantly longer than telephone calls placed using standard voice telephone equipment. Deaf, hard of hearing inmates, and inmates with cognitive or communications disabilities shall have a time limit of no less than 60 minutes per call, if requested by the medical section and/or ADA Coordinator. All phone calls, whether granted or denied, shall be documented on the inmate's Special Housing Observation Log. If a phone call is denied, for reasons other than the result of sanctions imposed after a formal disciplinary hearing, in addition to being notated on the inmate's Special Observation Housing Log, an ADC Incident Report must be completed. A copy of this report will then be forwarded to the ADA Coordinator.
3. All inmates will be afforded the right of privacy during all legal calls.

K. Internal/External Movement of Inmates:

1. The ADA Coordinator shall coordinate with the Transportation Section to schedule the appropriate accessible vehicle to transport disabled inmates when leaving or returning to the facility, if needed.
2. All inmates that are classified as deaf or hard of hearing and use sign language to communicate will be restrained in a manner to allow them to communicate effectively. When determining how to handcuff an inmate who is deaf or hard of hearing, Fairfax County Sheriff's Office staff will allow the inmate's hands to be handcuffed in front of him/her to facilitate communication using sign language or writing. However, if the deaf or hard of hearing inmate does not display behavior consistent with the safety and security of staff, other inmates, or himself/herself, he/she will be handcuffed in the back until he/she demonstrates that his/her behavior allows him/her to be handcuffed in front. Safety for staff and other inmates will be the first priority.
3. When possible, before restraining an inmate with any other documented medical disability, deputies shall consult with the Medical Section to determine any restrictions on applying restraints. When applying restraints to inmates with disabilities, deputies should take into account that the disability may adversely affect the inmate's stability, balance, and/or coordination. If there are no

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documented medical restrictions, inmates with disabilities may be restrained in the same manner as all other inmates.

L. Grievances:

1. The housing unit deputy shall provide appropriate assistance to all inmates with a disability in accessing the ADA grievance process.
2. Inmates are encouraged to file a grievance request at any time to dispute ADA accommodations. The ADA Coordinator shall be notified immediately by phone and email of the grievance request by the staff member receiving the request. The inmate may also contact the ADA Coordinator directly, by telephone or in writing, via an inmate request form.
3. Within nine (9) working days after the receipt of an inmate's ADA Grievance Request, the ADA Coordinator shall meet with the inmate to discuss the complaint in accordance with the **Virginia Department of Corrections' Standard, 6VAC15-40-130, Written Grievance Procedures**. If the ADA grievance request was received verbally, the ADA Coordinator will have and/or assist the inmate in documenting the complaint on an inmate request form. Subsequently, the ADA Coordinator shall scan and create an electronic file for each grievance request and provide a written response to the inmate concerning the complaint within **two (2) working days**. A copy of the original grievance request and the ADA Coordinator's reply to the grievance request shall be maintained in the inmate's ADA file and Classification file.
4. If the response from the ADA Coordinator does not resolve the issue to the inmate's satisfaction, the inmate may appeal the decision within **fifteen (15) calendar days** after receipt of the ADA Coordinator's response, to the Accreditation Manager or designee.

M. Appeals.

1. All inmate appeals to grievances responses will be forwarded to the Accreditation Manager for review.
2. The Accreditation Manager will ensure the following is completed:
 - a. Maintain a record of all grievance appeals and assign the appeal a control number (**i.e., ADA Grievance Appeal 2019-01**).
 - b. Document the date the appeal was received and forward all appeals and a copy of the original grievance request with any related information that pertains to the appeal, to the appropriate Division Commander within forty-eight (48) hours of receipt.
 - c. Maintain an electronic copy of all responses and forward a copy of the all grievance appeal responses to the Classification Section for filing.
3. The Division Commander or designee will ensure the following is completed:
 - a. An impartial review of the grievance request appeal is conducted.
 - b. Deliver a written response to the inmate within **seven (7) working days**

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of receipt of the appeal or notify the inmate in writing if additional time is needed.

- c. Forward an electronic copy of the appeal response to the Accreditation Manager for record keeping.
- d. The Division Commander's decision is final and there will be no further appeal within the Fairfax County Sheriff's Office.

The Fairfax County Sheriff's Office shall not retaliate against or coerce in any way, any person who made or is making a complaint in accordance with the provisions of the ADA or this SOP.



**STACEY A. KINCAID
SHERIFF**

**08/24/2017
EFFECTIVE DATE**

**05/06/19
DATE APPROVED**

Revised April 2019, May 2019