

**Third Semi-Annual Report by the Settlement Monitor
(May 31, 2017)**

Appendix V

Recommended forms:

Inmate Pamphlet

Memo for Staff

Hard-of-Hearing Communications Tips

Kentucky Department of Corrections



{NAME OF FACILITY}

Information for Deaf or Hard-of-Hearing Inmates



last revised Sept. 7, 2016

I. {FACILITY}'S OBLIGATIONS

{FACILITY} will provide deaf and hard-of-hearing inmates:

- **Non-discrimination**
- **Effective Communication**
- **Auxiliary Aids and Services**

Non-discrimination:

{FACILITY} will provide deaf and hard-of-hearing inmates with access to services, privileges, facilities, advantages, and accommodations substantially equivalent to those offered to similarly situated non-deaf inmates.

Effective Communication:

{FACILITY} will communicate effectively with deaf and hard-of-hearing inmates—ensuring that inmates can receive information from and provide information to {FACILITY} staff.

Auxiliary Aids and Services:

When needed for effective communication, {FACILITY} will provide “auxiliary aids and services.” This means devices or services that assist in communication. These may include, but are not limited to:

- Hearing aids
- Amplifiers
- Video captioning
- Visual or other non-auditory alert or alarm systems
- Videophone/Video Relay Service
- TTY/TDD, including telephone relay services
- Written materials
- Qualified interpreters, via remote video interpretation or in-person
- Computer-aided transcription services
- Assistive listening systems

II. PROCEDURES

For inmates who are deaf or hard-of-hearing, {FACILITY} has numerous devices and processes to help make sure prison staff communication with you is effective and that you receive equal access to prison programs, services, and activities. This brochure is for you to save: it is a guide to all those devices and processes.

For each of the listed devices or processes, if you do not want them, you can tell the ADA Coordinator. If you have any questions now or later, you should contact the ADA Coordinator. The ADA Coordinator is responsible for facilitating effective communication, including arranging for needed Qualified Interpreters.

- {FACILITY} provides notice of the availability of and procedure for requesting auxiliary aids and services through this brochure and through posted notices.
- Medical staff will assess whether an inmate is deaf or hard of hearing at initial intake and during annual assessments or when an inmate identifies himself as deaf, hard-of-hearing, or having difficulty hearing.
- If medical staff determines that an offender is deaf or hard-of-hearing, medical will note that in the inmate's Electronic Medical Record, and will notify the ADA Coordinator; the ADA Coordinator will note the same thing in the Kentucky Offender Management System (KOMS) record.
- The inmate will be given this brochure and copies of the Request for Communication Assistance, and (if applicable) the Request for Qualified Interpreter Services forms
- The ADA Coordinator will consult with the individual and medical to determine what aids or services are necessary to provide effective communication in particular situations.
- The ADA Coordinator will note the inmate's status as deaf or hard-of-hearing in the inmate's electronic file.
- The offender may ask for services at this time or later, by requesting the services from the ADA Coordinator or other staff and/or completing the Request for Communication Assistance or the Request for Qualified Interpreter Services form.
- The offender may waive services.
- At any time, the offender may request a service that he previously waived.

III. AUXILIARY AIDS AND SERVICES

To request any auxiliary aid, submit a Request for Communications Assistance to the ADA Coordinator. If you are requesting a hearing aid or amplifier—or a repair or batteries for an existing hearing aid or amplifier—you must also submit a Healthcare Request Form.

When you request a particular auxiliary aid or service, {FACILITY} must give primary consideration to your request, but may meet the need for effective communication by providing some alternative aid or service.

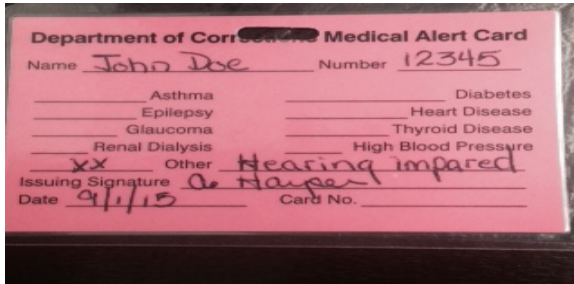
COST: All necessary auxiliary aids and services shall be provided without cost to the offender, except for medical devices that are subject to standard co-payment. {WHICH ARE THESE? I THINK YOU'RE NOT CHARGING FOR ANY. SO CROSS THAT OUT.} Sick-call has the standard \$3 co-pay.

The Auxiliary Aids and Services provided when necessary for effective communication (and described in this brochure) include:

- A. Hard-of-hearing/Deaf ID Card
- B. Hard-of-hearing/Deaf Notice cards
- C. Hearing Aids and Amplifiers
- D. Qualified Interpreters (remote and in-person)
- E. Telecommunications Devices:
 - Videophone (with or without interpreter relay)
 - TDD/TTY (with or without interpreter relay)
 - Volume-assisted telephone
- F. Video captioning
- G. Written materials
- H. Non-auditory alerts
- I. Assistive listening systems

A. *Hard-of-hearing ID Card*

This card will be given to you by Medical, when they determine that you are deaf or hard-of-hearing. Carry it with your inmate ID.



Hard-of-Hearing ID card.

If you lose or damage this card request a replacement from Medical. If this is not promptly provided, bring the issue to the attention of the ADA Coordinator.

B. *Notice Cards*

Unless you sign a waiver, {FACILITY} will alert others to your hearing impairment with a notice by your cell or bed.



**Hard-of-Hearing
[or Deaf]
Inmate**

C. *Hearing Aids and Amplifiers*

If medical determines that you need a hearing aid, one will be provided. You can request evaluation for a hearing aid by using the standard healthcare request form; you should *also* alert the ADA coordinator to your request by filling out a { } form.

- If you have a hearing aid already—at prison or at home—you may be allowed to use that.
- If your hearing aid—whether provided by KYDOC or otherwise—needs a repair, you should bring that to the attention of medical staff and they will try to get the repair.
- Hearing aids are complex devices, and several medical visits may be necessary to test your hearing, evaluate the appropriateness of a hearing aid, and fit the hearing aid.
- Assuming there are no complications, it should take under two months for you to get a hearing aid, if one is necessary. If the process is taking longer than that, bring that issue to the attention of the ADA Coordinator.
- There is no co-pay for the hearing aid, but the standard \$3 fee applies for your sick-call visit. You will be charged only one \$3 fee for the related visits.
- Hearing aid batteries typically last two to three weeks. They are free to you, and available {HOW (varies by facility)}

While you are waiting for a hearing aid, if medical has determined that you are hard-of-hearing, they will give you a personal amplifier. This device is sometimes called a “pocket talker.”



Amplifier

D. *Qualified Interpreters*

If you use sign language to communicate, you can request sign language interpretation by filling out a Request for a Qualified Interpreter Form, available from the ADA Coordinator {or how else?}. A qualified interpreter is “a person who is able to interpret effectively, accurately, and impartially, both receptively and expressively, with an individual Deaf Inmate using any necessary specialized vocabulary.”

If you use sign language to communicate, {FACILITY} will provide an interpreter (unless you sign a waiver) for disciplinary meetings and hearings, classification meetings and hearings, grievance meetings and hearings, and emergency health care. You need to request an interpreter each other time you want one, using the Request for a Qualified Interpreter Form. If possible, make requests 48 hours in advance. The form will then need to be submitted to the ADA Coordinator. The ADA Coordinator will schedule the qualified interpreter.

Qualified interpreters are available at {FACILITY} using a Video Remote Interpreting laptop, or—if necessary—in-person, for:

- Initial intake/classification
- Auxiliary aid/service assessment and other accommodation assistance
- On-site medical, mental health and dental evaluations/care/appointments
- Classification and transfer hearings and related meetings
- Grievance hearings
- Adjustment committee and court call
- All meetings related to discipline
- Parole hearings
- Rehabilitative and educational programming, including clubs
- Transitional programs
- Conversations with post-release supervisors
- PREA reporting and/or follow-up with any PREA concerns
- Inmate work and education programs
- Other significant communications, on request
- Interpreter services *may* be available if needed and requested for religious programming.

Video Remote Interpretation (VRI) allows a hearing person and a Deaf person who signs, who are next to each other, to communicate with each other. The hearing person speaks into a laptop microphone and an interpreter on the other end translates the speech into sign language, which the Deaf person can see on the laptop screen. The Deaf person signs into the laptop camera, and the interpreter on the other end translates the sign language into English, which the hearing person can hear.

{FACILITY} has {one? two?} VRI laptops; {WHERE?}.



VRI using a laptop

To request a Video Remote Interpreter, fill out the Request for a Qualified Interpreter Form, available from the ADA Coordinator.

Video interpretation may not accomplish the goal of effective communication in some situations—for example, when there are many people communicating (as in a class or a parole hearing), or there is a need to move around (for example, during some physical medical exams). In those situations, an in-person interpreter may be necessary.

When necessary for effective communication, {FACILITY} will provide an in-person qualified interpreter. If you want an in-person qualified interpreter, your request should explain why VRI will probably not be effective and if possible you should make the request several days before you need the interpreter.

At some point, {FACILITY} may arrange with an in-person qualified interpreter to be here on a regular basis (for example, for a weekly class). If this happens, and you use sign language to communicate, the ADA Coordinator will notify you about the schedule, so that you can request needed other interpretation services more conveniently.

E. *Telephone Communications*

{FACILITY} has several types of devices available for deaf or hard-of-hearing inmates to have equal access to telephone communications.

- Videophone (with or without interpreter relay)
- TDD/TTY (with or without interpreter relay)
- Volume-assisted telephone

Videophone



Videophone “kiosk”

- **What is a Videophone?** KYDOC uses ADA prison videophones provided by the company “Purple.” They are locked-down videophone kiosks, where you can make videophone calls during the same periods as regular phones are available.

- **What types of calls can you make?** {FACILITY’S}’s videophone allows two kinds of calls:
 - “Point to point” or “video to video” calls allow a deaf sign language user to call anyone with a videophone, and communicate using sign language.
 - Video Relay Service (“VRS”) calls allow a deaf inmate who uses sign language to call a hearing person who uses a regular telephone; sign language interpreters are connected automatically. The inmate signs and the remote interpreter then interprets, and speaks to the person on the regular telephone.
 - For either point-to-point or video relay calls simply key in a 10-digit number and “dial.”

- **Who qualifies for this service?** Any KYDOC deaf inmate who uses sign language to communicate qualifies for this free, ADA-public-use video and video relay service, so the inmate can call anyone using a Purple ADA prison videophone. Purple Video Interpreters will terminate calls if inmates who do not use sign language try to use the ADA videophone.

- **Prison restrictions.** Videophones implement standard prison restrictions:
 - No in-bound calls
 - No 3-way calls
 - No call history or contact list
 - Ability to include call timer
 - 911 button disabled
 - Announcement to called party
 - HIPAA privacy
 - No video mail

- **Rules for inmate use**
 - Purple VRS and point to point calls are recorded and monitored by KYDOC staff.
 - Except if you have a specific phone restriction, deaf inmates are allowed to use the videophone during the same periods of time that non-deaf inmates can use the regular phone.

- Videophones are provided as a part of Federal government program to provide sign language interpreters to relay communication between deaf person and a hearing person at no cost.
 - Each call can last up to twice as long as {FACILITY} allows for regular phone calls.
 - Because group calls are not allowed, you may not talk (or sign) to another inmate while you are using the videophone.
- **How to use the videophone.**
 - Just turn on the videophone, and start making calls. There is no need to turn it off. If it is off, power it back on.
 - Dial the telephone number you want to call to, by touching the telephone number on dial pad. Then, click on green “call” button.
 - Choose your language preferences—click on English or Spanish before you dial your telephone number. Interpreters in either language are available to relay communication in English or Spanish.
 - Callers who want other end user to hear the caller in voice can use Voice Carry Over (VCO) by simply clicking on VCO button.
 - Announce Relay will tell the interpreter to let the other end-user know that this is a Video Relay Service (VRS) call. Click on Announce Relay button if this is a VRS call.
 - After you are finished with your call, click on red button to “hang up”.

TTY/TTD

The second type of telecommunications device available at {FACILITY} for deaf or hard-of-hearing inmates is a TTY or TTD.



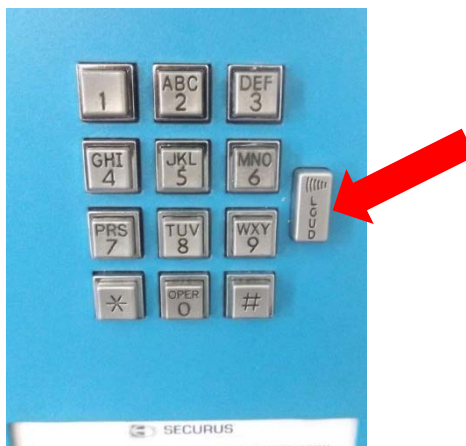
- **What is a TTY?** A TTY (Teletypewriter) (sometimes called a TTD) is a device that allows users to send typed messages across a phone line. Many people who are deaf or hard of hearing use TTYs to call other individuals. The TTY has a keyboard and display that lets the user send and receive typed messages over telephone lines.
- **What types of calls can you make?** A stand-alone TTY cannot communicate directly with a regular phone; it can communicate only with another TTY. So TTY users can directly call other TTY numbers or they can call a regular phone using a Relay Service. The Relay Service operator will receive the messages on a TTY and relay the messages, by standard phone, to a person who does not have a TTY.
- **Who qualifies for this service?** Any KYDOC deaf or hard-of-hearing inmate who can use the TTY. And a non-deaf inmate can, too, if he needs to call someone who uses a TTY.
- **Prison restrictions.** TTYs conform to standard prison restrictions:
 - No in-bound calls
 - No 3-way calls
 - No call history or contact list
- **Rules**
 - Except if you have a specific phone restriction, deaf inmates are allowed to use the videophone during the same periods of time that non-deaf inmates can use the regular phone.
 - Each call can last up to three times as long as {FACILITY} allows for regular phone calls.
- **How to use the TTY**
 1. Request use of the TTY {How? From who? How long in advance?}
 2. The TTY must be connected to a phone line with access to outside the prison. At {FACILITY}, {WHAT PHONE LINE ARE THEY SUPPOSED TO USE?, IN WHAT OFFICE}
 3. Once you're in the right place, plug the TTY in and push the "ON" switch.

4. Place the telephone receiver on the TTY's rubber receptacles. Make sure that the receiver is firmly in place and that the telephone's receiver cord is on the LEFT side of the TTY.
5. Check the telephone indicator light; if it is lit, you have the line.
6. If you are making a direct TTY call:
 - Dial the number of the receiving TTY, and watch the telephone light; if it is flashing slowly, this indicates that the device on the other end is ringing.
 - When the person you are calling answers, you will see a phrase appear on the screen such as: "Hello, this is Richard GA." The "GA" stands for Go Ahead -- Don't forget to use "GA" whenever you have finished what you are saying, so that the other person will know it is his/her turn. Note: The person who receives the call is always the one who starts typing first.
 - When you wish the call to end and you wish to advise the other person, type GA or SK ("Stop keying"). The person will respond by "SK" if he/she agrees. Be courteous - wait until the other person indicates "SK" before hanging up.
7. If you are making a relay call (that is, using the TTY to call a regular phone used by a hearing person), you will use the Kentucky Relay program:
 - Dial 711.
 - A Communication Assistant (CA) will answer by identifying Kentucky Relay and providing his/her CA number and gender. The CA will then type "NUMBER TO CALL PLS Q GA."
 - Type the area code and telephone number you want to call and any additional instructions.
 - Once the call is connected, the CA will ask the person you are calling if he/she is familiar with Relay. If the person is not, the CA will explain how Relay works before the conversation begins.
 - The CA will type everything said by the other party, word for word, along with any background noises.
 - When you see GA, it is your turn to respond.
 - Type your response, and then "GA" when you are ready for a response.

- The conversation will proceed in this manner until the call is complete. When you have completed the conversation, type “GA to SK” and the CA will close your call.
- Always switch the TTY "OFF" as soon as you have finished the call.

Phone volume control

Some but not all the payphones at {FACILITY} have volume controls. If you need to turn up the volume in order to use a phone, and none of the phones in your housing area have a volume control, you can submit a Request for Communications Assistance form to request that a volume control be added to at least one phone. The phones with volume controls have varied indicators:



Payphone Volume Controls

F. Video captioning

Most videos shown at {FACILITY}, and all television programs, can have captioning turned on. This includes educational and entertainment movies, orientation videos, religious programming DVDs, etc. You can request that a video or movie display captions, if they are available, by asking {FILL THIS IN}. If you are taking a class, ask the teacher if you want any class videos to display captioning. In addition, the commissary sells personal TVs that can show captioning. If you need assistance getting captioning turned on, ask the ADA Coordinator.

G. Written materials

If you are unable to understand something that a staff member tells you verbally, you can ask the staff to write it down. If you are given written materials that you have questions about, and you communicate using sign language, you can ask for a meeting with the appropriate staff member to be interpreted using the VRI or, if needed, an in-person sign language interpreter.

H. *Non-auditory alerts*

{FACILITY} has several devices available for inmates unable to hear announcements. These include:

- Strobe-light cells. In these cells, fire alarms trigger a very bright flashing light.
- Bed shakers/flashing light alerts. This device sits under a bed and vibrates/buzzes when the housing unit's fire alarm or other announcements go off. It can be set to alert for count and chow.
- At your own expense, you can buy a vibrating alarm clock or other adaptive equipment you may find useful, via the commissary or by making a request to the ADA coordinator.

In addition, staff are trained to post written versions of announcements made over the loudspeaker.



I. *Assistive Listening Systems*

If you are hard of hearing and have trouble hearing in some other situation, it may be possible to provide you an assistive listening system. For example, in church, programming, or a class, the teacher or other students could use a wireless microphone that sends the signal to an earbud that you wear. If you think a system like this would help you hear in a particular situation, submit a Request for Communications Assistance form to the ADA Coordinator.

IV. FOR MORE INFORMATION

{Facility's} obligations for deaf and hard-of-hearing inmates are controlled by the Americans with Disabilities Act and by a settlement entered in the federal district court in a lawsuit. The Settlement Agreement and a summary of it are available in the law library.

If you have a problem related to your hearing, discuss it with the ADA Coordinator. If necessary, you can file a grievance. The court monitor appointed by the federal court to track KYDOC's compliance with the Agreement will receive a summary of the grievance and, if you give your permission, the grievance itself and the KYDOC response to it.

**Communications assistance for deaf and hard-of-hearing inmates
(RECOMMENDED MEMO FOR STAFF)**

{ADD ORDINARY MEMO HEADING HERE}

This memo tells you about the various devices available to provide communications assistance to deaf and hard-of-hearing inmates. You may find it useful to also review the Informational Pamphlet for Deaf and Hard-of-Hearing Inmates, which is attached; it includes pictures of many of the devices described here. Inmates can use the **Request for Communications Assistance** form and the **Request for Qualified Interpreter Services** form to seek access to the items described here.

- 1) *ID and notice cards.* Unless the inmate has signed a waiver, {FACILITY} lists hearing impairments on inmate ID card and on a notice outside their cells. These notices inform you that the inmate has a hearing impairment, so that you can take steps to make your communication with the inmate effective.
- 2) *Hearing aids and amplifiers.* Hearing aids and amplifiers are available if medical staff finds that they are appropriate. If an inmate tells you that he needs a hearing aid or amplifier, notify the ADA Coordinator and tell the inmate to submit a **Healthcare Request** form **and a Request for Communications Assistance** form. For batteries **{DESCRIBE HERE HOW INMATES ARE SUPPOSED TO GET BATTERIES}**
- 3) *Video captioning.* Turn on TV/movie captioning at an inmate's request.
- 4) *Communications strategies.* When you are speaking with an inmate with a hearing impairment, use the best practices from the attached "tip card." Write simple things down. If these strategies are not working for an inmate who signs to communicate, and the communication is important, you should use Video Remote Interpreting (VRI); see item 7.
- 5) *Non-auditory alerts* This facility has several devices for inmates unable to hear announcements.
 - a. Strobe-light cells. In these cells, fire alarms automatically trigger a very bright flashing light. You don't need to do anything for this.
 - b. Bed shakers/flashing light alerts. This device sits under a bed pillow and vibrates/buzzes automatically when the housing unit's fire alarm goes off. There is also what looks like a light switch installed in the control center of the dorm; when count or chow is announced, the on-duty officer is assigned to flip that switch, to notify the inmate of count/chow. This should be logged **{HOW?}**
- 6) *Telecommunications devices.*
 - a. For inmates who communicate via sign language, **{Facility}** has a **videophone**, which also has access to Video Relay Service (VRS); it can be used to talk to someone who is also using a videophone, or to someone who is using a regular telephone.
 - The videophone is **{WHERE}**.

- It is available during the same hours non-Deaf inmates have access to the regular phone: {WHAT ARE THOSE HOURS?} {E.g.: during the day, nights until 11:30 pm, weekends, and holidays.}
 - If inmates wish to use the videophone, with or without VRS, they can simply request access when they need it. No scheduling in advance should be required. They are allowed 30 minutes per call.
- b. {FACILITY} owns {one? two} TTY (TeleTYpewriter) machine(s).
- {WHERE ARE THEY? WHAT PHONE ARE THEY SUPPOSED TO BE HOOKED UP TO?} TTYs must be logged out and logged back in after use.
 - Inmates are allowed 45 minutes per TTY call.
 - Training for inmates is available if they don't know how to use the TTY: they should ask the ADA Coordinator.

7) *Qualified Interpreter Services.* For deaf inmates who communicate using sign language, qualified interpreter services are provided for significant communications, either using **Video Remote Interpretation (VRI)** or an **in-person qualified interpreter**.

For inmates who need it, interpretation is provided for:

- Auxiliary aid/service assessment and other accommodation assistance
- On-site medical, mental health and dental evaluations/care/appointments
- Classification and transfer hearings and related meetings
- Grievance hearings
- Adjustment committee and court call
- All meetings related to discipline
- Parole hearings
- Rehabilitative and educational classes and clubs
- Transitional programs
- Conversations with post-release supervisors
- Other significant communications, on request

Inmates who use sign language to communicate are not required to specially request interpretation for auxiliary aid/service assessment, emergency health care on-site, classification and transfer hearings and related meetings, grievance meetings and hearings, disciplinary hearings and all related processes, parole meetings and hearings. In those situations, VRI should be used for these inmates without their special request, unless the inmate has requested and the ADA Coordinator has approved in-person interpretation. **If you are arranging one of those events for an inmate who uses sign language, you need to obtain the VRI.**

Inmates must have their hands unrestrained in order to communicate via sign language. If an inmate's status requires that his hands be cuffed or otherwise restrained, alternative methods are available during the interpreted communication. Consult with the ADA Coordinator.

- a. {FACILITY} has {one? two? } VRI laptops; {List here where they are}.

- Use of the laptops should be scheduled 48 hours in advance if possible, but VRI laptops can be used if available even if not scheduled in advance. {HOW?}
 - Log out the laptop each time you use it, and log it back in after use.
 - After a VRI laptop has been used, have the inmate fill out the bottom of the **Request for Qualified Interpreter Services** form; return that form to the ADA Coordinator.
- b. Inmates can request an in-person qualified interpreter by filling out the top of the **Request for Qualified Interpreter Services** form; that form should be sent to the ADA Coordinator at least 48 hours prior to the scheduled event if possible.
- c. The inmate has the right to waive interpreter services. If an inmate waives his right to an interpreter, a waiver form shall be completed, signed, and placed into KOMS for documentation. You must ensure that the inmate understands what he is waiving.

Tips for Communicating with Inmates Who are Hard-of-Hearing

Simple language, normal speech

- Speak at a normal pace, enunciating clearly; speak clearly and loudly, but do not shout or exaggerate mouth movements.
- Use simple, direct words.

Visual cues

- Use gestures and facial expressions to reinforce what you are saying.
- Use visual aids when possible, such as pointing to printed information on a document.

Environmental adjustment

- Find a quiet, well-lit place to talk; avoid backlighting.
- Avoid fans, washing machines, other ambient noise.
- Face the inmate directly; don't move your head too much.
- Don't chew gum.

Check on understanding

- Only about 1/3 of spoken words can be understood by speech (lip) reading.
- Check on understanding: ask the hard-of-hearing person to repeat back to you, so you can be sure he or she understood. Be conscious of "bluffing"—when the person you are speaking to tries not to let on that he or she doesn't understand.
- For anything but the most simple communication, written notes can be a problem. Keep in mind that many people—especially those who use sign language—may lack good English reading and writing skills.

Special considerations because this is a prison

- Prisons are noisy: To minimize noise from other inmates, fans, televisions, etc., you may want to step into an office or another quieter area.
- Prisons require situational awareness. To effectively communicate with deaf or hard-of-hearing inmates, an officer must face them directly and not move his or her head too much. This may make it difficult to monitor the surroundings. So you may want to have the conversation in a place that is out of the way, like a corner or an office, where situational awareness is easier.
- Restrictive Housing Units are especially challenging locations for effective communication, particularly if the cells have solid doors, because when you talk to an inmate "through the crack" in the door important visual cues are absent. Communications strategies include:
 - Pull the inmate out of cell.
 - Talk through the meal slot.
 - If the inmate can read, pass written notes through the door (but remember low literacy).