



**U.S. Department of Justice**

Office of Justice Programs

*Office for Civil Rights*

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*Washington, D.C. 20531*

December 21, 2023

VIA CERTIFIED MAIL

Sheriff Tim Lane  
Scott County Sheriff's Office  
600 West 4<sup>th</sup> Street  
Davenport, IA 52801-1003

Re: *Notice of Closure*  
*OCR Complaint No. 22-OCR-0675*

Dear Sheriff Lane:

The Office for Civil Rights (OCR), Office of Justice Programs, U.S. Department of Justice (DOJ) is writing in regard to our investigation of the above-referenced Complaint that a third-party complainant (Complainant) submitted to the OCR against the Scott County Sheriff's Office (SCSO). In this Complaint, the Complainant alleged that the SCSO is discriminating against deaf or hard of hearing individuals residing at the Scott County Jail (Jail). Specifically, the Complaint referenced an investigation by the Davenport Civil Rights Commission (DCRC) into allegations that the SCSO discriminated against a deaf individual when he resided at the Jail in 2015 and 2016. The individual alleged to the DCRC that the SCSO denied the majority of his requests to use a text telephone (TTY) to make telephone calls, and that when he was able to use the TTY, the TTY did not allow him to call 711 or an 800 number to reach a telecommunications relay service.

The OCR has the administrative responsibility for ensuring that recipients of DOJ financial assistance do not discriminate against protected classes of individuals based on race, color, national origin, disability, sex, religion, and age. The laws that the OCR enforces include Title II of the Americans with Disabilities Act of 1990 (ADA), which states that no qualified individual with a disability shall, by reason of a disability, be excluded from participation in or denied the benefits of the services, programs, or activities of a public entity. 42 U.S.C. § 12132. Section 504 of the Rehabilitation Act of 1973 (Section 504) contains a similar provision prohibiting discrimination by recipients of federal funding. *See* 29 U.S.C. § 794.

Pursuant to the DOJ's regulations implementing Title II of the ADA, an agency shall take appropriate steps to ensure that communications with individuals with disabilities are as effective as communication with others. 28 C.F.R. § 35.160(a)(1). To ensure effective communication, an agency must provide appropriate auxiliary aids and services where necessary to afford individuals with disabilities an equal opportunity to participate in the agency's services,

programs, and activities. *Id.* at § 35.160(b)(1). Auxiliary aids and services include a variety of services such as qualified interpreters, written materials, the exchange of written notes, assisted listening devices, and text telephones. *Id.* at § 35.104.

In regard to telephone calls, when an entity offers an applicant, participant, or member of the public the opportunity to make outgoing telephone calls the entity shall make available, upon request, TTYs or equally effective telecommunications systems for the use of deaf or hard of hearing inmates. 28 C.F.R. § 35.161(a). Entities operating detention or correctional facilities must make a TTY or other telecommunications device available to deaf incarcerated individuals under the same terms and conditions as telephone privileges offered to all incarcerated individuals. U.S. Dep't of Justice, *Commonly Asked Questions About the Americans with Disabilities Act and Law Enforcement*, Section III.16 (Apr. 2006), available at [http://www.ada.gov/q%26a\\_law.htm](http://www.ada.gov/q%26a_law.htm).

In a June 9, 2022, letter, the OCR notified the SCSO of the allegations contained in the Complaint and requested that it provide the OCR with some information on its policies and procedures regarding communicating with deaf or hard of hearing individuals detained at the Jail. The SCSO replied on June 29, 2022, and responded to the OCR's follow up inquiries on August 5, 2022. The information provided by the SCSO indicates that it provides deaf or hard of hearing individuals residing at the Jail the opportunity to make telephone calls via a Video Relay System (VRS)<sup>1</sup> or a TTY, and that the TTY does now allow individuals to call a telecommunications relay service at an 800 number. The SCSO also uses a UbiDuo device to communicate with deaf or hard of hearing individuals at the Jail, which consists of two portable tablets that are electronically connected and allow individuals to type notes to each other. At the time of the SCSO's June and August 2022 responses, other than its contract with the VRS provider, it did not have any agreements in place for obtaining qualified sign language interpreting services, and did not have a written policy on providing services to deaf or hard of hearing individuals detained at the Jail.

On October 4, 2022, the OCR sent the SCSO a Notice of Findings indicating that the information provided by the SCSO demonstrates that the specific concerns raised in the complaint to the DCRC appear to have been resolved. The OCR found that consequently, the SCSO is not in violation of the ADA and Section 504 with respect to the complaint's specific allegations. The letter, however, expressed OCR's concerns that the SCSO did not have adequate policies and procedures in place to ensure that it can effectively communicate with deaf or hard of hearing individuals detained at the Jail. The OCR recommended that the SCSO develop a comprehensive, stand-alone policy on communicating with deaf or hard of hearing individuals detained at the Jail. The OCR also recommended that the SCSO update SCSO Policy 17005.2, *Inmate Telephone Use*, to make clear that the SCSO will provide deaf or hard of hearing individuals in its custody with access to the TTY and VRS that is equal to the opportunity provided to other detained or incarcerated individuals to make phone calls, and that the SCSO will extend the fifteen-minute time limit for calls placed through the TTY or VRS to allow

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<sup>1</sup> A VRS allows a deaf or hard of hearing individual to communicate directly with another deaf or hard of hearing individual through sign language over a video, or to sign to a remote qualified VRS interpreter who places a call to a hearing individual and relays the conversation back and forth.

sufficient time for deaf or hard of hearing individuals to complete their calls. Additionally, the OCR expressed concern that the SCSO did not have a mechanism in place to obtain the services of qualified sign language interpreters and stated that the SCSO should establish agreements with professional service providers who can deliver qualified interpretation services in the relevant signed language (e.g., American Sign Language, Signed English), either in-person or remotely, as necessary to ensure effective communication.

Since the issuance of the OCR's October 4, 2022, Notice of Findings, the SCSO has worked to implement our recommendations. On November 1, 2022, the SCSO provided the OCR with its draft policy on communicating with deaf or hard of individuals detained at the Jail, SCSO Policy 16002.26, *Deaf or Hard of Hearing Communications*. The OCR reviewed the draft policy and has provided the SCSO with feedback on several revisions to the policy since then. On December 1, 2023, the SCSO provided the OCR with the most recent version of Policy 16002.26 (effective Dec. 1, 2023), which sufficiently addressed the concerns OCR raised. According to the policy, the SCSO now has an agreement in place with the company Translations Unlimited to obtain qualified remote sign language interpretation services when necessary to ensure effective communication. Policy 16002.26 also discusses the availability of TTY, VRS, and Ubi Duo. The SCSO has also revised SCSO Policy 1700.5, *Inmate Telephone Use* (effective April 3, 2023), to indicate that officers at the Jail may extend the time for phone calls placed via TTY or VRS as necessary to allow sufficient time for the call to be completed.

The OCR finds that the SCSO has sufficiently addressed the OCR's concerns discussed in our October 4, 2022, Notice of Findings. Accordingly, the OCR is administratively closing our investigation of this Complaint. As the OCR stated in our October 4 Notice of Findings, the SCSO should immediately train all Jail staff on its finalized Policy 16002.26 and should provide refresher training for staff on a periodic basis.

The OCR thanks the SCSO, in particular Captain Stefanie Bush, for the SCSO's cooperation during our review. If the SCSO would like any technical assistance in the future in ensuring that it meets its obligations under the ADA and Section 504, please do not hesitate to contact [REDACTED]

Sincerely,

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Michael L. Alston  
Director