
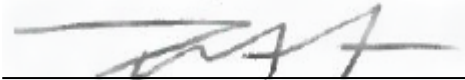


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| POLICY TITLE: STAFF COMMUNICATION WITH PERSONS WITH HEARING OR SPEECH DISABILITIES | | PAGE 1 OF 6 |
| POLICY NUMBER: 1.11 | | |
| CHAPTER 1: ADMINISTRATION, ORGANIZATION, AND MANAGEMENT | | |
|  | STATE of MAINE DEPARTMENT of CORRECTIONS Approved by Commissioner:  | PROFESSIONAL STANDARDS: See Section VIII |
| EFFECTIVE DATE: May 22, 2013 | LATEST REVISION: April 5, 2021 | CHECK ONLY IF APA [] |

I. AUTHORITY

The Commissioner of Corrections adopts this policy pursuant to the authority contained in 34-A M.R.S.A. Section 1403.

II. APPLICABILITY

Entire Maine Department of Corrections

III. POLICY

It is the policy of the Department of Corrections to provide equal access to programs and services for persons who are deaf or hard of hearing or have a speech disability.

IV. DEFINITIONS

1. Assistive Technology (AT) - any device, item, software or equipment, whether acquired commercially, modified, or customized, that is used to increase, maintain, or improve functional capabilities of individuals with disabilities, including, but not limited to, text telephone (TTY); Telephone Relay Services (TRS), text-to-speech technology, video remote interpreting (VRI); telecommunications devices that are hearing aid compatible or equipped with amplification capabilities; and text messaging, as well as low-tech tools like lined paper and pencil grips.
2. Deaf or Hard of Hearing - a person who is deaf or hard of hearing is a person who has a functional hearing deficit and, in the case of a person who is deaf, has a hearing deficit severe enough to render the perception of speech ineffective for communication.
3. Qualified Sign Language Interpreter - a qualified sign language interpreter is a neutral bilingual third party fluent in both English and American Sign Language and trained to convey between a deaf or hard of hearing person and another person the spoken communications or signs of each person to the other person

accurately and without changing the meaning. To be a qualified sign language interpreter, the individual must be licensed by the State of Maine. A qualified interpreter may be a Department staff, student intern, or volunteer who is licensed as an interpreter.

4. Text Telephone/Teletype Terminal/Teletypewriter (TTY) - a device that allows individuals with hearing disabilities to use a telephone to type and send text messages.

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VI. ATTACHMENTS

None

VII. PROCEDURES

Procedure A: Persons who are Deaf or Hard of Hearing, General

1. The Deputy Commissioner, facility Chief Administrative Officers, community corrections Regional Correctional Administrators, or their designees, shall ensure that, within the areas of their respective responsibilities, persons who are deaf or hard of hearing are provided qualified sign language interpreter services and telephone services for the deaf or hard of hearing.
2. When a member of the public requests or otherwise indicates to staff the need for sign language interpreter services or telephone services for the deaf or hard of hearing, staff shall make the appropriate arrangements.
3. Telephone services for the deaf or hard of hearing shall consist of a TTY or similar device.
4. Any time staff has reason to believe that a sign language interpreter provided by the Department is not providing accurate and neutral communication, is otherwise hampering effective communication between staff and a person who is deaf or hard of hearing, or poses a safety risk, staff shall obtain another interpreter and report concerns to the appropriate staff person designated to ensure the provision of qualified sign language interpreter services and to the interpreter services agency, if any.

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5. Designated staff shall be trained in the following:
 - a. this policy;
 - b. accessing sign language interpreter services and telephone services for the deaf or hard of hearing; and
 - c. the deaf culture and its effects on communication.
6. Complaints of discrimination against persons who are deaf or hard of hearing, including complaints of failure to comply with this policy, shall be handled in accordance with Department Policy 1.6, Prohibition on Discrimination. If the complaint is by a person who is deaf or hard of hearing, the staff attempting to resolve the complaint shall provide sign language interpreter services or telephone services for the deaf or hard of hearing as needed during the complaint process.

Procedure B: Interpreter and Telephone Services Related to Community Corrections Clients

1. At initial contact with staff, if a community corrections client, parent, legal guardian, family member, or other person involved with a community corrections client is non-communicative, has an observable behavior indicating hearing loss, appears to have a hearing aid or other assistive listening device, staff shall consider the possibility that the person may be deaf or hard of hearing.
2. In addition, a Juvenile Community Corrections Officer who has received a referral from a law enforcement officer for preliminary investigation of a juvenile shall, if there is any indication that the juvenile is deaf or hard of hearing, take appropriate steps to determine if this is true, if possible prior to the initial contact with the juvenile.
3. Once it has been determined that a person is deaf or hard of hearing, staff shall use a gesture or writing to inform the person and, if the person has not attained the age of 18 years or is an adult with a guardian, the person's parent or guardian, that the person has the right to have qualified sign language interpreter services and, if applicable, telephone services for the deaf or hard of hearing, at no cost to the person, if they are required for effective communication.
4. In addition, at this time, if the person who is deaf or hard of hearing is a community corrections client, a notation shall be made by staff in CORIS to reflect the fact of the person's status and, if applicable, the person's interpreter or telephone services needs.
5. When a client or parent, legal guardian, family member, or other person involved with a client who has been identified as deaf or hard of hearing accepts an offer of qualified interpreter services or requests or otherwise indicates to staff the

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need for interpreter services, staff shall make arrangements for a qualified interpreter, unless there is another equally effective way of communicating.

6. The determination whether there is another equally effective way of communicating, other than sign language interpreter services, such as the use of supplemental gestures, visual aids, writing, or technology, shall depend on the circumstances, length, complexity, and importance of the communications as well as the communication skills of the person who is deaf or hard of hearing.
7. The staff shall determine which form of interpreter services to make available, with a preference for sign language interpreter services by a qualified interpreter, provided that a staff interpreter, regardless of qualification, is not to be used as an interpreter for a client or a person involved with a client except in an emergency (a situation in which life, health, or safety of clients or others may be in immediate jeopardy). In an emergency, such a staff member may be used as an interpreter until such time as a qualified interpreter becomes available.
8. The staff shall document in CORIS the type of interpreter used (e.g., interpreter from a sign language interpreter service or staff interpreter), the name of the interpreter and the situation that required the use of an interpreter.
9. The staff shall document in CORIS if a client or person involved with a client declines an offer of free qualified sign language interpreter services provided by the Department or if no interpreter was used for another reason and why.
10. If a client or person involved with a client requests the use of an interpreter provided by himself or herself, staff may agree to the use of the proposed interpreter when the use of the individual would not pose a risk to safety and is otherwise deemed appropriate. The use of such an individual is not appropriate when the staff reasonably believes that the proposed interpreter is not willing and able to provide accurate and neutral communication between the parties.
11. If at any time staff have reason to believe that an interpreter provided by a client or person involved with a client is not providing accurate and neutral communication, is otherwise hampering effective communication between staff and the person who is deaf or hard of hearing, or poses a safety risk, staff shall obtain a qualified interpreter in substitution for the person's preferred interpreter.
12. If a client or person involved with a client requests the use of an interpreter provided by himself or herself, it shall be documented in CORIS, along with the name of the person proposed as an interpreter, whether the staff agrees to the proposed interpreter, and the reason(s) for staff agreeing or not agreeing.
13. Staff shall inform a person who has declined qualified interpreter services provided by the Department that he or she has the right to request qualified interpreter services provided by the Department at any subsequent time.

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14. A minor may never be used as interpreter under any circumstance. In addition, a client may never be used as interpreter under any circumstance.
15. When a client or parent, legal guardian, family member, or other person involved with a client who has been identified as deaf or hard of hearing accepts an offer of telephone services for the deaf or hard of hearing or requests or otherwise indicates to staff the need for such services, staff shall make arrangements for the applicable telephone services.

Procedure C: Communication Services for Residents with Hearing or Speech Disabilities

5-ACI-7D-13

1. A facility resident who has a medically documented hearing and/or speech disability shall be provided access to assistive technology to facilitate participation in programs, activities, and services unless there is a risk to safety, security or orderly management of the facility.
2. Residents with hearing and/or speech disabilities, and residents who wish to communicate with parties who have such disabilities, shall be afforded access to a TTY or other similar equipment. Residents who are hard of hearing shall be afforded access to telephones with volume control.
3. The facility Chief Administrative Officer, or designee, shall:
 - a. ensure a means of notifying residents who are deaf or hard of hearing of such things as counts, emergencies, and announcements, including times for meals, recreation, education, work assignments, and other events, either manually, in writing, or otherwise;
 - b. provide a functional TTY and a telephone with volume control for deaf or hard of hearing residents; and
 - c. maintain a list of qualified staff sign language interpreters.

Procedure D: Bilingual Staff Expectations

1. A staff member who is sufficiently proficient in American Sign Language (can perform his or her job functions directly in American Sign Language without the services of an interpreter) is encouraged to use sign language in communicating directly with a facility resident or community corrections client or other person involved with the Department whose primary language is American Sign Language.
2. Except in an emergency (a situation in which life, health, or safety of clients or others may be in immediate jeopardy), a staff member who is proficient in American Sign Language is prohibited from providing interpreter services for a facility resident or community corrections client or other person involved with the

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Department. In an emergency, such a staff member may be used as an interpreter until such time as a qualified interpreter becomes available.

3. A staff member who is also a qualified sign language interpreter may not accept interpreting assignments or jobs from provider agencies with whom the State contracts.

Procedure E: Translation of Documents

1. The Commissioner, or designee, shall designate staff to determine which documents used by the Department must be translated by a qualified sign language interpreter. Translation is the process of conveying a document in American Sign Language accurately and without changing its meaning by a neutral, trained and qualified translator.
2. The determination whether to have a document translated shall depend on the number of relevant residents or community corrections clients whose primary language is American Sign Language, the ability of the clients to read and understand the original document, and whether the document is considered essential. Pre-recorded video sign language translations may be used in lieu of an in-person sign language interpreter.
3. In the event no video translation of a document is available, staff shall ensure that in-person translation by a qualified interpreter is provided in a timely manner to a resident or client who is unable to read and understand the original document.

VIII. PROFESSIONAL STANDARDS

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5-ACI-7D-13 Written policy, procedure, and practice provide inmates with documented hearing and/ or communication challenges, and inmates who wish to communicate with parties who have such disabilities, access to assistive technology. The technology provided to an inmate with hearing or speech disabilities shall be determined based on an individual assessment of the needs of the inmate. Public telephones with volume control are also made available to inmates with hearing impairment. Inmates shall not be denied access to assistive technology, except when the warden/superintendent or designee can present clear and convincing evidence that access will jeopardize the safety and security of the institution or the visitors.

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