



Department of Community Supervision Policy & Procedure Statement

Title:	Americans with Disabilities Act, Title II	Policy Number:	6.340
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Forms/Attachments:	ADA Public Notice , Supervisee with Disabilities ADA Service Referral , Supervisee Interpreter and Disability Services Refusal Form , ADA Grievance Form , ADA Reasonable Accommodation Request , Deaf and Hard of Hearing Guidelines		

I. **INTRODUCTION AND SUMMARY:** It is the policy of the Georgia Department of Community Supervision (DCS) to maintain compliance with the Americans with Disabilities Act (ADA), a Civil Rights Law, which requires accessibility to programs, services, and activities to individuals with disabilities and prohibits discrimination. The DCS Policy and Procedure provides an open and meaningful accommodations request process and resolution to ADA related complaints and allegations, which includes an appeals process.

In addition to the provisions below, the policies and procedures outlined in the Deaf and Hard of Hearing Guidelines shall apply to the supervision of Deaf or Hard of Hearing supervisees specifically, and to the extent there is an inconsistency with this Policy, the Deaf and Hard of Hearing Guidelines shall control. We adopt herein any definitions used in the Deaf and Hard of Hearing Guidelines. As used herein, Policy refers to the Policy and the Deaf and Hard of Hearing Guidelines, collectively.

II. **AUTHORITY:** The Commissioner of the Department is vested with the authority to issue and approve all necessary directions, instructions, orders and rules applicable to employees of the Department. O.C.G.A. § 42-3-5(b).

The Americans with Disabilities Act of 1990: 42 U.S.C. §12102, § 12131-34, and 28 C.F.R. §35.101 et seq.;

Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794 (a) – (d); O.C.G.A. § 30-3-3

III. **DEFINITIONS:**

ADA Coordinator - An individual appointed by the Commissioner to coordinate the Department's

compliance with ADA requirements.

Americans with Disabilities Act (ADA) - The ADA is a civil rights law that prohibits discrimination against individuals with disabilities in all areas of public life, including jobs, schools, transportation, and all public and private places that are open to the general public. The purpose of the law is to make sure that people with disabilities have the same rights and opportunities as everyone else. The ADA gives civil rights protections to individuals with disabilities similar to those provided to individuals on the basis of race, color, sex, national origin, age, and religion. It provides equal opportunity for individuals with disabilities in public accommodations, employment, transportation, state and local government services, and telecommunications.

Auxiliary Aids and Services includes:

- (1) Qualified interpreters on-site or through video remote interpreting (VRI) services; note takers; real-time computer-aided transcription services; CART (Communication Access Real-Time Translation); written materials; assistive listening devices; assistive listening systems; or other effective methods of making aurally delivered information available to individuals who are deaf or hard of hearing;
- (2) Qualified readers; taped texts; audio recordings; Brailled materials and large print materials; or other effective methods of making visually delivered materials available to individuals who are blind or have low vision;
- (3) Acquisition or modification of equipment or devices; and
- (4) Other similar services and actions

Direct Threat to Health and Safety - Under the ADA, a direct threat may exclude an individual from a public entity's program, service, or activity. A Direct Threat must be a significant risk to the health and safety of self or others that cannot be eliminated or reduced to safe levels through a Reasonable Accommodation. A direct threat cannot be based upon stereotypes or unfounded fears.

Disability - The term "disability" means, with respect to an individual:

1. A physical or mental impairment that substantially limits one or more of the major life activities of such individual;
2. A record of such an impairment; or
3. Being regarded as having such an impairment.

Fundamental Alteration - A change that is so significant that it alters the essential nature of the goods, services, facilities, privileges, advantages, or accommodations offered.

Major Life Activity - Functions to include, but not limited to, caring for oneself, performing manual tasks, walking, seeing, hearing, eating, speaking, breathing, learning, and working.

Mental Impairment - Any mental or psychological disorder to include, but not limited to, intellectual and developmental disabilities, organic brain syndrome, emotional or mental illness, traumatic brain injuries, and learning disabilities.

Physical Impairment - Any physical disorder or condition, to include but not limited to cosmetic

disfigurement, or anatomical loss affecting one or more of the following body systems: neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, hernic and lymphatic, skin, and endocrine.

Qualified Individual with a Disability - For the purposes of Title II of the ADA, a qualified individual is an individual with a disability who meets the essential eligibility requirements for receipt of services or participation in a public entity's programs, activities, or services with or without reasonable modifications to a public entity's rules, policies, or practices, the removal of architectural, communication, or transportation barriers, or the provision of Auxiliary Aids and Services. The "essential eligibility requirements" for participation may be minimal.

Reasonable Accommodation - For the purposes of Title II of the ADA, any change or adjustment that would not fundamentally alter the nature of a service, program, or activity of a living or work environment; including reasonable modifications to rules, policies, or practices, the removal of architectural, communication, or transportation barriers, or the provision of Auxiliary Aids and Services that permit participation of qualified supervisees with disabilities.

Undue Burden - Significant difficulty or expense incurred by a covered entity, when considered in light of certain factors. These factors include: the nature and cost of the action; the overall financial resources of the site or sites involved; the number of persons employed at the site; the effect on expenses and resources; legitimate safety requirements necessary for safe operation, including crime prevention measures; impact of the action on the operation of the site; the geographic separateness, and the administrative or fiscal relationship of the site or sites in question to any parent corporation or entity; if applicable, the overall financial resources of any parent corporation or entity; the overall size of the parent corporation or entity with respect to the number of its employees; the number, type, and location of its facilities; and if applicable, the type of operation or operations of any parent corporation or entity, including the composition, structure, and functions of the workforce of the parent corporation or entity.

IV. STATEMENT OF POLICY AND APPLICABLE PROCEDURES: The Department of Community Supervision (DCS) shall provide equal access to its programs, services, and activities as required by Title II of the ADA. DCS will provide Reasonable Accommodations to supervisees who have disabilities to provide an equal opportunity to participate in programs, services, and activities outlined in required conditions of supervision. Accommodation requests that will cause a fundamental alteration to programming or undue burden to DCS will not be granted. (See section IV. G. of this policy for additional information.)

A. ADA Public Notice

The DCS ADA Public Notice compliant with 28 C.F.R. 35.106 is conspicuously displayed in the lobby of all DCS field offices and the Department's public website. The Department of Community Supervision (DCS) will not discriminate against qualified individuals with disabilities on the basis of disabilities in its programs, services and activities. Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service or activity should contact the ADA Coordinator at DCS ADA Coordinator's Office. 2 Martin Luther King Jr. Drive, S.E., Suite 458, East Tower,

Posters notifying supervisees of the provisions of the ADA and reasonable accommodations will be conspicuously displayed in the lobby of all DCS field offices. In addition, the ADA policy and reasonable accommodations will be discussed with each supervisee at their initial interview.

B. ADA Coordination

DCS has an ADA Agency Coordinator, who is appointed by the Commissioner of the Department of Community Supervision. The Agency ADA Coordinator oversees and coordinates the agency's efforts to comply with ADA requirements. The Agency ADA Coordinator is an appropriately trained and knowledgeable individual, who will work collaboratively with other DCS staff members, state agencies, and other ADA experts who assists in interpreting the law and introducing viable accessibility solutions.

1. Specific Responsibilities and Authorities of the Agency ADA Coordinator:
 - a. In concert with the DCS Training Division, that all staff members who interact with supervisee, citizens, or visitors who have disabilities are provided with adequate and appropriate information and training on ADA, auxiliary aids and services, and potential ADA issues;
 - b. In concert with the Operations and Information Technology Divisions, the DCS ADA Coordinator will compile and maintain information concerning supervisee(s) who have disabilities, as is necessary to carry out the duties and responsibilities of the position;
 - c. Provide procedures for the prompt and equitable resolution of requests for Reasonable Accommodation and/or complaints are in place, publicized, and implemented;
 - d. Review all supervisee requests for Reasonable Accommodations and process the requests, in concert with the Operations and Legal Divisions, in order to comply with ADA Title II Requirements. (See Section IV. F. and G. of this policy for additional information);
 - e. Review all ADA grievances and coordinate a resolution to concerns involving alleged violations of the ADA;
 - f. Conduct site visits and evaluations of all DCS offices biennial.
2. Provide guidance to DCS staff members regarding ADA matters, such as, but not limited to the following:

- a. Procurement of programs and auxiliary aids or services
- b. Contract review
- c. Emergency evacuation of Community Supervision Offices
- d. All recommendations for denial of accommodations
- e. All supervisee accommodation requests
- f. All ADA related grievances

C. Responsibilities of the Community Supervision Officers (CSO)

1. At the initial interview, the CSO will go through a module to determine the supervisee's disability if there is one. If the supervisee is a transfer, the CSO will review the supervisee's completed module in his case to determine the supervisee's possible ADA accommodation needs. The CSO will use auxiliary aids and services (AAS) as necessary in order to have effective communication with the individual regarding the module. The information in the module is uploaded to the Portal. If the module cannot be completed electronically then a written form shall be completed.

Note: If the supervisee answers in the affirmative to a request for accommodation, the CSO shall provide reasonable accommodations and communicate these actions to the agency ADA Coordinator. The CSO will document the preferred mode of communication and requested accommodations in the Departmental case management system.

2. The CSO will inform the supervisee of how to access the Department's ADA Title II Provisions policy.
3. The CSO is responsible for ascertaining if there are any emerging supervisee issues or concerns related to effective communication and requests for accommodations during the entire time an individual is under supervision of DCS.
4. The CSO will document all supervisee ADA accommodation requests, modifications, and recommended denials in the Departmental case management system and maintain consistent communication with the Agency ADA Coordinator regarding ADA matters.

D. Applicable Procedure

The Department of Community Supervision will comply with the ADA Title II provisions for supervisees who have disabilities.

1. Office and Field Interactions

Effective supervision requires meaningful interactions with the supervisee. During the initial interview, the CSO will explain conditions of Probation/Parole, drug testing expectations, Out of State Conditions, special conditions of supervision, grievance processes, fine, restitution, and supervision fee as stated in DCS Policy 3.129. If a reasonable accommodation for an individual who has a disability is necessary during an Office/Field Interaction, the CSO will utilize the services provided by the department for effective communication.

2. **Revocation Hearings**
If the individual needs accommodations during the revocation hearings, DCS staff members should make the Court/Clerk of Court/DOM aware of the need for accommodations.

E. Effective Communication

Effective Communication is vital to ensuring compliance during supervision. DCS will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in programs, services, and activities. Auxiliary aids such as qualified sign language interpreters, documents in Braille, note-takers, or other effective solutions will be utilized for individuals with speech, hearing, or vision impairments.

F. Refusal of Services

The Department of Community Supervision respects the right of any supervisee declining to use the services available for assisting with their disability needs. The supervisee must complete the Supervisee Interpreter And Disability Service Refusal Form with the officer who is attempting to assist them. The following process will be followed for declination of services:

1. The form will be completed and notarized by a current sworn notary
2. The document will be uploaded in the file of the supervisee
3. A legible copy of the completed notarized document will be emailed to the ADA Coordinator.

G. Reasonable Accommodation Request Process

1. All supervisees have the ability to request accommodations for a disability.

2. If the supervisee orally or otherwise expresses the need for an accommodation the ADA Reasonable Accommodation Request Form 2 will be completed. If the individual is unable to complete the form the staff member must assist them which may include reading the form to the offender or using one of the services outlined to assist the supervisees with the disability.
3. The staff member will forward the ADA Reasonable Accommodation Request Form to the ADA coordinator via email using the email address: ADA.request@dcs.ga.gov.
4. The ADA Coordinator will review the ADA Reasonable Accommodation Request Form and make a decision regarding the accommodation request within twenty four (24) business days. When further evaluation is needed to make a determination the ADA Coordinator will notify the officer of record via email. The officer of record will notify the supervisee and request any further information if needed. All notifications to the supervisee or request for further information shall be notated in the Departmental case management system.
5. In making a decision for reasonable accommodation, the Department will consider the choice of accommodation made by the supervisee. The Department may grant an alternative accommodation if such accommodation will provide the same or comparable level of accommodation.
6. If the request for accommodation is for a disability that is unknown the supervisee may be required to provide verification of the disability. A determination or reasonable accommodation will not be made until the disability is verified.
7. The ADA Coordinator will forward his or her decision to the officer of record via email. The officer of record will attach the completed ADA Reasonable Accommodation Request Form to the supervisee's file in the Departmental case management system. The ADA Coordinator will maintain a copy of the form in a central depository for the Department.
8. The supervisee will be notified of the decision regarding their request or will be notified if additional time is necessary and approximately how much time will be necessary to complete the determination.
9. Interpreter/CART Service Request Process:
 - a. Once the CSO has received a request for an In-Person Interpreter/CART Service, the CSO shall contact the Chief or Assistant Chief with the request.
 - b. The Chief or the Assistant Chief shall review the Interpreter/CART Services Request Form in the Portal and complete it.
 - c. The Chief or Assistant Chief shall email to

purchasing@dcs.ga.gov (Purchasing) and
ADA.request@dcs.ga.gov (ADA Coordinator)

- d. Purchasing shall assign the request to a procurement specialist.
- e. Upon confirmation of a supplier, Procurement shall communicate this status to the requester of the services.

H. ADA Grievance Procedures

- 1. All supervisees have the right to register a formal complaint to the ADA Coordinator in regards to their belief they are not being accommodated for their disability.
- 2. The supervisee will complete the ADA Formal Complaint Form Version 1 and either fax it or mail it to the attention of the ADA Coordinator using the information on the form.
- 3. To the extent a supervisee needs assistance understanding the ADA Formal Complaint Form Version 1 and/or needs assistance understanding the process of this grievance procedure, DCS will provide the auxiliary aids and services in deaf or hard of hearing supervisees' Communication Plans as defined in the Deaf and Hard of Hearing Guidelines. Grievances may be submitted to the ADA Coordinator by video utilizing signed language.
- 4. Upon receiving a formal complaint, the ADA Coordinator will respond to the supervisee within two (2) business days of receiving the complaint to acknowledge receipt.
- 5. Upon reviewing and researching the complaint, the ADA Coordinator will respond in writing via email or mailed letter to the supervisee within thirty (30) days for the findings. The supervisee may contact the ADA Coordinator for further explanation of the findings if he or she has further questions concerning the outcome.

I. ADA Grievance Appeals Process

- 1. A supervisee must submit a notice in writing to the HR Director, 2 MLK Jr. Drive, S.E., Atlanta, Georgia, 30334; hrdirector@dcs.ga.gov, within fifteen (15) days of the decision. The notice should be a description of why the decision was wrong.
- 2. The HR Director will acknowledge receipt of the appeal within ten days.
- 3. The HR Director will respond in writing within thirty (30) days of receiving

the grievance appeal. The HR Director will notify the supervisee if additional time is required.

4. To the extent a supervisee needs assistance understanding the notice and/or needs assistance understanding the appeals process, DCS will provide the auxiliary aids and services in deaf or hard of hearing supervisees' Communication Plans as defined in the Deaf and Hard of Hearing Guidelines. Grievances may be submitted to the ADA Coordinator by video utilizing signed language.

J. REFERRAL FOR SERVICES

The Department of Community Supervision (DCS) encourages supervisees to utilize the services listed below to assist with communication with DCS when supervisees are not in DCS presence. DCS will use several different services to assist supervisees with disabilities to communicate effectively with the Department and its employees. These services will come from various resources to provide a variety of options to assist supervisees in obtaining and getting the information they need.

1. Georgia Relay - Georgia Relay is a FREE public service provided by the State of Georgia to make communicating by telephone easy, accessible and reliable for everyone, including people who are deaf, hard of hearing, deaf-blind or have difficulty speaking. Georgia Relay is available 24 hours a day, 365 days a year. Georgia Relay allows users to stay connected through a variety of Traditional Relay and Captioned Telephone services. Georgia Relay can be reached by calling the following numbers:

To make a Relay Call

Dial 7-1-1 or call one of the toll free numbers below

TTY: 800-255-0056

Voice: 800-255-0135

Speech to speech: 888-202-4082

Spanish to Spanish: 888-202-3972

(Includes Spanish-to-Spanish and translation from English to Spanish)

2. Services offered by Georgia Relay:
 - a. TTY (Text Telephone) - Allows a person who is deaf or hard of hearing to type their messages and read the other person's responses.
 - b. VCO (Voice Carry Over) - Using a TTY (Text Telephone)

and standard telephone or a specially designed telephone that also has a text screen, the VCO user speaks directly to the person being called. In response, the words of the person being called are typed by the Georgia Relay Communications Assistant (CA), and the user reads those words on the text screen of his or her phone.

- c. HCO (Hearing Carry Over) - This service allows the HCO user to type his or her side of the conversation, using a TTY or similar device, and the Communications Assistant (CA) voices the typed words to the other person. When the other person speaks, the HCO user listens directly to what is being said.
- d. Speech to Speech (STS) - Designed for people who have mild-to-moderate speech difficulties who can hear what is being said over the phone. The STS user speaks, a specially trained Communications Assistant (CA) listens to the words. The CA then revoices those words to the other person. When the other person speaks, the STS user listens directly to what is being said.
- e. Captioned Telephone (CapTel) - User speaks directly to the other person, and when the other person responds, the CapTel user can listen while reading what's said. During the conversation, a specially trained operator at the CapTel captioning service uses the latest in voice recognition software to convert everything the other person says into captioned text.
- f. Deaf-Blind Service (DBS) - DBS users type their messages and read the other person's responses, typed by the Communications Assistant (CA), on a braille display.
- g. Voice Users - Makes it easy for voice users to communicate by phone with anyone who is deaf, hard of hearing, deaf-blind or has difficulty speaking
- h. Video Relay Services (VRS) - is a video telecommunication service that allows deaf, hard-of-hearing, and speech impaired individuals to communicate over video telephones with hearing people in real time.

- i. Georgia Relay offers several additional services to assist those with disabilities in need of assistance.

K. Miscellaneous

1. DCS does not provide supervisees employment, housing, education, food stamps, hunger assistance, medical, or other needs.
2. If a supervisee is required to attend activities or treatment provided by the department, DCS will provide auxiliary aids and services (AAS) as needed for effective communications in the activity. The AAS will be provided as long as it does not create an undue burden or hardship, or will cause an alteration to the day-to-day functions of the agency.