

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY
AT FRANKFORT**

OSCAR ADAMS and MICHAEL KNIGHTS

Plaintiffs

v.

COMMONWEALTH OF KENTUCKY, et al.

Defendants.

Case No. 3:14-cv-00001-GFVT

**Fourth Semi-Annual Report by the Settlement Monitor
CORRECTED VERSION**

November 27, 2017

Margo Schlanger
Settlement Monitor
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I. INTRODUCTION

Pursuant to the Court's order dated June 24, 2015, this is my fourth semi-annual report to the Court and the parties concerning the status of compliance with this case's Settlement Agreement, which comprehensively governs how the Kentucky Department of Corrections ("Department" or KyDOC) deals with inmates who are deaf or hard-of-hearing.

As in my prior reports, I thank the Department's personnel, both at headquarters and at the dozen correctional institutions, for their work on implementing the improvements that are required by the Settlement Agreement, and their professionalism and accommodation of my requests for information. KyDOC has continued to make progress towards compliance.

In my last report, I explained that I intended to move my monitoring work into a new phase, sharing a compliance checklist and then conducting site visits to evaluate the items listed. After further thought, I modified this plan. Instead, I focused this past reporting period on the very challenging issue of hearing aids (discussed below in Part IV), and did not do any site visits. I will move now to the prior-announced plan, piloting and refining the checklist during the next several site visits.

This report has one Appendix: October 2017 quarterly self-reporting request

Note: On November 13, 2017, I submitted a version of this report, but then discovered some omissions from it. In the time since, I have also been able to incorporate information from recent self-reports, which I had not processed before the last submission. Therefore, this version is substantially corrected/updated.

II. IDENTIFICATION AND TRACKING OF DEAF/HARD-OF-HEARING PRISONERS

I am more confident than I have been in the past that facilities are both identifying and reporting to me all or nearly all their deaf and hard-of-hearing prisoners. The current tally is set out in Table 1; as can be seen, the number is higher than in previous reports. However, there do remain some issues with identification, particularly when inmates are transferred. Looking at the institutions' most recent quarterly self-report, I was able to identify over a dozen additional inmates from prior lists who *should* have been on institutional lists. Most are falling off when they are transferred. As I have commented previously, these kinds of tracking problems are concerning not only because they interfere with monitoring but because it is only inmates on the institutions' lists who can receive required services and accommodations.

The ADA Coordinators are supposed to receive the routine transfer memos that list incoming inmates for each institution; I'm not sure if this is happening or why this problem remains, albeit affecting more limited numbers of inmates. I previously noted that the Department is implementing a system-wide KOMS improvement that will allow cross-institution tracking of deaf and hard-of-hearing inmates (and of inmates with other disabilities). This is now entering the testing phase. I will work on this issue further with Department personnel. I

remain hopeful that over the next several months the issue will be fully resolved. It really is crucial.

Table 1: Distribution of Kentucky Deaf and Hard-of-Hearing Inmates

Institution	# of Deaf/HOH Inmates		
	~Nov. 2016	Apr. 2017	Nov. 2017
Bell County Forestry Camp (BCFC)	0	5	8
Blackburn Correctional Complex (BCC)	5	4	15
Eastern Kentucky Correctional Complex (EKCC)	9	11	30
Green River Correctional Complex (GRCC)	26	35	36
Kentucky Correctional Institution for Women (KCIW)	13	13	10
Kentucky State Penitentiary (KSP)	6	11	13
Kentucky State Reformatory (KSR)	64	75	98
Little Sandy Correctional Complex (LSCC)	18	8	12
Luther Luckett Correctional Complex (LLCC)	6	26	39
Northpoint Training Center (NTC)	15	28	38
Roederer Correctional Complex (RCC)	10	16	16
Western Kentucky Correctional Complex (WKCC)	5	10	31
Ross-Cash Center (Ross-Cash)	1	2	4
TOTAL	178	244	350

Currently KyDOC has 11 inmates who sign to communicate; they are housed at BCC (1), EKCC (1), GRCC (2), KCIW (2), KSP (1), KSR (3), NTC (1).

III. SELF-REPORTS

In April 2017, I initiated a new and more comprehensive semi-annual self-reporting tool; it was included as Appendix VI in my May 2107 Semi-Annual Report. Many of the individual institutions have struggled with keeping and sharing the records needed to comply with the agreement and to check on that compliance. It is my hope that the more comprehensive reporting requests will improve not only my monitoring but also institutional capacity, by helping ADA Coordinators and administrators better understand what information can help them improve their own compliance. I used a substantially similar reporting request for October 2017, attached as Appendix B. This time, a number of institutions seemed to have a somewhat easier time responding; my assistant and I are spending less time going back and forth with institutions, getting additional information that had been requested. There remain some issues but I am hopeful that by the next round of self-reporting, in April 2018, the ADA coordinators will all understand what information the reporting form seeks and will provide it with less difficulty.

I will follow up during my site visits on what the self-reporting revealed. While it is clear that institutions are in compliance with many settlement agreement requirements, there are remaining areas to work on. I am still working with the KyDOC institutions to complete the

reporting requested in November, and therefore have not fully analyzed that round of self-reports, but based on the April self-report, areas of particular concern include:

- *Identification/tracking of deaf/hard-of-hearing inmates:*
 - As already mentioned, inmates are falling off the tracking lists when they are transferred from one prison to another.
 - In April, KCIW and NTC reported that routine annual physicals did not include a hearing screening. (KCIW undertook to begin such screenings after being asked about this gap.) These screenings are important to reach prisoners who were not screened because they entered the prison prior to current protocols. In November, NTC again reported that routine physicals do not include hearing screening; GRCC said the same, and LSCC's ADA coordinator reported that she was "unsure."
 - In April, KSR reported that KOMS (Kentucky Offender Management System) did not have an alert noted for each deaf or hard-of-hearing prisoner. As already noted, this is an area in which KyDOC as a whole is working on improved systems. The issue is particularly important at KSR because it has such a large portion of the Department's deaf and hard-of-hearing inmates. By November, the problem had been solved at KSR. However, I am not confident that every facility has implemented a KOMS alert for every deaf or hard-of-hearing prisoner. It seems that newly identified prisoners are not being flagged in KOMS.

- *Amplification for hard-of-hearing prisoners:*
 - In April, not all institutions had phones capable of being used by hard-of-hearing prisoners. Volume adjustment and amplification is necessary, but not always provided. (BCC, EKCC, KSR). By October, it seems KSR and BCC had upgraded and EKCC was in the process of upgrading.
 - Only a few of the institutions report earphones available for prisoners using the parole hearing video system. This is an area where progress can be made easily.
 - I have not been told of any further progress on amplification more generally, although I highlighted amplification as a key need in prior reports. Inmates who need amplification to hear teachers, program leaders, and the like are not getting the required equal access to programs, services, and activities without that amplification. More work on auxiliary aids is vital; amplification should be available for rehabilitative programming, school, and church.

- *Possible underuse of in-person interpretation:*
 - At facilities that house inmates who use sign language to facilitate, it seems possible that remote interpretation (via a laptop) is being used in situations where in-person interpretation is necessary for effective communication. I will be paying particular attention to this issue this year.
 - Three facilities—BCC, BCFC, and LSCC—reported in April that they did not have any standing arrangements for in-person interpretation. If a prisoner who uses sign language to communicate is transferred to any of these facilities, they will have a difficult time accommodating him. It is better practice to make

these sorts of contingent arrangements in advance. In October, BCC reported having made such arrangements.

IV. HEARING AID PROVISION

I decided to focus this past reporting period on hearing aid provision, pressing institutions to do the tracking necessary for effective case management and to report the results to me. It is clear that this remains a major challenge.

Including all the information on hearing aid provision since the settlement was entered, KyDOC institutions have completed providing audiology services to 310 inmates. As Table 2 shows, nearly 60% of these inmates have received hearing aids; the rest are split between declining services and medical providers determining that no hearing aid is necessary. Timeliness has been a major problem; as can be seen in the table, the average time to resolution of a need for audiology services is nearly 7 months.

Progress is being made, however. The second set of columns in the table shows just a subset of the cases—those where the institution was alerted to the need for audiology services in January 2017 or later. For these 168 cases, resolution has taken an average of under two months. My recommendation, made in December 2016, was for a two-month or less turn-around. So on average, the 2017 cases have achieved that goal (though of course since this is an average, many have taken longer).

Table 2: Audiology Services Overall

Outcome type	All resolved since 7/1/2015			Prison alerted to need in 2017		
	N	%*	Avg. days to resolution	N	%*	Avg. days to resolution
(a) Received hearing aid(s)	179	58%	225	87	52%	60
(b) Nothing or only amplifier needed	80	26%	171	41	24%	28
(c) Refused	30	10%	147	21	13%	28
(d) Already had hearing aid	15	5%	0	15	9%	0
(e) Discharged	3	1%	84	3	2%	36
(f) Unknown	3	1%	192	1	0%	Unk.
TOTAL resolved	310		192	168		46
(a) and (b) only	259		209	129		49

* Sums to 101% due to rounding

Table 2, however, somewhat overstates the progress, because there are 72 as-yet-unresolved requests for hearing aids (several additional requests not included in this tally are paused while other health issues resolve—for example, pending surgery or resolution of an ear infection, or the

like). While 20 have been in process for two months or less, the oldest has been in process for over a year. The distribution is set out in Table 3.

Table 3: Ongoing Audiology Needs

Month prison alerted to the need (N = 72)			
Oct. 2016 (1)	Dec. 2016 (1)	Jan. 2016 (4)	Apr. 2017 (3)
May 2017 (3)	Jun. 2017 (3)	Jul. 2017 (8)	Aug. 2017 (8)
Sept. 2017 (9)	Oct. 2017 (11)		

If each of these were resolved by the end of November 2017 (which they will not be), they would have taken an average of 135 days—nearly four-and-a-half months—for resolution.

Even so, the progress is significant. Looking just at the two principal outcomes (rows a and b in Table 2), and the ongoing matters, Table 4 compares the audiology needs brought to institutions’ attention in the first 11 months of 2017 to the analogous needs from the first 11 months of 2016. Table 4 demonstrates that audiology needs are being resolved notably faster in 2017 than in the prior year. The cases resolved by November of each year took close to 78 days on average in 2016, but about a month less on average in 2017. And where over half the cases brought to institutional attention in 2016 were still unresolved as of November 2016, the corresponding proportion in 2017 is about a third. While problems remain, KyDOC is to be commended for the progress made in 2017 towards timely provision of audiology services.

Table 4: Comparison of 2016 and 2017 Audiology Progress

Outcome type	Prison alerted to need in 2016 (before 11/1)			Prison alerted to need in 2017 (before 11/1)		
	N	%	Avg. days to resolution	N	%	Avg. days to resolution
(a) Received hearing aid	26	29%	95	87	44%	60
(b) No hearing aid needed	13	14%	43	41	21%	28
Ongoing as of Nov.	49	54%	NA	70	35%	NA
Pending > 60 days	32			53		
TOTAL	90		78	198		49

These summary statistics mask considerable variation among facilities. For example, looking at the four institutions with the most activity in 2017, KSR has resolved 38 and has 13 outstanding; LLCC has resolved 39 and has 4 outstanding; WKCC resolved 13 and has 20 outstanding; and RCC has resolved 26 and has none outstanding. Not only does RCC have no outstanding cases, but it managed its cases in an average 35 days each, complying with my recommendation. KSR’s average is 51 days on the resolved matters, but many of the quarter that are unresolved are quite old. GRCC’s matters are over half unresolved, and even the resolved matters have taken over 4 months on average.

Table 5 examines the issue in detail, facility by facility. The Table highlights two different measures of timeliness/delay: days to resolution for resolved cases, and percentage of total cases not yet resolved. Each institution should be aiming for an average resolution time well under 60 days, and for an unresolved percentage of under 25% at any given time. Standing out for timely processing is RCC. Raising particular concern for untimely processing are EKCC, GRCC, and WKCC.

As far as the reasons for delay, I don't yet have systematic explanations. Sometimes, delays are medically unavoidable—inmates have other or related medical issues that need to be addressed prior to an audiology visit. But I have actually left the small number of cases that fit this description out of the tally. It's evident in others that appointments are occasionally simply not promptly booked, and sometimes they are booked but cancelled, with rescheduling taking many weeks. I will be making more detailed inquiries on this year's site visits and other contacts with the particular institutions.

Table 5: Audiology Services by KyDOC Institution

	BCC	BCFC	EKCC	GRCC	KCIW	KSP	KSR	LLCC	LSCC	NTC	RCC	Ross	WKCC	Total
Total	13	5	20	11	3	6	51	39	6	15	26	3	13	238
Resolved														
N	7	5	9	5	3	3	38	35	6	15	26	3	13	168
Average Days	49	62	26	143	38	76	51	31	66	42	35	99	51	46
Ongoing														
N	5		11	6		3	13	4		8			20	70
Average Days	146		169	99		191	112	90		248			72	128
Resolved, in detail														
N:														
(a) Received hearing aid(s)	2			5	1	2	31	7	4	8	23		4	87
(b) Nothing/amplifier only needed		2	4			1	1	23		3		1	6	41
(c) Refused	5	1	4				2	2	1	2	1	2	1	21
(d) Already had hearing aid			1		2		4	2	1	2	2		1	15
(e) Discharged		2											1	3
(f) Unknown								1						1
N:														
(a) Received hearing aid(s)	72			143	114	111	58	65	41	57	38		84	60
(b) Nothing/amplifier only needed		84	27			41		20		37		76	26	28
(c) Refused	39	11	31				47	48	206	13	47	111	176	57
(d) Already had hearing aid			0		0		0	0	0	0	0		0	0
(e) Discharged		69											2	36
(f) Unknown								Unk.						Unk.

V. CONCLUSION

The Kentucky Department of Corrections continues to progress towards compliance with the Settlement Agreement, but implementation challenges remain. I will turn this next reporting period to assessing compliance institution-by-institution using itemized checklists, which I will include in future Court reports.

Dated: November 27, 2017

Respectfully submitted,

A handwritten signature in blue ink that reads "Margo Schlanger". The signature is written in a cursive, flowing style. Below the signature is a horizontal line.

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**Fourth Semi-Annual Report by the Settlement Monitor
(Nov. 27, 2017)
Appendix**

October 2017 quarterly reporting request

Adams v. KDOC, Semi-Annual Compliance Reporting (2017-10)

October 2017. Here is your semi-annual information request: I am circulating this request on September 29, 2017, and **asking for information by COB Friday Oct. 13, 2017.**

Thank you.

Your Identifying Information

Your Name *

Your Institution *

Your Email *

Your Phone Number *

Are you the current ADA Coordinator? If not, please list the name, phone number, and email of the current ADA Coordinator. *

Is the ADA Coordinator information on this page correct?

<http://corrections.ky.gov/depts/AI/Pages/ADA.aspx>

If not, please certify to me that you are arranging for its correction by the beginning of next month.

Is the webpage correct? *

Yes No, but I am arranging for its correction by the beginning of next month.

Information about Deaf Inmates

Please note: previous reports have sometimes failed to include hard-of-hearing inmates. Under the agreement, "Deaf" means unable to hear well enough to rely on hearing as a means of processing information. It includes deaf, hard of hearing, or hearing impaired. If your institution does not currently have any Deaf inmates - USING THIS DEFINITION - and has not had any Deaf inmates the past two quarters (that is, since April 1, 2017), you will find that most of the rest of this form is inapplicable. But please still go through it, because a few questions do apply. Please include any inmates who were initially identified as deaf or hard of hearing, even if they were taken off the list -- and just explain why they were taken off.

"No" means "My institution does not have any current Deaf (including hard-of-hearing) inmates, and has not had any since April 1, 2017."

Any deaf or hard-of-hearing inmates over the last two quarters? *

Yes No

If you have had any Deaf inmates since April 1, 2017, (using that same definition, so including hard-of-hearing), please upload an excel chart listing each inmate and including the following information.

1. First Name
2. Last Name
3. DOC #
4. Housing assignment
5. Date of arrival at this institution.
6. Immediate prior institution
7. Degree of hearing impairment
8. All auxiliary aids/services (hearing aids, various devices, interpreters, TDDs, videophone, non-auditory alert system in cell, etc.) or accommodations s/he has requested.
9. All auxiliary aids/services or accommodations s/he has used.
10. The reasons and dates for any denials of auxiliary aids/services.
11. Preferred method of communication (e.g., sign, lip reading, writing, can hear with hearing aid, amplifier)
12. Limited English proficiency, if applicable, and preferred language
13. Literacy level and how you know
14. Date of last hearing assessment
15. Date of last auxiliary aids/services assessment
16. Date of last classification review
17. Whether last classification review was delayed in order to provide effective communication
18. Date of last parole hearing.
19. Date of next parole hearing.
20. Whether s/he has been charged with any disciplinary infractions or had any disciplinary hearings since April 1, 2017.
21. Whether s/he has spent any time in restrictive housing since April 1, 2017.
22. Whether s/he has been a witness in a disciplinary hearing since April 1, 2017.
23. Any communications assistance offered or provided at any of the items just listed (hearing assessment, auxiliary aids/services assessment, classification review, parole hearing, disciplinary process)
24. Whether s/he has signed a waiver described in III.C.2 or III.D.4 of the Agreement
25. Whether s/he has participated or sought to participate in any programming—educational, rehabilitative, substance abuse, religious, transitional, etc.—since April 1, 2017 AND:

- 25a. which programs
- 25b. with what accommodations
- 25c. with what result
- 26. Whether s/he has participated or sought to participate in any work assignment since April 1, 2017 AND:
 - 26a. which work assignments
 - 26b. with what accommodations
 - 26c. with what result
- 27. Whether s/he has received any on-site medical care since April 1, 2017 AND:
 - 27a. with what accommodations
- 28. Whether s/he has received any off-site medical care since April 1, 2017, AND:
 - 28a. with what accommodations.
- 29. For any inmate who uses sign language to communicate, whether s/he has been subject to hand-restraints since April 1, 2017, AND:
 - 29a. the date
 - 29c. the reason
- 30. Whether s/he has filed any grievances since April 1, 2017.

Click [here](#) to access a template excel spreadsheet for this information. The name of the file is "2017-10 Information on Deaf Inmates - Template." You should be able to download the file, input the data, and then upload the document with the required information below. You're not required to use the template, but it may make things easier for you. Upload list of deaf and hard-of-hearing inmates with the above information here.

Grievances and Discipline

In the last two quarters, did any Deaf Inmate file any grievance? (reminder: "Deaf" includes hard-of-hearing inmates.) Please note: I am asking about ALL grievances by Deaf inmates, regardless of the topic. Please include all grievances, formal or informal, whether or not eventually withdrawn. *

Yes No

If yes, number of grievances:

If yes, please upload a summary that describes, for each grievance:

- the name of the inmate
- the date
- the issue raised
- how your institution ensured effective communication during the grievance process

Upload summary of grievances here.

For any grievances that addressed hearing or hearing accommodation issues, please provide full documentation.

Drop files here to upload Upload File(s)

Since April 1, 2017, were there any disciplinary proceedings involving an inmate who signs to communicate? (This includes any such inmate who was at your institution but is no longer.) *

Yes No

If yes, please upload full documentation.

Drop files here to upload Upload File(s)

Since April 1, 2017, were there any disciplinary proceedings involving a deaf or hard-of-hearing inmate's failure to obey an order (or to stand for count) or other potential communications difficulty? *

Yes No

If yes, please upload full documentation.

Drop files here to upload Upload File(s)

Medical Processes

Are all inmates who arrive at your institution receiving a hearing screening? Please describe the screening, including when it is done, who does it, and whether the inmate is given a form to fill out or asked questions. *



Please upload the hearing questionnaire. *

Please upload the health systems screening form, including any question about hearing. *
Are inmates who receive a routine physical (annually or every two or three years) receiving a hearing screening? If yes, please describe it, including who performs it and whether the inmate is given a form to fill out or asked questions. *



Audiology Progress Chart

For each Deaf or hard-of-hearing inmate in your institution during the most recent two quarters, please provide the following medical/audiology information. Ideally, this would be in an excel chart, but if you find another format easier, that's fine too.

1. Date hearing problem first presented to KDOC.
2. How hearing problem was first presented to KDOC.
3. Date of initial hearing screening.
4. Date of most recent hearing screening.
5. Results of most recent hearing screening.
6. Hearing aid status: List which one applies:
 - a. Has hearing aid(s) in working order
 - b. In process of determining whether hearing aid(s) are needed

- c. In process of obtaining or repairing hearing aid(s)
 - d. No hearing aid is needed
7. For each inmate in status (d) (no hearing aid is needed), please provide medical documentation of the decision against providing a hearing aid.
 8. For each inmate who has a hearing aid, does it have a t-coil (telecoil) receptor? (This type of receptor makes the hearing aid compatible with an induction loop system.)
 9. Please provide the following information about each medical encounter from when the hearing issue was presented to when the hearing aid issue was finally addressed (by providing a hearing aid or determining that no hearing aid is needed):
 - a. Date
 - b. Description of encounter
 - c. Outcome of encounter

Click [here](#) to access a template excel spreadsheet for this information. The name of the file is "2017-10 Audiology Progress Chart - Template." You should be able to download the file, input the data, and then upload the document with the required information below. You're not required to use the template, but it may make things easier for you.

Upload file here.

When nothing unusual happens, how many off-site trips does it take for an inmate to receive a hearing aid? Please describe. *



Telecommunications

Telephones

Please list phone locations available for inmates to use ordinary (Securus) telephones. *



For each such location, is there at least one phone with a volume adjustment? *

Yes No

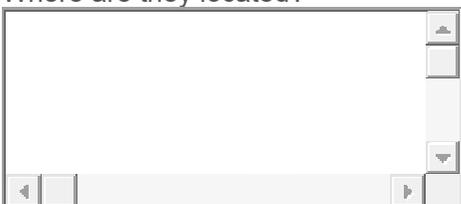
If not, which locations are lacking any phone with a volume adjustment?



Videophones

How many (kiosk or other non-laptop) videophones at your institution? *

Where are they located?



Are videophones available during the same hours as phones? *

Yes No

How many days has each one been inoperative during the last two quarters? *

Has any inmate requested access to the videophones since April 1, 2017, and been denied? *

Yes No

If so, please explain the circumstances, including the inmate's name, the date, and the reason for the denial.



TTYs

How many TTY machines does your institution have? *

Where are they kept? *

How does an inmate get access?

Are TTYs available during the same hours as phones? *

Yes No

Please describe the available hours for both phones and TTYs.

Are there printed instructions kept with the TTYs? *

Yes No

Please upload instructions for the use of the TTY.

Has any inmate requested TTY access since April 1, 2017, and been denied? *

Yes No

If so, please explain the circumstances, including the inmate's name, the date, and the reason for the denial.

Note: We will be conducting mandatory testing of the TTY this month. Please be on the lookout for an email to schedule testing within the next couple weeks.

Additional Time for Telephonic Communication:

The Settlement Agreement states (IX.C), "The KDOC will implement a policy that allows Deaf Inmates at least twice as many minutes to complete a Videophone call, and at least three times as many minutes to complete a TTY call, as the number of minutes afforded to other non-Deaf Inmates to make calls using traditional telecommunication devices such as telephones. In the event the KDOC determines this usage arrangement results in less than equitable access to telephones and Videophones for non-Deaf Inmates and Deaf Inmates, after considering the needs and abilities of Deaf and non-Deaf Inmates, the KDOC may adjust the ratio of time provided for Videophone calls and TTY calls. The KDOC will document this determination, including the evidence and reasons in support thereof. The KDOC will promptly notify the Settlement Monitor whenever any such determination is made, and will explain the reasoning in support of such determination."

How much time are non-Deaf inmates allowed to use for phone calls? *

Time per call, and per day or week

How much time are Deaf inmates allowed to use for Videophone calls? *

Time per call, and per day or week

How much time are Deaf inmates allowed to use for TTY calls? *

Time per call, and per day or week

Since April 1, 2017, have you made any determination that the usage arrangements are inequitable? *

Yes No

If you have made such a determination, please provide documentation of the reasoning.

Devices to assist with effective communication

VRI Laptops

How many VRI laptops do you have? *

Where are they kept? *



Please provide VRI log showing use for each one since April 1, 2017.

Has any inmate requested VRI services and been denied since April 1, 2017? *

Yes No

If so, please explain the circumstances, including identifying the inmate, the date, and the reason for the denial.

An empty rectangular text box with a light gray border. On the right side, there are three small square buttons stacked vertically. On the bottom side, there are two small square buttons, one on the left and one on the right.

Can a VRI be used in restrictive housing? *

Yes No

How?

An empty rectangular text box with a light gray border. On the right side, there are three small square buttons stacked vertically. On the bottom side, there are two small square buttons, one on the left and one on the right.

Can a VRI be used in the education area? *

Yes No

If no, why not?

An empty rectangular text box with a light gray border. On the right side, there are three small square buttons stacked vertically. On the bottom side, there are two small square buttons, one on the left and one on the right.

Does the VRI laptop bag include instructions? *

Yes No

Does the VRI laptop bag include a cord splitter? *

Yes No

Does the VRI laptop bag include a long computer cord? *

Yes No

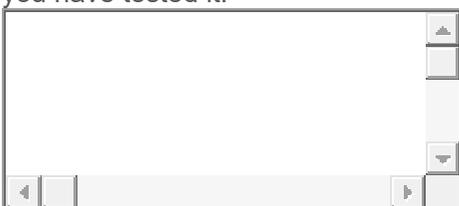
Does the VRI laptop bag include anything else? *



Have you had occasion to use your VRI laptop as a videophone (or for video relay services/VRS)? *

Yes No

If so, describe the circumstances. If not, please explain if this option is available to you, and how you have tested it. *



Has training on VRI use been provided to staff? *

Yes No

Please explain to whom, when, and how the training has been provided.



Televisions

Are all your institution's shared-space TVs capable of turning captioning on? *

Yes No

Does your institution use radio or another method to send shared-space TV sound to inmates' earphones? *

Yes No

If yes, please describe the method.



How do you deal with captioning for recreational movies? *



Please list all orientation videos. (e.g., institutional orientation, PREA, etc.) *



Which ones are captioned? *



Are the captions displaying when the videos are played for inmates during orientation? *

Yes No

How did you check on whether the captions are displaying? *



Do you have earphones for the video system used for parole hearings? *

Yes No

If you have such earphones, what kind of earphones are they? If you do not, is there a way to plug in earphones to the parole video system? *



Non-auditory Alerts

The Settlement Agreement states (VIII.B.3; VIII.C), "The KDOC will promptly advise the Settlement Monitor and the KCDHH of all non-auditory alert systems that the KDOC is considering, and will consult with the Settlement Monitor and the KCDHH in determining whether such devices are acceptable for the stated purpose."

Please describe all current non-auditory alert systems or devices. **This includes, e.g., bed shakers, strobelights, and pagers.** For each, please include:

- manufacturer
- model
- link to website if available
- how many you have
- where they are in use
- who has used them

Also explain if you have any that are not in use.

Use the text box below or upload a document.



Drop files here to upload Upload File(s)

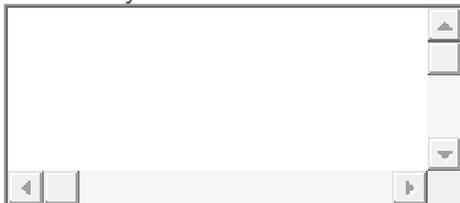
Upload information about non-auditory alert systems or devices here if not described in the text box above.

A. Over the last two quarters, have you considered any new non-auditory alert systems? (If no, skip questions B, C, and D.) *

Yes No

For Questions B-D, use the text boxes below or upload a document.

B. What systems have been under consideration?



C. Did you consult with the Settlement Monitor and KCDHH to determine whether the devices were acceptable? How and when?



D. Please provide full information on any devices under consideration, including who and what they are for.



Upload information about new non-auditory alert systems under consideration here if not described in the text boxes above.

Other Devices

Please list all other devices or systems currently in use to assist with effective communication with Deaf (including hard-of-hearing) inmates. **E.g.: phone amplifier, captioned telephone, induction loop system, radio transmission, speech-to-text system, etc.**

For each such device, please include:

- manufacturer
- model
- approximate cost
- link to website if available
- how many you have
- where they are in use
- who has used them.

Also explain if you have any that are not in use. If there was any difficulty related to use that needed to be solved, please explain that, too.

Use the text box below or upload a document.



Drop files here to upload [Upload File\(s\)](#)

Upload information about other devices or systems in use here if not described in the text box above.

The Settlement Agreement states (XII), "Where devices such as vibrating clocks and in-line amplifiers are not deemed medically necessary, the KDOC agrees to consider on a case by case basis whether it will allow a particular Deaf Inmate the opportunity to purchase these devices at his or her own expense. The KDOC's decision in this regard will consider, among other issues, whether these devices pose a security risk. The KDOC will have the discretion to make the determination whether any of these devices, and the type of device, is permissible. The KDOC will promptly notify the Settlement Monitor whenever any such determination is made and explain the reasoning in support of such determination."

A. Since April 1, 2017, have you made any determinations allowing or disallowing devices? *

Yes No

B. If you have considered a device - whether you granted or refused permission - please upload documentation of: (1) the device(s); (2) the reasoning; (3) the names of affected inmates; and (4) when you notified the Settlement Monitor of your determination(s).

Drop files here to upload Upload File(s)

In-person Interpretation

Do you have an arrangement for in-person qualified interpretation services? *

Yes No

If yes, with who?

Please describe each time an in-person interpreter has been used since April 1, 2017, including the name of the inmate, the date, and the occasion.

Has any inmate requested an in-person interpreter and been denied? *

Yes No

If yes, please describe each denial, including the inmate who made the request, what the request was for, and why the request was denied.

Training and Information

Is there a KOMS alert noted for Deaf and hard-of-hearing inmates at your institution? *

Yes No

Is the KOMS alert present for each Deaf and hard-of-hearing inmate? (Please check before you answer). If it's not available, note why.

If yes, please upload a screenshot.

Which of these trainings have you completed as ADA Coordinator (check all that apply)

- ADA Coordinator Training ("CREATE" Compliance) Settlement Agreement Training
 Online Training from DOJ Other option

What training is being provided to your institution's employees and/or contractors relating to Deaf and hard-of-hearing inmates? *



Who (if anyone) is tracking training completion? *

What categories of staff are receiving the training? (New, existing, custody, program, medical/mental health, etc.) *



If any such training is not the KDOC computer-based training, please provide any written materials/slides and outlines of any orally-presented training.

Drop files here to uploadUpload File(s)

Does your institution's inmate handbook refer to the ADA, the settlement, the ADA coordinator, etc.? *

Yes No

Please upload any page of the institution's inmate handbook that includes reference to the ADA, the settlement, the ADA coordinator, etc.

Drop files here to uploadUpload File(s)

Please upload any form or document given inmates relating to hearing issues/accommodations:

- Request for Auxiliary Aids and Services Form (III.C.3)
- Request for Deaf Inmate ID Card Form (III.D.4)
- Medical request form (with space to request Auxiliary Aids and Services) (VI.C.3)
- Request for interpretive services
- Brochure relating to available accommodations
- Other

Drop files here to uploadUpload File(s)

Please upload any institutional policies and procedures (or memos explaining current practices) relating to deaf or hard-of-hearing inmates, including about:

- Telephone, TTY, or videophone use
- Hearing aids
- Interpretive services
- Other

Drop files here to upload Upload File(s)

Have any changes been made since April 1, 2017, in any of the above documents or policies? *

Yes No

If yes, what changes have been made?

Are the settlement summary, settlement, and brochure all in the inmate law library? *

Yes No

When did you last check to make sure they are really there? *

Direct threat reporting under the Agreement

The Settlement Agreement states (II.A), "The KDOC retains the discretion to determine that certain activities present a Direct Threat of injury or death to Deaf Inmates and therefore may not be able to provide such Deaf Inmates full and equal enjoyment of some of its services, privileges, facilities, advantages, and accommodations. The KDOC will promptly notify the Settlement Monitor whenever any such determination is made and explain the reasoning in support of such determination."

(reminder: "Deaf" includes hard-of-hearing inmates.)

Over the past two quarters, have you at any point determined that any activities present a Direct Threat of injury or death to Deaf inmates and were therefore unable to provide those inmates full and equal enjoyment of any facility services, privileges, facilities, advantages, and accommodations? *

Yes No

If so, please upload documentation of: (1) the service, privilege, facility, advantage or accommodation; (2) the risk presented; (3) a list of the inmate(s) affected; and (4) when you notified the Settlement Monitor of your determination(s).

Drop files here to upload Upload File(s)

The Settlement Agreement states (VI.F), "The KDOC retains the discretion to determine that certain work assignments present a Direct Threat of injury or death to a Deaf Inmate or others and may therefore choose not to provide the Deaf Inmate a substantially equal opportunity to those work assignments. The KDOC will promptly notify the Settlement Monitor whenever any such determination is made and explain the reasoning in support of such determination." (reminder: "Deaf" includes hard-of- hearing inmates.)

Since April 1, 2017, have you at any point determined that a work assignment presented a Direct Threat of injury or death to a Deaf inmate or others and therefore chosen not to provide the Deaf inmate a substantially equal opportunity to that work assignment? *

Yes No

If so, please upload documentation of: (1) the work assignment(s); (2) the risk(s) presented; (3) the names of inmate(s) affected; and, (4) when you notified the Settlement Monitor of your determination(s).

Drop files here to uploadUpload File(s)

Is there anything else you'd like to let me know?



Thanks very much for your continued work on complying with the Settlement Agreement.

CLICK Submit