



POLICY STATEMENT
Commonwealth of Pennsylvania • Department of Corrections

Policy Subject: Reasonable Accommodations for Inmates with Disabilities		Policy Number: DC-ADM 006
Date of Issue: January 2, 2009	Authority: Signature on File Jeffrey A. Beard, Ph.D.	Effective Date: January 23, 2009

I. AUTHORITY

The Authority of the Secretary of Corrections to direct the operation of the Department of Corrections is established by Sections 201, 206, 506, and 901-B of the Administrative Code of 1929, 71 P.S. §§61, 66, 186, and 310-1, Act of April 9, 1929, P.L. 177, No. 175, as amended.

II. APPLICABILITY

This policy is applicable to all facilities operated under the jurisdiction of, or conducting business with the Department of Corrections.

III. POLICY

It is the policy of the Department to establish procedures for an inmate to request an accommodation for a qualified disability that affects a major life activity and to ensure that:

- A. every inmate, including an inmate with a qualified disability, is housed in a manner that provides for his/her safety and security;
- B. reasonable accommodations are made only if the accommodations pose no direct threat to the individual requesting the accommodation or cause an undue hardship on the Department;

- C. reasonable accommodations are made to the physical structure of housing used by an inmate with a qualified disability to accommodate the physical limitations of the disabled inmate and facilitate the inmate's inclusion in facility life;¹
- D. a Unit Manager may authorize housing unit furnishings within the cell/dorm to be rearranged to best accommodate an inmate with a qualified disability. A visually impaired inmate shall be given bottom bunk status;
- E. reasonable accommodations are made to facility programs and activities to permit participation by a qualified inmate with a disability; and
- F. no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of the Department.²

IV. PROCEDURES

All applicable procedures are contained in the procedures manual that accompanies this policy document.

V. SUSPENSION DURING AN EMERGENCY

In an emergency or extended disruption of normal facility operation, the Secretary/designee may suspend any provision or section of this policy for a specific period.

VI. RIGHTS UNDER THIS POLICY

This policy does not create rights in any person nor should it be interpreted or applied in such a manner as to abridge the rights of any individual. This policy should be interpreted to have sufficient flexibility to be consistent with law and to permit the accomplishment of the purpose(s) of the policies of the Department of Corrections.

VII. RELEASE OF INFORMATION AND DISSEMINATION OF POLICY

A. Release of Information

1. Policy

This policy document is public information and may be released upon request.

2. Confidential Procedures (if applicable)

Confidential procedures for this document, if any, are not public information and may not be released in its entirety or in part, without the approval of the Secretary of

¹ 4-4142

² 4-4277, 4-4429

Corrections/designee. Confidential procedures may be released to any Department of Corrections employee on an as needed basis.

B. Distribution of Policy

1. General Distribution

The Department of Corrections' policy and procedures shall be distributed to the members of the Central Office Executive Staff, all Facility Managers, and Community Corrections Regional Directors on a routine basis. Distribution of confidential procedures to other individuals and/or agencies is subject to the approval of the Secretary of Corrections/designee.

2. Distribution to Staff

It is the responsibility of those individuals receiving policies and procedures, as indicated in the "General Distribution" section above, to ensure that each employee expected or required to perform the necessary procedures/duties is issued a copy of the policy and procedures either in hard copy or via email, whichever is most appropriate.

VIII. SUPERSEDED POLICY AND CROSS REFERENCE

A. Superseded Policy

1. Department Policy

DC-ADM 006, Reasonable Accommodations for Inmates with Disabilities, issued March 26, 2004, by Secretary Jeffrey A. Beard, Ph.D.

2. Facility Policy and Procedures

This document supersedes all facility policy and procedures on this subject.

B. Cross Reference(s)

1. Administrative Manuals

- a. DC-ADM 804, Inmate Grievance System
- b. DC-ADM 816, Inmate Compensation System
- c. 5.1.1, Staff Development and Training

2. ACA Standards

- a. Administration of Correctional Agencies: 2-CO-4E-01

- b. Adult Correctional Institutions: 4-4142, 4-4277, 4-4285, 4-4286, 4-4348, 4-4362, 4-4363, 4-4365, 4-4366, 4-4375, 4-4429, 4-4450
- c. Adult Community Residential Services: 4-ACRS-1A-09, 4-ACRS-4C-06, 4-ACRS-4C-23, 4-ACRS-6A-04, 4-ACRS-6A-11, 4-ACRS-6B-01, 4-ACRS-7A-05
- d. Correctional Training Academies: None



PROCEDURES MANUAL
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Release of Information:

Policy Document: This policy document is public information and may be released upon request.

Procedures Manual: The procedures manual for this policy may be released in its entirety or in part, with the prior approval of the Secretary/designee. Unless prior approval of the Secretary/designee has been obtained, this manual or parts thereof may be released to any Department employee on an as needed basis only.

DC-ADM 006, Reasonable Accommodations for Inmates with Disabilities Manual
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Section 1 – General Procedures

A. Classification/Diagnosis

1. Qualified health-care personnel shall perform a medical, dental, and mental health screening/appraisal of each inmate, including intra-system transfers, within 14 days of the inmate's initial commitment. Only qualified health care professionals shall determine whether an inmate should retain any prosthetic device or equipment upon initial reception.
2. The facility's health care department, through qualified personnel or specialists, and in conjunction with the affected inmate, shall make the diagnosis of a qualified disability, unless previously diagnosed, and shall determine the level of accommodation needed and provide the appropriate medical treatment, as required by the condition. Medical staff shall notify facility staff of any impairment.
3. In determining the type of auxiliary aid and/or service necessary, consideration should be given to the requests of the inmate with the disability, **but the inmate's request is not determinative**. This information shall be recorded in the inmate's medical file. The inmate's **DC-17X, Adjustment Record** should reflect this same information.
4. Upon the request of the inmate. A notation shall be placed on the inmate's I.D. card that he/she has a qualified disability to alert staff that accommodations may be needed to properly communicate.

B. Facility Placement¹

1. In addition to all other factors considered by the Department in making facility assignments of an inmate, consideration may be given to facilities and programming available at various facilities to accommodate an inmate's particular qualified disability(s)² in accordance with **Facilities Designated to House Qualified Disabled Inmates (Attachment 1-A)**. An inmate diagnosed with a qualified disability may be assigned to a facility where accommodations exist to provide for this population. An inmate diagnosed as mentally and/or physically impaired may be assigned to a Special Needs Unit, depending on the severity of the disability, and may be assigned to a facility with a Mental Health Unit or a facility where accommodations exist to provide for this population.
2. Community Corrections Center (CCC) Placement

In addition to all other factors considered by the Department in making assignments of an inmate for CCC placement, an inmate with a qualified disability who is accepted for CCC placement shall be placed in a CCC or Community Contract Facility (CCF) that provides accommodations according to the individual needs of the inmate.

¹ 4-4348

² 4-ACRS-6A-04, 4-ACRS-6A-11

3. Transfers

Material submitted requesting the transfer of a qualified disabled inmate to another facility must clearly indicate that the inmate has a qualified disability and include the level of accommodation and resulting services that are required.

C. Inmate Work Programs

1. No inmate shall be discriminated against from participating in work programs due to a qualified disability. The Department is required to make reasonable accommodations to the known disability of qualified inmate applicants with disabilities. Compensation and job titles shall be in accordance with Department policy **DC-ADM 816, “Inmate Compensation System.”**³
2. Accommodations that pose undue hardships for the Department or pose a threat to security need not be provided. An inmate will not be placed in a work program, which clearly jeopardizes his/her safety or security.

D. Staff Training

Housing Unit Staff who have primary supervisory responsibility for an affected inmate may obtain out-service training to learn methods of communicating with the inmate and/or managing his/her specific disability in accordance with Department policy **5.1.1, “Staff Development and Training.”**

³ 4-4450

Facilities Designated to Housed Qualified Disabled Inmates

1. Every qualified deaf and hard of hearing male affected by this policy shall be housed at one of the following facilities:
 - a. SCI-Albion;
 - b. SCI-Camp Hill;
 - c. SCI-Graterford.
2. Every qualified deaf and hard of hearing female affected by this policy shall be housed at SCI-Muncy.
3. Every qualified mentally and/or physically disabled male inmate affected by this policy shall be housed at one of the following facilities:
 - a. SCI-Albion;
 - b. SCI-Coal Township;
 - c. SCI-Somerset;
 - d. SCI-Mahanoy;
 - e. SCI-Houtzdale;
 - f. SCI-Laurel Highlands; or
 - g. any facility with a Mental Health Unit (MHU), Special Needs Unit (SNU), or any other appropriately equipped facility.
4. Every qualified mentally and/or physically disabled female inmate affected by this policy shall be housed at SCI-Muncy or SCI-Cambridge Springs.
5. Every qualified vision impaired male and female inmate affected by this policy shall be housed at a facility designated as the most appropriate to handle the vision impairment based on the severity of the disability.
6. Each disabled Young Adult Offender (YAO) shall be housed at SCI Pine Grove.
7. Wheelchair bound inmates shall be housed at a prototypical facility or any other appropriately equipped facility.

Section 2 – Accommodations

A. Request for Accommodation

1. An inmate seeking an accommodation for a disability shall submit to the Corrections Health Care Administrator (CHCA) or to the person performing the functions of the CHCA if the facility does not have a CHCA, a request using the **Inmate Disability Accommodation Request Form (Attachment 2-A)**.
2. The **Inmate Disability Accommodation Request Form** must describe the inmate's specific disability(ies), the specific activity(ies), and the specific action the inmate wishes the Department to take to allow him/her to perform the activities.
3. Any observing staff member can make a request for accommodation on behalf of an inmate.

B. Review of the Inmate Disability Accommodation Request Form

1. The CHCA/designee review shall include the following:
 - a. review the **Inmate Disability Accommodation Request Form** to determine if it is legible and complete. Illegible or incomplete forms shall be returned to the inmate;
 - b. evaluate whether the inmate is disabled as described in the **Inmate Disability Accommodation Request Form**;
 - c. evaluate the inmate's ability to perform the activities described in the **Inmate Disability Accommodation Request Form** and whether the requested accommodation will enable the inmate to perform the activities;
 - d. ***arrange for a current clinical evaluation of the inmate's alleged disability and/or impairment by a medical practitioner in order to validate the accommodation request;***
 - e. in evaluating the inmate's request, the CHCA/designee shall take all appropriate action(s) as the CHCA deems reasonably necessary, including reviewing medical records pertaining to the inmate, arranging to have the inmate examined and/or tested by an appropriate person or persons, and/or interviewing staff and the inmate. The requests of the evaluation shall be summarized in a memorandum; and
 - f. the CHCA shall refer the specific **Inmate Disability Accommodation Request Form** along with the memorandum summarizing the results of the evaluation to the Facility Manager/designee.
2. The Facility Manager review shall include the following:

- a. review the **Inmate Disability Accommodation Request Form**, the CHCA's memorandum summarizing the results of the investigation, and all other relevant records and make a recommendation whether the requested accommodation should be granted;
 - b. in making his/her recommendation, the Facility Manager may consult with the Deputy Superintendent of Centralized Services (DSCS)/designee, the CHCA or other representative of the Medical Department, the Security Captain or other representative of the Security Office, and/or other staff person with relevant knowledge and expertise; and
 - c. submit his/her recommendation to the Central Office Inmate Disability Accommodation Committee (COIDAC) along with the **Inmate Disability Accommodation Request Form** and the CHCA's memorandum, an alternative accommodation, if any, and any other information the Facility Manager deems appropriate.
3. The COIDAC shall be determined by the Secretary and shall, at a minimum, consist of two Deputy Secretaries, the Director of the Bureau of Health Care Services (BHCS), the Director of the Bureau of Treatment Services (BTS), and the **Director of the Office of Population Management (OPM)** or their designees. COIDAC review shall include the following:
- a. within **30** days of receiving a complete submission from the Facility Manager or longer period as may be approved by the Secretary, the COIDAC shall review the **Inmate Disability Accommodation Request Form**, the CHCA's memorandum summarizing the results of the evaluation, and the Facility Manager's recommendation; and
 - b. determine whether the inmate suffers from a disability and if so, the manner in which the inmate's disability is to be accommodated. The COIDAC shall submit a memorandum to the Facility Manager outlining its determination.
4. The Facility Manager shall notify the inmate in writing of the final determination within ten working days of receiving the COIDAC's determination. An inmate who is dissatisfied with the COIDAC's determination may submit a grievance under Department policy **DC-ADM 804, "Inmate Grievance System."**
5. ***The Facility Manager may impose sanctions, at his/her discretion, on the inmate, if it is determined that the inmate's accommodation request is frivolous or malicious or not brought in good faith. Possible sanctions may include the assessment of a co-payment from the inmate's account for any evaluation and/or examination of the inmate by a medical professional in assessing the accommodation request.***
6. ***Any and all records relevant to and submitted in connection with the accommodation request shall be retained in the inmate's medical file under the Legal/Correspondence Section.***

C. General Accommodations

In the event an inmate is diagnosed with a qualified disability, the Facility Disabilities Accommodation Coordinator shall be responsible for the following:

1. provide and update the Control Center with a roster of qualified disabled inmates to be used in the event of an emergency;
2. set up procedures, if necessary, for the transfer of a qualified disabled inmate as soon as possible once his/her condition is realized;
3. notify the Corrections Classification and Program Manager (CCPM) of the needs of a disabled inmate for placement into programs which may require special equipment and/or staff members to carry out these needs;
4. notify the Records Office so special needs can be met when transferring an inmate in accordance with policy;
5. notify the Unit Managers of these special needs when staffing inmate programs;
6. notify the Corrections Education and Vocational Coordinator (CEVC) responsible for inmate placement in job assignments (the CEVC is responsible for notifying the work supervisors of any special needs); and
7. notify the appropriate Deputy Secretary regarding any accommodations that may have an adverse impact on security.

D. Programs/Services Accommodations

1. Educational Programs

This applies to an inmate who attends school. Accommodations shall be provided to access the program(s), if needed. Information will be communicated to the inmate in a manner which will maximize the inmate's ability to comprehend and understand the information.

2. Library Services

An inmate who has a qualified disability shall have access to the facility's library.

3. Treatment Programs

Treatment programs include programs or services in preparation for parole or to deal with problems identified by staff. These generally include sex offender treatment, alcohol and other drugs (AOD) treatment, or other therapy classes or groups. Accommodations shall be provided to access the program(s), if needed.

4. Medical/Psychiatric Treatment

Accommodations shall be provided to access treatment, if needed. The level and type of accommodations shall be based upon the individual needs of the inmate, as determined by the health care staff. Information will be communicated to the inmate in a manner, by the health care staff. Information will be communicated to the inmate in a manner, which will maximize the inmate's ability to comprehend and understand the information.

5. Misconduct Hearing

Accommodations shall be provided in the hearing process, if needed. Information will be communicated to the inmate in a manner, which will maximize the inmate's ability to comprehend and understand the information.

6. Activities/Recreational/Commissary/etc.

Special accommodations for an inmate accessing these services need not be generally provided. However, in specific cases, auxiliary aids and services may have to be provided if the affected inmate cannot otherwise communicate in order to access the service(s).

Inmate Disability Accommodation Request Form

Complete blocks 1 through 6 below as completely as possible and submit to the Corrections Healthcare Administrator. Please write legibly or print. Forms that cannot be read will be returned.

1. Inmate Name:	2. DOC Number:	3. Date:
4. Describe your physical or mental disability:		
5. Describe the activities you wish to do that you cannot do because of your physical or mental disability:		
6. Describe in detail the action you wish the Department to take to enable you to perform the activities described in number 5 and explain how that action will enable you to perform the activities described in number 5:		
Inmate Signature:		
CHCA Signature:	Date Received:	
Director, Bureau of Healthcare Services:	Date Received:	

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Section 2 – Accommodations

Attachment 2-A

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Section 3 – Specific Disabilities

An inmate who is diagnosed as having a qualified disability will receive accommodations so that he/she can properly communicate/participate in the Department's facilities. An inmate will not be denied services solely for reason of his/her disability(ies).

A. Local Procedures

Each Facility Manager/designee is to ensure that local procedures are developed, if needed, and maintained to ensure compliance with this policy. Each facility shall also be in compliance with **Management Directive 205.32, Hiring Sign Language Interpreters and Transliterators.**

B. Accommodations for the Deaf and Hard of Hearing

The following is a mandatory list of services that must be provided for an inmate who is qualified as deaf or hard of hearing during emergency evacuation procedures.

1. Fire Alarm/Emergency Notification Systems

Areas housing a deaf or hard of hearing inmate must have a flashing alarm and/or vibrating system and written procedures that direct staff to physically notify the inmate in case of an emergency. Areas such as bathrooms, Security Level 5 Housing Units, and medical isolation cells must be included in the procedures. All facilities shall comply with the National Fire Protection Association Life Safety Code, No. 101.

2. Announcements

Any procedures or directions to an inmate that rely on a loudspeaker system must be modified to alert a deaf or hard of hearing inmate; written procedures must include these provisions.

C. Accommodations for the Visually Impaired

A facility shall have proper evacuation procedures to include an audible emergency alarm system and provide a qualified visually impaired inmate with the proper evacuation procedures upon assignment to a facility. A copy of an inmate roster shall be maintained in the control room and used by staff to alert a qualified visually impaired inmate of an emergency. A facility housing qualified visually impaired inmates shall have Braille signage that identifies rooms, spaces, instructions, etc.

D. Accommodations for the Mentally and/or Physically Impaired¹

The Department shall provide an inmate diagnosed with a qualified mental and/or physical impairment assignment to a facility or Special Needs Unit that provides reasonable accommodations for this impairment. However, the Department may refuse access to

¹ 4-ACRS-6A-04

recreation if participation by the qualified disabled inmate would alter the nature of the program or activity or if it presents a valid safety concern, an undue financial burden or if the inmate is unable to perform the basic function of the activity.

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Auxiliary Aids and Services (as defined in 42 USCS §12102 (1)) – The term “auxiliary aids and services” includes certified interpreters or other effective methods of making aurally delivered materials available to individuals who are hard of hearing, qualified readers, taped texts, or other effective methods of making visually delivered materials available to individuals with visual impairments, acquisition or modification of equipment or devices, and other similar services and actions.

Braille – A system of writing and printing for the visually impaired, in which varied arrangements of raised dots representing letters and numerals can be identified by touch.

Deaf – A condition in which perceivable sound (including speech) have no meaning for ordinary life purposes. Visual communication, such as sign language, writing, text reading, and speech reading, is necessary.

Department – The Pennsylvania Department of Corrections.

Direct Threat – A significant risk to the health or safety of others that cannot be eliminated by reasonable accommodation.

Disability (as defined in 42 USCS §12102(2); 28 CFR §35.104) – A person with a qualified disability is defined as an individual who:

1. has a physical or mental impairment that substantially limits one or more major life activities;
2. has a record of such an impairment; and/or
3. is perceived or regarded as having such an impairment.

The following conditions do not constitute disabilities: transvestitism, transsexualism, pedophilia, exhibitionism, voyeurism, gender identity disorders not resulting from physical impairments, other sexual behavior disorders, compulsive gambling, kleptomania, pyromania, and psychoactive substance abuse disorders resulting from current illegal use of drugs, homosexuality or bisexuality.

Essential Job Functions (as defined in 29 CFR §1630.2(n)) – The fundamental job duties of the position the inmate with a disability holds or seeks. Essential job functions are those that bear more than a marginal relationship to the job at issue.

Facility Disabilities Accommodation Coordinator – The Corrections Health Care Administrator will serve as the Facility Disabilities Accommodation Coordinator.

Hard of Hearing – A condition in which there is some degree of hearing loss varying from mild, to moderate, to profound. The sense of hearing is partially, but not completely functional for ordinary life purposes.

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Major Life Activities (as defined in 28 CFR §35.104) – Includes such functions as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

Permanent Vision Impairment – Individuals who are permanently blind or have a vision impairment not correctable to central vision acuity of less than 20/200, even with corrective lenses.

Physical or Mental Impairments (which affect a major life activity) (as defined in 28 CFR §35.104) – Physical or mental impairments include 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; hemic and lymphatic; skin; and endocrine.

Any mental or psychological disorder such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

The phrase physical or mental impairment includes, but is not limited to, such contagious and noncontagious diseases and conditions as orthopedic, visual, speech, and hearing impairments, cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental retardation, emotional illness, specific learning disabilities, HIV disease (whether symptomatic or asymptomatic), tuberculosis, drug addiction, and alcoholism. The phrase physical or mental impairment does not include homosexuality or bisexuality.

Qualified Individual with Disability (as defined in 28 CFR §35.104) – An individual with a disability who, with or without reasonable modifications to rules, policies, or practices, the removal of architectural, communication or transportation barriers, or the provision of auxiliary aids and services, meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by a public entity.

Qualified Interpreter (as defined in 28 CFR §35.104) – Refers to an interpreter for the deaf or hard of hearing who is able to interpret effectively, accurately, and impartially both receptively and expressively, using any necessary specialized vocabulary. A list of such interpreters may be obtained from the Pennsylvania Office for the Deaf and Hard of Hearing. Use of a certified interpreter shall be in accordance with **Management Directive 205.32, Hiring Sign Language Interpreters and Transliterators.**

Reasonable Accommodation (condensed from 29 CFR §1630.2) – A modification or adjustment to a job or work environment that will enable a qualified inmate with a disability to perform all the essential job functions and which does not create an undue hardship for the Department.

Record of a Mental/Physical Impairment (as defined in 28 CFR §35.104) – These procedures protect not only those individuals with disabilities who actually have a mental/physical impairment that substantially limits a major life activity, but also those with a record of such an impairment. This protected group includes a person who has a history of an impairment that substantially limits a major life activity but who has recovered from the

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impairment. Examples of individuals who have a history of impairment are persons who have prior histories of mental or emotional illness, drug addiction, alcoholism, heart disease, or cancer. Persons who have been wrongly classified as having a mental impairment include persons who have been erroneously diagnosed as mentally retarded or mentally ill.

Regarded as Having a Mental/Physical Impairment (as defined in 28 CFR §35.104) – These procedures also protect certain persons who are regarded by a public entity as having a mental/physical impairment that substantially limits a major life activity, whether or not that person actually has an impairment. Some examples of situations covered by this category are:

1. An individual who has a physical or mental impairment that does not substantially limit major life activities, but who is treated as if the impairment does substantially limit a major life activity.
2. An individual who has a physical or mental impairment that substantially limits major life activities only as a result of the attitudes of others towards the impairment.
3. An individual who has no impairments but who is treated by a public entity as having an impairment that substantially limits a major life activity.

Undue Hardship (condensed from 29 CFR §1630.2(p)) – An action requiring significant difficulty or expense in the implementation of an accommodation or which would result in a threat to facility security.