

 <p>State of Connecticut Department of Correction</p> <p><b>ADMINISTRATIVE DIRECTIVE</b></p>	Directive Number 10.19	Effective Date 09/24/2021	Page 1 of 8
	Supersedes Americans with Disabilities Act, dated 8/1/2014		
Approved by:    Commissioner Angel Quiros	Title  Americans with Disabilities Act		

1. Policy. The Department of Correction shall not discriminate on the basis of disability and shall make reasonable accommodations to allow qualified inmates with disabilities the same access and opportunities as non-disabled inmates unless to do so would be an undue burden to the Department, cause a fundamental alteration to a program or jeopardize the safety or security of the public, staff, inmates or facility.

2. Authority and Reference.

- a. United States Code, 42 USC Section 12101 et seq., Americans with Disabilities Act of 2008.
- b. ADA Amendments Act of 2008, (public law 110-325, ADAAMA).
- c. 28 CFR section 35.152, et seq. Nondiscrimination on the Basis of Disability in State and Local Government Services
- d. Connecticut General Statutes, Sections 18-81, 18-84, 46a-51, 46a-63(2), 46a-71 and 46a-77.
- e. Administrative Directives 9.6, Inmate Administrative Remedies; 9.10 Inmate Identification and Movement; 10.1, Inmate Assignment and Pay Plan; 10.13, Offender Programs, and, 10.20, Correctional Enterprises of Connecticut.

3. Definitions. For the purposes stated herein, the following definitions apply:

a. Auxiliary Aids and Services:

- i. Qualified interpreters on-site or through video remote interpreting (VRI) services; note takers; real-time computer-aided transcription services; written materials; exchange of written notes; telephone handset amplifiers; assistive listening devices; assistive listening systems; telephones compatible with hearing aids; closed caption decoders; open and closed captioning, including real-time captioning; voice, text, and video-based telecommunications products and systems, including text telephones (TTYs), videophones, and captioned telephones, or equally effective telecommunications devices; videotext displays; accessible electronic and information technology; or other effective methods of making accurately delivered information available to individuals who are deaf or hard of hearing;
- ii. Qualified readers; taped texts; audio recordings; brailled materials and displays; screen reader software; magnification software; optical readers; secondary auditory programs (SAP); large print materials; accessible electronic and information technology; or other effective methods of making visually delivered materials available to individuals who are blind or have low vision;
- iii. Acquisition or modification of other equipment or devices; and
- iv. Other similar services and actions.

Directive Number 10.19	Effective Date 09/24/2021	Page 2 of 8
Title Americans with Disabilities Act		

- b. Blind. Refers to an individual whose central visual acuity does not exceed 20/200 in the better eye with correcting lenses, or whose visual acuity is greater than 20/200 but is accompanied by a limitation in the fields of vision such that the widest diameter of the visual field subtends an angle no greater than twenty degrees.
  - c. Deaf. Refers to an individual who cannot readily understand spoken language through hearing alone and who may also have a speech defect, which renders speech unintelligible to most people with normal hearing.
  - d. Disability. A physical or mental impairment that substantially limits one or more major life activities; record or history of such impairment; or being perceived or regarded as having such impairment.
  - e. Effective Communication. Communication with persons who are deaf or hard of hearing that is as effective as communication with others. Effective communication is achieved by furnishing appropriate auxiliary aids and services to afford qualified individuals with disabilities an equal opportunity to participate in or benefit from the services, programs, or activities of a public entity.
  - f. Major Life Activities. Major life activities include but are not limited to functions such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, eating, sleeping, standing, lifting, bending, reading, concentrating, thinking, communicating, learning and working.
  - g. Program. An Activity designed to address a specific offender need area with the intent of producing a positive change in the individual. This may include a focus on addiction, violence, education and/or vocational training, spirituality, parenting, anger management and life skills.
  - h. Qualified Interpreter. A qualified interpreter means an interpreter who is able to interpret effectively, accurately, and impartially both receptively and expressively, using any necessary specialized vocabulary, assistive aids or devices
  - i. Reasonable Accommodation. Any change in a policy, practice, procedure, or environment that enables an individual with a disability to participate in a program or service. Such accommodation shall not impose undue hardship on the Department, alter the fundamental nature of a program, or compromise the safety or security of the public, staff, inmates or facility.
4. General Provisions. Qualified inmates with disabilities shall not be excluded from participating in or denied the benefits of DOC's programs, services or activities, including but not limited to, education, vocation, recreation, religious services and telephones. DOC shall not provide inmates with disabilities services that are unequal to those afforded to inmates who do not have disabilities.
- a. Housing. Inmates and detainees with disabilities shall be housed in the most integrated setting appropriate to the needs of the individual. This is a setting that enables such individuals to interact with non-disabled persons to the fullest extent possible. Inmates with disabilities shall not be housed in medical areas unless they are receiving medical care or treatment.
  - b. Benefits, Aids and Services. Inmates with disabilities shall be provided benefits, aids or services that are provided to other inmates, including, but not limited to work programs, education, recreation, spiritual programs, life skills and early release opportunities.
  - c. Restraint. Inmates who have hearing disabilities and communicate through sign language shall be restrained in a manner that will permit effective communication, unless legitimate and articulable safety concerns dictate otherwise. Such methods may include; restraining the

Directive Number 10.19	Effective Date 09/24/2021	Page 3 of 8
Title Americans with Disabilities Act		

- inmate's hands in the front of their body, so they can sign, or releasing one hand from the restraints so the inmate may write.
- d. Identification. Inmates who meet the requirements set forth in this directive for Auxiliary Aids and Services, may has such services noted on the inmate identification card.
5. Disability Rights Coordinator (DRC). The Commissioner or designee shall appoint the Department Disability Rights Coordinator. The DRC shall be knowledgeable regarding the provisions of the Americans with Disabilities Act (ADA) in order to coordinate the requirements of the ADA with respect to inmates. The duties of the Department DRC shall include, but not be limited to, the following:
- a. Develop procedures for the prevention of discrimination for inmates with disabilities.
  - b. Analyze the Department's administrative directives, unit directives, policies and procedures and recommend changes when necessary to assist in compliance with the ADA with respect to inmates.
  - c. In consultation with facility and Department Administrators, coordinate the planning and purchasing of adaptive equipment for qualified inmates with disabilities.
  - d. In consultation with the Director of Facilities Management and Engineering Services recommends structural changes, where warranted, to comply with ADA requirements with respect to inmates.
  - e. Coordinate training for all Unit ADA Coordinators on the requirements of this Directive.
  - f. Provide assistance to staff, including Unit ADA Coordinators in determining whether and how accommodations may be provided to inmates.
  - g. Facilitate ongoing training for Unit Administrators, ADA Coordinators, and appropriate supervisory personnel and maintain records of each training.
  - h. Ensure statewide accessible log for accommodation requests is made available to all coordinators and all coordinators have been provided training on documentation of such.
  - i. Review monthly unit reports related to ADA activity and compile statistics to track ADA compliance with respect to inmates.
6. Unit ADA Coordinator. Each Unit Administrator as well as the Director of Parole and Community Services shall appoint a supervisor/manager to act as Unit ADA Coordinator who shall be trained, in person and in advance of the appointment, in the requirements of this Directive and those ADA requirements that are relevant to the Unit ADA Coordinator's duties. The duties of the Unit ADA Coordinator shall include, but not be limited to, the following:
- a. Review proposed and existing unit directives, policies and procedures to assess compliance with Department guidelines regarding ADA compliance with respect to inmates. Provide recommendations to the Unit Administrator for potential corrective action.
  - b. Conduct initial processing of CN 101902, Requests for Reasonable Accommodation forms. In consultation with the Unit Administrator, the ADA Coordinator shall resolve requests for accommodation, consistent with the professional evaluation of the disability.
  - c. Ensure adequate copies of the forms to this Directive are available in each facility housing unit.
  - d. Ensure appropriate documentation on reasonable accommodation is maintained in the inmate's master file.
  - e. Notify unit staff of inmate disability accommodation and any advisable modification of unit procedure review daily transfer lists to

Directive Number 10.19	Effective Date 09/24/2021	Page 4 of 8
Title Americans with Disabilities Act		

- coordinate and share facility management plans and communicate with the receiving facility ADA coordinator.
- f. Submit a monthly ADA report to the Unit Administrator and the Department DRC as required.
  - g. Ensure the facility is equipped with working effective communication devices that include options for privacy.
  - h. Ensure qualified interpreters are made available upon request for programs and services.
  - i. Attend annual training regarding effective communication, the requirements of this directive and the ADA
7. Inmate Admission and Orientation. All inmates shall be advised of their right to reasonable accommodations, the method for requesting such accommodation and the procedures for seeking an administrative remedy of a denial or modification of such requested accommodation.
- a. Admission.
    - i. Inmates who are deaf, blind, or have other known or suspected disabilities that may significantly limit access to programs and services in the facility, shall be immediately referred to the unit ADA coordinator to ensure appropriate evaluation and services can be made available. Immediate evaluation may include medical and mental health referral and assessment for services.
    - ii. Each newly admitted inmate shall be asked if they require a Reasonable Accommodations and if so shall be provided form CN 101902
  - b. Orientation. Classification and health services staff shall, as a component of the facility orientation process, present in oral, written or video format the inmate notice of rights, CN 101901. A CN 101901, Americans with Disabilities Act - Notice of Rights shall be part of the orientation packet.
8. Reasonable Accommodation. Efforts shall be made to provide reasonable accommodation throughout the incarceration of an inmate with mental and/or physical disabilities. Documentation of the initial determination as described in this section shall be maintained in section 6 of the inmate's master file. Appropriate reasonable accommodations may differ depending on the ability of the inmate and the nature of the program or activity in question.
- a. An inmate shall submit a request for a reasonable accommodation by completing a CN 101902, Request for a Reasonable Accommodation, and forwarding it to the Unit ADA Coordinator immediately.
    - i. If, by reason of an impairment, an inmate is unable to complete a CN 101902, the inmate may make an oral request for a reasonable accommodation to any staff member. The staff shall then convey the oral request for a reasonable accommodation to the Unit ADA Coordinator.
  - b. The Unit ADA Coordinator upon receipt of such request, shall make arrangements with health services to review, assess, and verify the reported functional impairment to help determine the need for reasonable accommodation. All recommendations for reasonable accommodations shall be reviewed for the potential impact on safety and security. Modifications to the recommendations due to safety and security concerns shall be forwarded to the Unit Administrator for final disposition.
    - i. Requests shall be logged and the process shall be initiated within five (5) business days or less. All requests shall be logged in detail for the requested accommodation and reason for

Directive Number 10.19	Effective Date 09/24/2021	Page 5 of 8
Title Americans with Disabilities Act		

such request.

- ii. If the request is denied, the inmate shall be notified in writing and advised of the right to appeal the decision in accordance with Administrative Directive 9.6, Inmate Administrative Remedies, the coordinator shall document in detail the reason for such denial.
  - c. Approval of accommodation request shall be documented on an accommodation plan which shall be made available to appropriate unit and program staff to ensure continuity of services
  - d. Copies of any plan shall be placed in section 6 of the inmate's master file.
  - e. In order to ensure that an inmate who requires a reasonable accommodation is provided with such, each facility shall develop and maintain a system to alert necessary staff that an inmate requiring a reasonable accommodation is assigned to the housing unit or program in which the staff are working.
9. Appeal of an Americans with Disabilities Act (ADA) Decision. An inmate may file an appeal regarding an ADA decision in accordance with Administrative Directive 9.6, Inmate Administrative Remedies. A copy of each appeal and all decisions rendered regarding the appeal shall be maintained by the Department Disabilities Rights Coordinator.
10. Facility Placement. The Director of Offender Classification and Population Management shall ensure that a facility at each security level is available for reasonable accommodation. Any documentation submitted relating to a transfer of a disabled inmate shall clearly indicate that the inmate is disabled and include what level of accommodation and resulting services are required.—Facility coordinators shall communicate any ADA needs to the Office of Offender Classification and Population Management after reviewing the daily transfer list. Inmates transferring to another facility shall not be required to re-document their need for reasonable accommodations at the receiving facility. In addition to all other factors considered by the Department in making institutional or community assignments of inmates, consideration may be given, consistent with security factors, to facilities and programming available at various institutions or community residential programs to accommodate an inmate's particular disabilities. This information will be documented in the section 6 of the inmate's master file in accordance with this directive.
11. Inmate Work Programs. No qualified inmate with a disability shall be discriminated against from participation in work programs. The Department shall make reasonable accommodation to the known disability of qualified inmate applicants consistent with safety and security. Accommodations that exceed the requirements of the ADA shall not be provided. Compensation and assignment shall be in accordance with Administrative Directives 10.1, Inmate Assignment and Pay Plan and 10.20, Correctional Enterprises of Connecticut.
12. Unit Directives. Each Unit Administrator as well as the Director of Parole and Community Services shall develop unit directives in order to address the needs of inmates with disabilities at the local level.
13. Effective Communications. Inmates who have hearing or visual disabilities will be provided appropriate auxiliary aids and services to ensure effective communication, so that they may participate in or benefit from

Directive Number 10.19	Effective Date 09/24/2021	Page 6 of 8
Title Americans with Disabilities Act		

the services, programs and activities of the DOC on an equal basis with other inmates unless to do so would result in a fundamental alteration in the natures of the services, program or activity or in undue financial and administrative burdens.

- a. Critical Communications. The following are examples of activities or circumstances where appropriate auxiliary aids and services will be provided to ensure effective communication:
  - i. Intake and Orientation;
  - ii. Classification and classification review interviews;
  - iii. Medical care and health programs and services;
  - iv. Counseling or psychological services;
  - v. Educational and vocational programming;
  - vi. Due process hearings, including disciplinary hearings, and hearings in which the inmate is a witness;
  - vii. Religious services;
  - viii. Non-criminal investigations conducted by the DOC;
  - ix. Requests for reasonable accommodations;
  - x. Pre-release instructions;
  - xi. Complex information, lengthy exchanges, or anything involving legal due process.
- b. Auxiliary Aids and Services. In determining what is an appropriate auxiliary aid or service, including whether a qualified interpreter is required, primary consideration should be given to the expressed choice of the inmate, along with the nature, length and complexity of the communication, and the context in which the communication is taking place. The choice of the individual inmate must be honored unless it can be demonstrated that another effective means of communication exists. Determination of the appropriate auxiliary aids and services will be made at intake and will be reassessed as needed.
- c. Assistance Devices and/or Services for Deaf and Hearing-Impaired shall be made available as needed, to include:
  - i. Access to Telecommunications Relay Service, Relay Connecticut (711), or Video Relay Service at all facilities housing inmates with hearing disabilities who use sign language;
  - ii. A fully functional text telephone (TTY) and a telephone with volume control in each unit housing an inmate or detainee with a hearing disability. Access to TTY shall be equivalent to access to telephones by hearing inmates except that double time for each call shall be allotted because the assistance devices take additional time to communicate through the system;
  - iii. Qualified interpreter services on-site or through video remote interpreting (VRI) services (as requested by the inmate and approved by the unit administrator). On-site interpreter services are required when the use of VRI is not feasible or does not result in effective communication.
  - iv. Closed caption television/VCR decoder;
  - v. Sound amplification and assistance listening devices;
  - vi. Sound signals and flashing alarms;
  - vii. Visual smoke alarms;
  - viii. Hearing aids and batteries; and,
  - ix. Any other item that might be requested/required in accordance with the ADA governing authorities
  - x. Oral announcements and commands, whether through public address system or other means, shall be communicated to the deaf and hard of hearing inmates in a manner which can be understood. Deaf and hearing impaired inmates shall not be disciplined for failure to obey an order or rule which may not have been communicated to the

Directive Number 10.19	Effective Date 09/24/2021	Page 7 of 8
Title Americans with Disabilities Act		

inmate at all or in a manner which could be understood by a deaf or hard of hearing inmate.

- xi. The facility shall ensure that visual alarms or manual means of notifying deaf or hard of hearing inmates of such things as emergencies, counts, and announcements shall be utilized whenever and wherever the inmate may be in the facility.
  - xii. DOC shall request a qualified interpreter, in person or VRI, for planned events such as those listed in paragraph 13.a, above. DOC shall request an interpreter within 24 hours from when the event is scheduled, or within 6 hours of an inmate request.
  - xiii. When a qualified interpreter is necessary to provide effective communication, DOC will provide a qualified interpreter at the earliest reasonable time, taking into consideration the time of day, day of the week, distance, and circumstance's and location at which the service is to be provided, but that time will not exceed 2 hours from the inmate's initial request for VRI or 48 hours from the inmate's initial request for an in-person interpreter, except in medical emergencies.
- d. Assistance Devices and/or Services for Blind and Visually Impaired shall be made available as needed, to include:
- i. Large print books;
  - ii. Books on tape;
  - iii. Escorts;
  - iv. Orientation and Inmate Handbook in Braille or large print, as needed;
  - v. Cane;
  - vi. Magnifying lenses with lights; and
  - vii. Any other item that might be required.
  - viii. The facility shall ensure that an escort be provided for visually impaired inmates during an emergency or any type of movement, as necessary.
14. Identification. An inmate with a disability may have their preferred means of auxiliary aids and services noted on their Inmate Identification Card and in accordance with Administrative Directive 9.10 Inmate Identification and Movement.
15. Training. The Director of Training and Staff Development shall develop an ADA training curriculum in coordination with the Disability Rights Coordinator. The training shall specifically address prohibitions against discrimination, coercion, intimidation, retaliation, or threatening behavior toward person who exercise or have exercised their rights under Title II. DOC shall ensure that all relevant current and future personnel, agents, and contractors understand the obligation to implement and comply with Title II.
- a. Annual Training for ADA Coordinators. All facility ADA Coordinators shall receive comprehensive in-person training regarding the requirements of this directive, the Americans with Disabilities Act, an implementation of the ADA within DOC as instructed by the United States Department of Justice. This training will be provided by DOC's Legal Director, Disability Rights Coordinator, or a knowledgeable outside consultant. Thereafter, in-person ADA training will be provided to Facility ADA Coordinators on an annual basis. In addition, the training will be provided to new facility ADA Coordinators prior to appointment, or for good cause, within 10 days of appointment.
  - b. Effective Communication Training. DOC will develop and provide training on effective communication with inmates who have hearing disabilities.

Directive Number 10.19	Effective Date 09/24/2021	Page 8 of 8
Title Americans with Disabilities Act		

All personnel, agents, and contractors who have contact with inmates and detainees will undergo the training program. It will also be offered as a component of pre-service training for all new personnel, agents, or contractors.

- c. Record Keeping. DOC will maintain records of each ADA training to include attendance, dates, and times of training.

16. Forms and Attachments. The following forms are applicable to this Administrative Directive and shall be utilized for the intended function:

- a. CN 101901, Americans with Disabilities Act - Notice of Rights; and,
- b. CN 101902, Request for Reasonable Accommodations.
- c. CN 101903, Reasonable Accommodation Management Plan

17. Exceptions. Any exceptions to the procedures in this Administrative Directive shall require prior written approval from the Commissioner or Correction.