

 <p>State of Connecticut Department of Correction</p> <p><b>ADMINISTRATIVE DIRECTIVE</b></p>	Directive Number 10.19	Effective Date 8/1/2014	Page 1 of 7
	Supersedes Americans with Disabilities Act, dated 9/15/2008		
Approved By  Commissioner James E. Dzurenda	Title Americans with Disabilities Act		

1. Policy. The Department of Correction shall make reasonable accommodations or modifications to allow qualified inmates with disabilities the same 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 might tend to 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, ADAAA).
  - 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; 10.1, Inmate Assignment and Pay Plan; and, 10.20, Correctional Enterprises of Connecticut.
  - F. American Correctional Association, Standards for Adult Correctional Institutions, Fourth Edition, January 2003, Standard 4-4142.
  - G. American Correctional Association, Performance-Based Standards for Adult Local Detention Facilities, Fourth Edition, June 2004, Standard 4-ALDF-2A-51.
  
3. Definitions. For the purposes stated herein, the following definitions apply:
  - A. 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.
  - B. 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.
  - C. Disabled Inmate. An inmate who has a physical or mental impairment that substantially limits one or more major life activities; who has a record or history of such impairment; or is perceived or regarded as having such impairment.
  - D. 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.

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- E. Mentally Disabled. An individual who has a record of, or is regarded as having one or more mental disorders, as defined in the American Psychiatric Association's Diagnostic and Statistical Manual of Mental Disorders and/or a mental or psychological disorder such as an intellectual disability, organic brain syndrome, emotional or mental illness or learning disabilities.
  - F. Physically Disabled or a Person with a Physical Disability. An individual who has a chronic physical infirmity or impairment.
  - G. Impairment. Any physiological disorder or condition, 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, immune, circulatory, hemic, lymphatic, skin and endocrine. It also means any mental or psychological disorder, such as intellectual disability, organic brain syndrome, emotional or mental illness, and specific learning disabilities.
  - H. Qualified Individual with a Disability. An individual with a disability who, with the assistance of a reasonable accommodation, is able to meet the essential eligibility requirements for the receipt of services or the participation in programs or activities.
  - I. Qualified Sign Language Interpreter. Sign language interpreter certified by the National Registry of Interpreters for the Deaf or approved by the Connecticut Commission for the Deaf and Hearing Impaired. A qualified interpreter means an interpreter who is able to interpret effectively, accurately, and impartially both receptively and expressively, using any necessary specialized vocabulary.
  - J. Reasonable Accommodation. Any change in the environment or the manner in which tasks are completed that enables a qualified 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.
  - K. Substantially Limit. The impairment imposes a significant barrier in the performance of a major life activity.
4. Department Americans with Disabilities Act (ADA) Coordinator. The Director of Programs and Treatment (Division) shall appoint the Director of Health Services or designee as the Department ADA Coordinator. The Department ADA Coordinator shall be knowledgeable regarding the provisions of the Americans with Disabilities Act in order to coordinate the requirements of the ADA with respect to inmates. The duties of the Department ADA Coordinator shall include, but not be limited to, the following:
- A. Develop procedures for the prevention of discrimination against qualified inmates with disabilities.
  - B. Analyze the Department's administrative directives, unit directives, policies and procedures and recommend changes 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.

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- E. In consultation with the Director of Offender Classification and Population Management, take steps to enable qualified inmates with disabilities to be placed in facilities appropriate for given disabilities consistent with safety and security.
  - F. Coordinate reasonable accommodations for qualified inmates with disabilities with outside service providers consistent with safety and security.
  - G. Coordinate training for all Unit ADA Coordinators on the requirements of this Directive.
  - H. Provide assistance to staff, including Unit ADA Coordinators in determining whether and how accommodations may be provided to inmates.
  - I. Facilitate ongoing training for Unit ADA Coordinators.
  - J. Review monthly unit reports related to ADA activity and compile statistics to track ADA compliance with respect to inmates.
5. 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 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. Receive copies of all inmate appeals which relate to ADA issues and conduct initial processing of CN 101902, Requests for Reasonable Accommodation forms.
  - C. In consultation with the Unit Administrator, the ADA Coordinator shall resolve requests for accommodation by arranging for:
    - 1. evaluation of inmates by qualified experts as necessary;
    - 2. transfers to appropriate correctional facilities; and,
    - 3. ADA required auxiliary aids as required, consistent with the professional evaluation of the disability.
  - D. Ensure adequate copies of the attachments to this Directive are available in each facility housing unit.
  - E. Ensure appropriate documentation on reasonable accommodation is maintained in the inmate's master file.
  - F. Notify unit staff of inmate disability accommodation and any advisable modification of unit procedure and in accordance with Section 7 of this Directive.
  - G. Submit a monthly ADA report to the Unit Administrator and the Department ADA Coordinator as required.
6. Inmate Admission and Orientation.
- A. Admission. Any inmate who appears to have a condition that would limit the inmate's access to and/or participation in, any program or service offered by the facility, shall be handled as follows:
    - 1. Inmates who are deaf, blind, or have other physical disabilities that significantly limit access to programs and services in the facility, shall be transferred to an appropriate facility within 72 hours of admittance for

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assessment and classification consistent with safety and security. The determination for transfer shall be made by the contracted health services provider Health Services Administrator or designee. During assessment and classification, the inmate shall be provided with CN 101901, Americans with Disabilities Act - Notice of Rights and CN 101902, Request for Reasonable Accommodations by health services staff or qualified sign language interpreter for the deaf or hard of hearing inmates who know sign language. Inmates shall be advised of their right to reasonable accommodations which may include a qualified sign language interpreter or other auxiliary aids, services and devices, the method for requesting such accommodation and the procedures for seeking an administrative remedy of a denial or modification of such requested accommodation. The inmate shall be required to complete the Request for Reasonable Accommodations indicating whether or not the inmate requests accommodation.

2. Any inmate newly received into the custody of the Department of Correction who appears to meet the definition for mentally disabled shall be transferred to an appropriate facility within 72 hours of admission for assessment and classification consistent with safety and security. The determination for transfer shall be made by the contracted health services provider qualified mental health professional. Upon arrival, inmates shall be advised of their rights 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. The inmate shall be required to complete the Request for Reasonable Accommodations indicating whether or not the inmate requests accommodation.

- B. Orientation. Classification and health services staff shall, as a component of the facility orientation process, ask each newly admitted inmate if they require a reasonable accommodation. The inmate shall be provided with CN 101901, Americans with Disabilities Act - Notice of Rights and CN 101902, Request for Reasonable Accommodations. 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. The inmate shall be required to complete the Request for Reasonable Accommodations indicating whether or not the inmate requests accommodation. CN 101901, Americans with Disabilities Act - Notice of Rights shall be part of the orientation packet.
- C. Request for Reasonable Accommodations. In accordance with the provisions of this section, if an inmate requests reasonable accommodations, CN 4401, Authorization to Obtain and/or Disclose Protected Health Information shall be signed by the inmate authorizing health services staff to obtain and review all relevant medical history for continuity of care and to determine extent and origin of the disability and need for accommodations for the inmate. The Unit ADA Coordinator shall make arrangements with the contracted health services provider nursing supervisor for evaluation by qualified experts (e.g. audiologist, ophthalmologist, etc.) if necessary to verify any functional impairment and determine the need

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for reasonable accommodation. As a result of the review and assessment, reasonable accommodations shall be developed if required by the ADA. All recommendations for reasonable accommodations shall be made by the contracted health services provider Health Services Administrator or designee and be forwarded to the Unit ADA Coordinator, who shall review the recommendations 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.

7. Reasonable Accommodation Efforts. Reasonable 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 accommodation may differ depending on the ability of the inmate and the nature of the program or activity in question.
  - A. A request for reasonable accommodations may include the following and shall be forwarded to the ADA Coordinator immediately to handle in accordance with Section 6 of this Directive:
    1. An oral or written request to any staff person; or,
    2. A request for assistance or expressions of difficulty in communication or understanding by deaf or hearing impaired inmates or inmates with mental impairment.
  - B. Requests shall be acted upon within two (2) business days or less if necessary.
  - C. If the request is denied, the inmate shall be notified in writing and advised of the right to review the disposition directly with the Unit ADA Coordinator. Upon such request, the Unit ADA Coordinator shall meet with the inmate within 24 hours and render a subsequent decision within one (1) week. If the disposition has not changed, the inmate shall be advised of the right to appeal the decision in accordance with Administrative Directive 9.6, Inmate Administrative Remedies.
  - D. 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 staff that an inmate requiring a reasonable accommodation is assigned to the housing unit in which the staff are working. Staff shall only be advised of inmates with mental or physical disabilities when there is a reasonable accommodation requirement or as required for safety and security or other legitimate penal interests.
8. 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 ADA Coordinator.
9. Facility Placement. 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.

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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.

10. 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.
11. Suspensions during Emergency or to Further Legitimate Penological Interests. In an emergency or disruption of normal institutional operation, or in furtherance of the legitimate penological interests of a facility or the Department, any provision or section of this Directive may be suspended, for any inmate or all inmates, by the Commissioner or designee.
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. Auxiliary Aids and Services. Unless legitimate penological interests warrant otherwise, auxiliary aids and services shall be provided to assist an inmate in the following areas:
  - A. Educational/Vocational activities;
  - B. Appeal procedures;
  - C. Administrative or disciplinary proceedings to include protective custody and restrictive status hearings;
  - D. Orientation and classification proceedings;
  - E. Mental Health Counseling; and,
  - F. Medical Services.
14. Assistance Devices for Deaf, Hearing-Impaired, Blind or Visually Impaired Inmates. The following assistance devices shall be made available as needed:
  - A. Deaf and Hearing-Impaired.
    1. TDD/TTY for telephone use - access to TDD/TTY shall be equivalent to access to telephones by hearing inmates except that additional time for each call shall be allotted because the assistance devices take additional time to communicate through the system;
    2. Amplified telephone handsets;
    3. Closed caption television/VCR decoder;
    4. Sound amplification and assistance listening devices;
    5. Sound signals and flashing alarms;
    6. Visual smoke alarms;
    7. Hearing aids and batteries; and,
    8. Any other item that might be required.

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

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.

B. Blind and Visually Impaired.

1. Large print books;
2. Books on tape;
3. Escorts;
4. Orientation and Inmate Handbook in Braille or large print, as needed;
5. Cane; and,
6. Any other item that might be required.

The facility shall ensure that an escort be provided for visually impaired inmates during an emergency or any type of movement, as necessary.

15. Training. The Director of Training and Staff Development shall develop an ADA training curriculum for all direct contact employees and direct contract employees. All new direct contact employees shall receive ADA training as a component of pre-service training. There will be annual training for the Unit ADA Coordinators. Existing direct contact employees shall receive ADA training as a component of annual in-service training.
16. Inter-Facility Transfer of Disabled Inmates. Each facility shall have a formal process defined in their Unit Directives regarding the transfer of inmates who require a reasonable accommodation(s) for mental or physical disabilities. At a minimum Unit Directives will address the following:
  - A. The ADA Unit Coordinator of the sending facility shall communicate all reasonable accommodations required by an inmate who meets the definition of an individual with a disability to the ADA Unit Coordinator of the receiving facility prior to transfer.
  - B. The ADA Unit Coordinator of the sending facility will facilitate the transfer of equipment, devices or technologies required to make reasonable accommodations. These accommodations are subject to the approval of the Unit Administrator of the receiving facility.
  - C. Inmates shall not be required to re-document their need for reasonable accommodations at the receiving facility. This information will be documented in section 6 of the inmate's master file in accordance with this directive.
17. 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.
18. Exceptions. Any exceptions to the procedures in this Administrative Directive shall require prior written approval from the Commissioner.