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October 10, 2025

**ADMINISTRATIVE REGULATION
NUMBER 705**

OPR: HEALTH SERVICES

HEARING IMPAIRED INMATES

I. GENERAL

This Alabama Department of Corrections (ADOC) Administrative Regulation (AR) establishes responsibilities, policies and procedures to provide and implement services within the ADOC for auxiliary aids, hearing assistance and devices for deaf or hearing-impaired inmates when clinically indicated.

II. POLICY

It is the policy of the ADOC to furnish appropriate auxiliary aids and services consistent with the Americans with Disabilities Act (ADA) as necessary to afford deaf or hearing-impaired inmates an equal opportunity to participate in the benefits of services, programs, or activities.

III. DEFINITIONS AND ACRONYMS

- A. **Intermediary Interpreter:** Any person able to assist in providing active communication between spoken English and sign language or between variations of sign language, by acting as a linguist between a hearing-impaired person and a qualified interpreter.
- B. **Qualified Interpreter:** A linguist who is able to communicate effectively, accurately and impartially, both receptively and expressively to another, using any necessary specialized vocabulary.
- C. **TDD/TTY (Telephone Device for the Deaf) (Teletypewriter):** A telephone communication device for the deaf or hearing impaired that uses an electronic transmission of text. A text telephone machine similar to a typewriter coupled with a telephone or directly connected to a telephone line that has a message display for those who cannot hear over the telephone.

- D. **Telecommunications Relay Services (TRS)**: A system which allows a deaf, hearing impaired or speech disabled person to communicate with a hearing person who does not have a TTY system.
- E. **Videoconferencing**: A system that provides people at different locations with the ability to communicate with both video and audio capability.

IV. **RESPONSIBILITIES**

- A. ADOC Deputy Commissioner of Health Services shall ensure by contract or other means that:
 - 1. All services, programs, or activities provided or operated by contractors, shall be in compliance with the ADA as related to the deaf or hearing-impaired.
 - 2. Contracts with those entities that fail or refuse to comply with the ADA, as related to the deaf or hearing impaired shall be subjected to formal review of contract compliance.
- B. ADOC Deputy Commissioner of Health Services will provide an effective means to ensure that qualified interpreters are available.
- C. At each facility the Warden is responsible for:
 - 1. Designating an individual to facilitate equipment needs and services for the deaf or hearing-impaired inmate.
 - 2. Developing their standard operating procedures in accordance with AR 705, *Hearing Impaired Inmates*.

V. **PROCEDURES**

- A. During the initial intake process, when an ADOC employee or contracted medical/mental health staff are informed or have reason to believe that an inmate has hearing impairment, the employee or staff shall:
 - 1. Notify the shift commander or psychological associate and refer the inmate to the contract medical provider.
 - 2. The Warden/designee shall determine the appropriate initial housing placement prior to medical assessment.

- B. The following should be considered by the physician during the referral assessment:
1. Determine if an interpreter is required to assist in the intake process. Notify the deaf or hearing-impaired inmate that a qualified sign language interpreter will be provided free of charge to the inmate.
 2. Provide the inmate with paper and pen or pencil if the inmate prefers this form of communication and respond to the inmate in writing.
 3. Written communication is not an acceptable substitution when the inmate has expressed a preference for a sign language interpreter.
 4. Inform inmates in writing that they may file complaints regarding the provision of auxiliary aids and services.
- C. The ADOC shall provide deaf or hearing-impaired inmates with access to appropriate auxiliary aids or services as clinically indicated to facilitate effective communication.
- D. Inmates may be referred to the ADOC Psychologist or Psychological Associate for deaf or hearing-impaired communication assistance:
1. Through self-referral.
 2. By any ADOC employee.
- E. Deaf or hearing-impaired inmates shall be assigned to a facility that can reasonably accommodate access to educational or other programs based on the inmate's classification/security level.
- F. The ADOC can refuse access to a program if participation by the deaf or hearing-impaired inmate would alter the nature of the program or activity, or if it presents a valid safety concern, an undue financial burden, or the inmate is unable to perform the basic function of the activity.
- G. The designated facilitator shall oversee the provision of appropriate auxiliary aids and services.
- H. Medical Services shall:
1. Conduct a minimum of one routine assessment every three (3) months (or sooner by inmate request) of deaf or hard of hearing Inmates regarding the provision of appropriate auxiliary aids and services.
 2. Keep appropriate medical records regarding auxiliary aids and services.

3. Purchase and keep appropriate types of hearing aid batteries in stock.
4. Provide replacement hearing aid batteries to inmates requesting them no later than 24 hours after such request (excluding weekends and holidays). Inmates must turn in their old hearing aid batteries to obtain new batteries.
5. Send inmate hearing aids to a repair vendor no later than 36 hours (excluding weekends and holidays) following a request by an inmate for repair of his or her hearing aid.
 - a. Inform the inmate when the hearing aid was sent for repair and when it is expected to be returned by the repair company.
 - b. Staff shall maintain written documentation of all hearing aid repairs, including the vendor used, the date of the repair, and the specific repairs performed.
- I. If a deaf or hearing-impaired inmate does not request appropriate auxiliary aids or services, but ADOC personnel have reason to believe the inmate would benefit from such services, ADOC shall inform the inmate that these services are available free of charge.
- J. ADOC shall ensure that all ADOC employees in contact with deaf or hearing-impaired inmates are aware of the inmate's disability in order to achieve and maintain effective communication.
- K. ADOC shall provide or ensure provision of qualified interpreters when necessary for deaf or hearing-impaired inmates to achieve effective communication with, or effective participation in, ADOC programs and activities.
- L. An ADOC employee should not be allowed to interpret if their presence poses a conflict of interest or raises confidentiality and privacy concerns.
- M. In most situations, inmate interpreters shall not be used due to confidentiality, privacy, and security concerns.
- N. The following list of circumstances where interpreters may be required is neither exhaustive nor mandatory and shall not imply that there are no other situations when it may be necessary or appropriate to provide interpreters to inmates. The employee responsible shall request interpreter services three (3) business days in advance of the following:
 1. Initial intake.
 2. Classification processing.

3. Regularly scheduled health care appointments and programs, i.e., medical, dental, visual, mental health and drug/alcohol recovery services.
 4. Treatment and other formal programming.
 5. Educational classes and activities.
 6. Parole Board interviews.
 7. Disciplinary board hearings.
 8. Criminal investigations.
 9. Classification review interviews.
 10. Formal investigations conducted by ADOC staff.
- O. The following information shall be maintained by the Warden's office, the designated facilitator, Shift Commanders, Back Gate, Front Gate, ICS, Classification, Psychologist, Psychological Associate, Chaplain, and contracted medical and mental health service providers:
1. List of employees who are qualified interpreters, their work locations and telephone number;
 2. Telephone number, address, and e-mail of contracted or other interpreting service; and
 3. Telecommunications Relay Services (TRS) provider telephone number or the national TRS number of "711."
- P. ADOC personnel will continue communication attempts with deaf or hearing-impaired inmates until the interpreter is available. Until the interpreter is available:
1. Medical treatment will not be delayed.
 2. ADOC's obligation to provide qualified interpreters for deaf or hearing-impaired inmates in a timely manner is in no way lessened due to this provision.
- Q. ADOC shall provide a TDD/TTY unit for deaf or hearing-impaired inmates comparable to telephone services provided to hearing inmates. See ADOC AR 431, *Inmate Telephone System*.

1. Staff shall promptly provide TDD/TTY units upon the inmate's request, unless precluded by circumstances, such as institutional lock-down.
2. TDD/TTY calls shall be allowed four times the duration allowed for voice telephone calls.

R. ADOC shall ensure that:

1. All areas accessible to deaf or hearing-impaired inmates where audible emergency alarms exist shall also be equipped with visual alarms.
2. Closed-captioned television decoders or built- in decoder televisions are available.
3. Signs of conspicuous size and print are posted at all institutions, and wherever other posters or flyers are required by law. Such signs will include the international symbols for "interpreters" and "TDD/TTY" and shall indicate the following:
 - a. Sign language, interpreters, TDD/TTY, other auxiliary aids, and services are available to deaf or hearing-impaired inmates at no cost.
 - b. For assistance, please contact the Shift Commander, Psychologist, or Psychological Associate.
4. Information concerning services available to facilitate communication with deaf or hearing-impaired inmates shall be provided in new inmate orientation packets.
5. Provide annual training for all ADOC personnel and staff regarding relevant policies and procedures pertaining to deaf or hearing-impaired inmates.

VI. DISPOSITION

Any forms used will be disposed of and retained according to the Departmental Records Disposition Authority (RDA).

VII. FORMS

There are no forms prescribed in this regulation.

VIII. SUPERSEDES

This Administrative Regulation supersedes AR 705, *Hearing Impaired*, February 24, 2023, and any changes.

IX. PERFORMANCE

- A. National Commission on Correctional Health Care: Standards for Health Services in Prisons, 2018.
- B. The Americans with Disabilities Act.



John Q. Hamm
Commissioner