

EFFECTIVE COMMUNICATION IN CORRECTIONS, JAILS, AND DETENTION FACILITIES

How does the Americans with Disabilities Act (ADA) apply to corrections, jails, and detention facilities?

Corrections, jails, and detention facilities (and private prisons operated under contract with public entities) are subject to Title II of the ADA, which states that, “No qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or subjected to discrimination by any such entity.”

Who is protected under the ADA?

All people with disabilities are protected by the ADA. The law defines a person with a disability as someone with a physical or mental impairment that substantially limits one or more major life activity. This includes people who have a record of a disability and people who do not have a disability but are seen as having one.

What does effective communication mean under the ADA?

Effective communication means that every communication must be just as clear and understandable to people with disabilities as it is for people who do not have disabilities. This applies whether it is written, spoken, electronic, or any other form of communication.

What is the goal of the effective communication requirement?

The goal is to ensure that people with vision, hearing, speech, or intellectual disabilities can understand and express information as effectively as people who do not have disabilities.

How does the requirement apply to correctional, jail, and detention facilities?

When needed, these facilities must provide the items, equipment, or services – known as auxiliary aids and services – to communicate effectively with people who have disabilities. When deciding which aid or service to provide, facilities must give primary consideration to the specific aid or service requested by the person who has a disability. A person with a disability may need different aids or services at different times because the suitability of the aid or service will depend on factors such as the nature, length, context, and importance of the communication. In addition to providing the aid or service to an inmate with a disability, the facility is responsible for providing aids and services and to the person's parent, spouse, or companion, if needed.

What are some examples of auxiliary aids and services?

- For someone who is deaf, a qualified American Sign Language (ASL) interpreter could be needed for case hearings, medical and mental health services, support groups, or classes
- Handwritten notes could work for someone who is deaf and needs to give or get brief, simple information like ordering food at a cafeteria
- Videos must be captioned for people who have hearing disabilities
- Large print documents often work for people with low vision
- Audiobooks work for some people with visual disabilities

- People who are blind may use Braille materials
- Having a staff member read written information out loud works for someone with a visual disability
- Having a staff person help fill out a form can work for someone who has an intellectual disability
- An inmate who is deaf and uses sign language may use a videophone to call another person who is deaf, such as a family member
- An inmate who is deaf and uses sign language may use a video relay service to call a hearing person, such as a lawyer

Alternate formats available upon request



The Northwest ADA Center is a member of the ADA National Network. This fact sheet was developed under grant from the Administration for Community Living (ACL), NIDILRR grant #90DP0095. However, the contents do not necessarily represent the policy of the ACL, and you should not assume endorsement by the federal government.

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Revised 9/5/2019