

**TEXAS DEPARTMENT OF CRIMINAL JUSTICE
PAROLE DIVISION**



**POLICY AND
OPERATING
PROCEDURE**

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SUBJECT: ACCOMMODATIONS FOR OFFENDERS WITH DISABILITIES

AUTHORITY: AMERICAN WITH DISABILITIES ACT, TITLE II, 1990; § 504, REHABILITATION ACT OF 1973.

PURPOSE: To identify the intent of the Americans With Disabilities Act (ADA) and the implications of the ADA regarding the supervision of offenders; to establish procedures to ensure the availability of effective communications with individuals with disabilities; to describe acceptable reception, interview, and conversation etiquette to be used with individuals with disabilities; and to provide guidelines regarding compliance issues, local resources, and interpreter services.

This policy does not attempt to address issues regarding architectural barriers, employment, reasonable accommodations, or other ADA-related matters.

PROCEDURE:

I. PURPOSE AND IMPLICATIONS OF THE ADA

- A. A disability is a physical or mental impairment that substantially limits one or more of an individual's major life activities (i.e., caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working) **or** a record of such an impairment **or** being regarded as having such an impairment.
- B. The ADA, which was signed into law on July 26, 1990, gives people with disabilities civil rights protection similar to that provided to individuals on the basis of race, sex, national origin, and religion. It guarantees equal opportunity for individuals with disabilities in employment, public accommodations, transportation, state and local government services, and telecommunications. The stated purpose of the ADA is to:
 - 1. Provide a clear and comprehensive national mandate to eliminate discrimination against individuals with disabilities;
 - 2. Provide clear, strong, consistent, and enforceable standards that address discrimination against individuals with disabilities;

3. Ensure that the federal government plays a central role in enforcing the standards established in the ADA on behalf of individuals with disabilities; and
 4. Invoke the sweep of congressional authority, including the power to enforce the fourteenth amendment and to regulate commerce, in order to address the major areas of discrimination faced daily by people with disabilities.
- C. The ADA requires state and local governments and governmental agencies to ensure that individuals with disabilities are not excluded from an agency's services, programs or activities.
1. As employees of a public agency, parole officers serve as representatives of the agency when interacting with offenders, the friends and families of offenders, collateral contacts, other professionals, and the general public.
 2. The implications of the ADA in terms of parole supervision include the need for subtle yet nonetheless important adjustments. In all encounters with individuals with disabilities, parole officers and other staff shall utilize increased sensitivity, flexibility, and awareness regarding accessibility and auxiliary aids and services (i.e., services and devices designed to ensure effective communication for individuals with disabilities including, but not limited to, a Telecommunications Device for the Deaf (TDD), qualified interpreters, note takers, written materials, taped texts, audio recording, Braille materials, and large-print materials).

II. EFFECTIVE COMMUNICATION AND THE USE OF INTERPRETERS

- A. The ADA requires public entities to "take such steps as may be necessary to ensure that communications with members of the public with disabilities are as effective as communications with others."
1. The local district parole office (DPO) shall be notified of the arrival of an offender from the Physically Handicapped Offenders Program (PHOP) by a Special Needs Alert pre-parole investigation, which shall be assigned to a Special Needs Offender Program (SNOP) officer. The names of the offenders are also identified on the weekly Texas Correctional Office on Offenders with Medical and Mental Impairments (TCOOMMI) Continuity of Care (COC) and appointment reports provided to the region directors and SNOP unit supervisors weekly by the Specialized Programs, SNOP program specialist.
 2. The receiving district parole office parole supervisor or office manager will be notified of the offender's arrival by a TCOOMMI Human Service Specialist (HSS) assigned to the case prior to the offenders release from the Correctional Institutions Division (CID). Upon notification of arrival of a deaf or hard of hearing offender, the parole officer shall make arrangements to provide at the initial interview a staffing, to include a Department of Assistive and Rehabilitative Services (DARS) representative to evaluate the offender's communications needs. The DARS representative may provide recommendations for accommodations which may include auxiliary aids, if needed, by this offender in order to facilitate the most effective communication method.

3. A re-evaluation staffing may be conducted six months from initial intake or as needed, with the offender, the parole officer, unit supervisor, parole supervisor and a representative of DARS. The DARS representative may conduct an evaluation to determine the most appropriate accommodation necessary to effectively communicate with the offenders.
- B. The parole officer shall document the results of all staffings conducted and any program referrals. The Offender Information System (OIMS) shall be updated within three (3) business days after contact or within three (3) business days after return to designated headquarters from contact made in the field per PD/POP-3.2.8 *Contact Standards for Regular Supervision Cases* (Section I. A. 11).
 - C. The following guidelines shall be utilized to ensure effective communication with individuals with disabilities:
 1. Large print may be used to make print readable to individuals with visual disabilities. Any written material furnished to a visually impaired offender who has the capacity to read large print shall be converted to a large-print format.
 2. Relay Texas provides telephone-interpreting service between people who can hear and those who are deaf, hard-of-hearing, deaf-blind, and speech-impaired. Relay Texas enables persons with a TDD to communicate directly over the phone with people who are not hearing-impaired or speech-impaired and do not use or have access to a TDD. Relay Texas is available 24 hours a day, 365 days a year, with no restrictions on the length or number of calls placed.
 3. Calling tips to utilize includes:
 - a. Have the complete phone number of the person you are calling ready before you call Relay Texas.
 - b. Give the relay agent the area code and number you want to call.
 - c. Speak directly to the person you are calling, not the relay agent.
 - d. Any comments to the relay agent will be typed or spoken to the other person.
 - e. You may request a male or a female relay agent and your choice will always be accommodated.
 - f. You may request a Spanish-speaking relay agent. The relay agent will interpret the conversation for both parties in two different languages.
 - g. Federal law requires relay agents to relay your conversation word for word; background noises or conversations are also relayed. Everything the Relay Texas operator hears is communicated to the other person.
 - D. All Relay Texas calls are strictly confidential and no records of any conversation are kept. As required by Texas and federal laws, relay agents cannot give any information from

Relay Texas calls to anyone.

- E. There is no charge for using Relay Texas within your local calling area. In-state long-distance calls are provided a 50% discount by the contracted carrier (AT&T).
- F. The following guidelines shall be followed for telephone calls to and from individuals who use a TDD:

- 1. Voice Caller Making a Relay Texas Call:

Caller: Dials 7-1-1 or 1-800-735-2988

Agent: "Hello, Relay Texas Agent #123, may I help you?"

Caller: "Hello, would you please call 512-333-3333?"

Agent: "Please hold while I connect your call...Your call is ready. Please go ahead."

The relay agent will then type your words to the person you are calling. When you have finished speaking, indicate this to the relay agent by saying "Go Ahead." The operator will read the typewritten response from the person you are calling. The universal term for indicating that the conversation is over is "Stop Keying."

- 2. Voice User Receiving a Relay Texas Call:

Called Party: Ringing... "Hello."

Agent: "This is Relay Texas. I have a deaf/speech-impaired person calling you. Have you ever used the service before?"

Called Party: "No, I have not."

Agent: "The person who is calling you will type to me what he or she wants to say and I will read it to you. Then when I say "Go Ahead," you may respond and I will type your words back. Please hold for your call to begin."

The telephone number for a voice user to access Relay Texas is 7-1-1 (a new statewide telephone Relay Number) or 1-800-735-2988.

- G. Video Relay Service (VRS) – This feature may be utilized based on equipment compatibility and availability.

- 1. This is a feature of the Telecommunications Relay Service (TRS) that enables deaf or hard of hearing persons who sign to communicate with voice telephone users (hearing persons) through video conference equipment (web cameras or video phone products) rather than through typed text used by traditional TDD relay services.
- 2. The Video Relay Services call proceeds in the following manner:

- a. The VRS user connects to a Video Interpreter (VI - an interpreter who works for a VRS provider). The user and the VI can see each other on video conference equipment giving them the ability to sign to each other.
 - b. The VRS user gives the VI a phone number of a hearing person.
 - c. The VI places a telephone call to the hearing party.
 - d. The VI speaks to the called hearing party informing them that a person who is hearing impaired has initiated the call. The VI also provides the called hearing person with a brief description of call procedures, if the called party is unfamiliar with VRS telephone calls.
 - e. The VI relays the conversation back and forth between the parties, thereby providing a telephone interpreting service between a hearing impaired user and the hearing party.
3. A voice telephone user can also initiate a VRS call by calling a VRS center, usually through a toll-free number. VRS is a popular service because the conversation between the VRS user and the VI flows much more quickly than with a text based TRS call. Unlike text-based relay services, a VI is able to express the mood of both parties; interpreting the mood of the hearing person in sign language and voicing the mood of a signing person. VRS is much more like a normal telephone conversation where the emotions of each party are readily identified by inflections of the voice, etc.
 4. The VRS VI can be reached through the VRS provider's Internet site (web camera and computer or through video equipment attached to a television). Currently, more than a dozen providers offer VRS. Like all TRS calls, VRS is free to the caller. VRS providers are compensated for their costs from the Interstate TRS fund, which the Federal Communications Commission (FCC) oversees.

H. Internet Relay Services

1. Computer users can also reach relay services by simply connecting to an Internet relay service website; no special modem and software are needed. After connecting to the website of choice, instructions regarding how to continue in order to complete the call will be provided. There are several Internet Relay providers that are listed at the following links:
 - a. AT&T: <http://www.relaycall.com>
 - b. Go America i711 Relay: <http://www.i711.com>
 - c. Hamilton: <http://www.hiprelay.com>
 - d. MCI: <http://www.ip-relay.com>
 - e. Sorenson IP Relay: <http://www.siprelay.com>

- f. Sprint: <http://www.sprintip.com>
 - 2. For more information and links to participating providers, please visit: http://www.tdi-online.org/tdi/fs_relayservices.asp
- I. American Sign Language Interpreters
- 1. In the United States, most deaf people use American Sign Language (ASL). ASL is not a universal language. ASL is a language with its own syntax and grammatical structure. The Code of Ethics for certified ASL interpreters requires that confidentiality be maintained in all activities related to the different provision of interpreter services. ASL interpreters are certified at different levels.
 - 2. A level III interpreter is considered a “qualified interpreter” for parole-related matters. **A family member who can sign is not a qualified interpreter for parole business. The interpreter must be qualified and impartial.**
 - a. In some circumstances, a notepad and written materials may be sufficient to permit effective communication with individuals who are deaf, hearing-impaired, or speech-impaired. The initial staffing with the DARS Representative shall assist with the evaluation of the offenders communication needs. A qualified interpreter is necessary when the information being communicated is complex, is exchanged for a lengthy period of time, or is related to a legal matter. A qualified interpreter is able to interpret effectively, accurately, and impartially, as well as receptively and expressively, using any necessary specialized vocabulary.
 - b. Generally, factors to be considered in determining whether an interpreter is required include the context in which the communication is taking place, the number of people involved, and the importance of the communication.
 - c. It is not the offender’s responsibility to provide an ASL interpreter for parole contacts. The Parole Division shall provide and pay for the services of a certified Level III ASL interpreter for offenders who communicate via ASL.
 - 3. The following procedures regarding the procurement of an interpreter service shall occur:
 - a. Each fiscal year, the regional adpics coordinator shall enter a blanket purchase order into the Advance Purchasing and inventory Control System (ADPICS) for Hearing Interpreter Services needed for the year.
 - b. Upon the identification of an offender requiring an ASL interpreter, the parole officer or designee shall request an interpreter via lotus notes to the region headquarters designee. The notification should include the offender’s name, offender’s State Identification (SID) or TDCJ number, the type of service, purpose of services and the date and time of the service being requested.
 - c. The region headquarters designee shall contact the Department of Assistive and Rehabilitative Services (DARS) in order to obtain a current list of Level III

interpreters in their area of the state. This information may be obtained at <http://www.dars.state.tx.us/dshs/providers/contractors.asp>.

The Region headquarters' designee shall set the appointment with the identified provider and forward confirmation to the parole officer.

- d. Upon the offender's receipt of services, the parole officer shall submit an email to the region headquarters designee verifying date and time that the services were rendered.

4. Interpreter Etiquette

- a. If an interpreter is present, it is commonplace for the interpreter to be seated beside the interviewer, across from the interviewee.
- b. Interpreters facilitate communication. They should not be consulted or regarded as a source for additional information.

III. PROTOCOL FOR APPROPRIATE RECEPTION, INTERVIEW, AND CONVERSATION BEHAVIOR WITH PERSONS WITH DISABILITIES

Officers shall adhere to the following guidelines when interacting with an individual with a disability:

A. Reception Etiquette

1. Use a normal tone of voice when extending a verbal welcome. Do not raise your voice unless requested.
2. When speaking with a person who has a disability, look and speak directly to that person, rather than at a companion who may be present.
3. If an interpreter is present, speak to the person with whom you have business, rather than the interpreter. Always maintain eye contact with that person, not the interpreter.
4. Persons who are blind or visually impaired, as well as other individuals with disabilities, are guaranteed the legal right to be accompanied by a specially trained guide dog or support dog in all public places.
 - a. When a person with disabilities is using a guide dog, remember that the dog is a working animal. Petting the dog or offering food would divert the dog's attention from its duties.
 - b. A guide dog shall never be restricted access to any area within a local district parole office where the offender's presence is required.

B. Conversation/Interview Etiquette

1. Relax. Don't be embarrassed if you happen to use accepted common expressions

such as “See you later” or “Got to be running” that seem to relate to the person’s disability.

2. To get the attention of a person with a hearing impairment, tap the person lightly on the shoulder or wave your hand. Look directly at the person and speak clearly, naturally, and slowly to establish if the person can read lips. Not all persons with hearing impairments can lip-read. Those who can will rely on facial expression and other body language to help in understanding. Show consideration by keeping your hands away from your face when speaking. Even the most proficient lip reader will only be able to ascertain approximately 33% of the conversation.
3. Brief, concise written notes may be helpful when interviewing an individual with a hearing impairment. Remember, however, that English is a second language for many deaf individuals who communicate primarily via ASL.
4. When speaking with a person in a wheelchair for more than a few minutes, utilize a chair whenever possible in order to place yourself at that person’s eye level.
5. When greeting a person with loss of vision, always identify yourself and others who may be with you. Say, for example, “On my right is my supervisor, Jane Doe.” When conversing in a group, give a vocal cue by announcing the name of the person to whom you are speaking. Speak in a normal tone of voice, indicate in advance when you will be moving from one place to another, and let it be known when the conversation is at an end.
6. Listen attentively when you’re talking to a person who has speech impairment. Keep your manner encouraging rather than correcting. When necessary, ask questions that require short answers or a nod or shake of the head. Never pretend to understand if you are having difficulty doing so.
7. If you have difficulty communicating, be willing to repeat or rephrase a question.
8. Do not shout at a hearing-impaired person. Shouting distorts sounds accepted through hearing aids and inhibits lip reading.
9. In order to facilitate conversation, be prepared to offer a visual cue to a hearing-impaired person or audible cue to a vision-impaired person, especially when more than one person is speaking.
10. Enable people who use crutches, canes, or wheelchairs to keep them within reach.
11. Be aware that some wheelchair users may choose to transfer themselves out of their wheelchairs into an office chair for the duration of the interview.

IV. LOCAL RESOURCES

- A. The Department of Assistive and Rehabilitative Services (DARS) is a state funded organization that assists individuals with disabilities and children with developmental delays. The mission statement for DARS is to work in partnership with Texans with

disabilities and families with children who have developmental delays to improve the quality of their lives and to enable their full participation in society.

B. The DARS is composed of five (5) divisions focused on persons with disabilities and children with developmental delays. The department includes the following divisions:

1. Division for Rehabilitation Services (DRS) – This division provides services for persons with physical and mental disabilities. The comprehensive rehabilitative services section helps persons with spinal cord and brain injuries receive therapies to increase independence.
2. Division for Blind Services (DBS) – This division assists blind or visually impaired individuals and their families. Depending upon the individual’s goals and needs, DBS offers services to help regain independence or find a job. DBS staff work in partnership with Texans who are blind or visually impaired to get high quality jobs, live independently, or help a child receive the training needed to be successful in school or beyond.
3. Division for Disability Determination Services (DDS) – This division, which is funded entirely through the Social Security Administration (SSA), makes disability determinations for Texans with severe disabilities who apply for Social Security Disability Insurance and/or Supplemental Security Income. Texans with disabilities apply for benefits at their local Social Security Office and their applications are forwarded to DDS for a disability determination; however, SSA is responsible for making final decisions as to whether or not a person is eligible to receive benefits.
4. Division for Early Childhood Intervention (ECI) – This division provides evaluations, at no cost to families, to determine eligibility and the need for services. Families and professionals work together as a team to plan appropriate services based on the unique strengths and needs of a child and family. Services are provided in the home and in the community settings such as child care facilities, play grounds and Mother’s Day Out programs.
5. Division for Deaf and Hard of Hearing Services (DHHS) – This division works in partnership with people who are deaf or hard of hearing to eliminate societal and communication barriers to improve equal access for people who are deaf or hard of hearing. DHHS advocates for people of all ages, who are deaf or hard of hearing to enable them to express their freedoms, participate in society to their individual potential and reduce their isolation regardless of locations, socioeconomic status, or degree of disability.

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