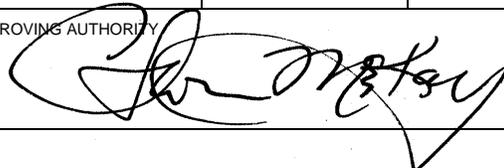


 Corrections and Community Supervision DIRECTIVE	TITLE Inmates With Sensorial Disabilities		NO. 2612
			DATE 4/30/2015
SUPERSEDES DIR #2612 Dtd. 10/26/2010	DISTRIBUTION A B	PAGES PAGE 1 OF 14	DATE LAST REVISED
REFERENCES (Include but are not limited to) Americans with Disabilities Act, Criminal Procedure Law	APPROVING AUTHORITY 		

I. **POLICY:** Title II (Subtitle A) of the Americans with Disabilities Act (ADA) prohibits State and local entities from discriminating against any qualified individual with a disability in their programs, services, and activities. Therefore, the programs and services provided to inmates by this Agency, or those that may be contracted to other entities, must ensure accessibility and usability by qualified inmates in the most integrated setting. The Department is required to make “reasonable accommodations” or modifications to existing policies and procedures in order to allow qualified inmates with disabilities the same opportunity as non-disabled inmates unless to do so would be an undue burden to the Department, cause a fundamental alteration to a program, or compromise the security of the facility. This directive addresses inmates with sensorial disabilities, that is, impairments to hearing and seeing. See Directive #2614, “Reasonable Accommodations for Inmates with Disabilities,” for procedures addressing inmates with all other disabilities.

II. DEFINITIONS

A. Individual with a Sensorial Disability: Anyone who has a sight or hearing impairment that substantially limits one or more of the person’s major life activities and meets the definition of legal blindness, severe visual impairment, deaf, or hard of hearing as defined in Sections II-D, E, F, or G below;

Major life activity: Includes functions such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, learning, and working.

Substantially limits: Means that the impairment imposes a barrier in the performance of a major life activity.

The determination of whether an impairment substantially limits a major life activity shall be made without regard to the improvement made to a major life activity by use of any of the following:

- Medication, medical supplies, equipment, or appliances, low-vision devices (which do not include ordinary eyeglasses or contact lenses), prosthetics including limbs and devices, hearing aids, and cochlear implants or other implantable hearing devices
- Use of assistive technology
- Reasonable accommodations or auxiliary aids or services
- Learned behavioral or adaptive neurological modifications

(EXCEPTION: The improvement made to sight by the use of ordinary eyeglasses or contact lenses SHALL be considered in determining whether impairment limits a major life activity.)

- B. 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 should not impose any undue hardship on the Department. Reasonable accommodations might include the following:
- Making existing facilities readily accessible to meet a particular individual's needs
 - Providing readers, interpreters, note takers, sighted guides, daily living skill aides
 - Acquisition or modification of equipment or devices

A more complete list of reasonable accommodations is included on [Form #2612C](#), "Reasonable Accommodations for Sensorially Disabled."

- C. 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.
- D. Severe Visual Impairment (V230)
- Visual acuity of 20/70 or less in the better eye with best correction, or
 - Visual field of no greater than 40 in the better eye
- E. Legal Blindness (B240)
- Visual acuity of 20/200 or less in the better eye with best correction, or
 - Visual field of no greater than 20 in the better eye
- F. Deaf (HL10): Severe profound hearing loss in the BETTER ear unaided of at least 70 dB as measured by the Pure Tone Audiometry (PTA - 500, 1000, and 2000 Hz) or unaided Speech Recognition Threshold (SRT) or primarily relies on visual communication such as sign language, writing, visual cues or gestures (does not include unilateral deafness).
- G. Hard of Hearing (HL20): Hearing loss in the BETTER ear unaided of at least 40 dB but less than 70 dB as measured by the Pure Tone Audiometry (PTA - 500, 1000, and 2000 Hz) or unaided Speech Recognition Threshold (SRT) or functional hearing communication difficulties with proper amplification as determined by a person with expertise in the field of deafness.
- H. Non-Significant Hearing Loss (HL30): Hearing loss in the BETTER ear unaided of less than 40 dB as measured by the Pure Tone Audiometry (PTA - 500, 1000, and 2000 Hz) or unaided Speech Recognition Threshold (SRT). Inmates with non-significant hearing loss need only hearing aid(s) and preferred seating as a reasonable accommodation and do not need a designated facility.
- I. Qualified Sign-Language Interpreting Services: A sign language interpreter certified by the National Registry of Interpreters for the Deaf or other National or New York State credentialing authority, or a sign-language interpreter who is able to interpret effectively, accurately, and impartially both receptively and expressively, using any necessary specialized vocabulary. The qualifications of an interpreter are determined by the actual ability of the interpreter in a particular interpreting context to facilitate effective communication. Except as otherwise indicated below, qualified interpreters may include inmates, correctional staff, including Correction Officers and volunteers, when their skills meet the above definition and factors such as emotional or personal involvement and considerations of confidentiality will not adversely affect their ability to interpret "effectively, accurately, and impartially" or jeopardize the safety and security of the inmate.

- J. TTY: A telephone communication device for the deaf - uses an electronic transmission of text.
- K. Amplified Telephone Modification: This might include T coil on hearing aid and/or volume control telephone.
- L. Closed-Caption Decoder: An apparatus which subtitles the spoken text on television or film.

III. FACILITIES ACCOMMODATING INMATES WITH SENSORIAL DISABILITIES

- A. The Department of Corrections and Community Supervision (DOCCS) shall provide qualified sign language interpreting services in each facility in which an inmate is housed who communicates primarily by sign language. Deaf and hard of hearing inmates who primarily communicate in sign language shall have reasonable access to qualified sign language interpreters whenever necessary as provided in this directive.
- B. When male deaf or hard of hearing inmates who require sign language interpreter services for effective communication are received in reception facilities, they shall be transferred immediately to Downstate or Ulster Correctional Facility for reception and classification.
- C. Inmates with sensorial disabilities (i.e., those that meet the definition of deaf (HL10), hard of hearing (HL20), legally blind (B240) or severely visually impaired (V230) inmates, as defined in this directive) shall be referred for transfer to one of the following designated facilities which can accommodate their needs. Inmates with a non-significant hearing loss (HL30) need only hearing aids, batteries, preferred seating, and amplified telephone, and do not need placement in a designated facility.

Please note: Five Points CF and Albion CF can only accommodate hard of hearing inmates (HL20), NOT deaf (HL10), legal blindness (B240), or severe visual impairments (V230).

1. Downstate Correctional Facility: Maximum security reception center that will process all maximum-security male sensorially disabled inmates. There is an initial classification process that will be expeditiously completed and the inmate will then be transferred to a designated facility for further evaluation. Downstate CF will also process medium and minimum-security male sensorially disabled inmates in need of OMH Level 1 or 2 services or medical or programmatic needs which cannot be met at Ulster CF.
2. Ulster Correctional Facility: Medium security reception center that will process medium and minimum-security male sensorially disabled inmates. There will be an initial classification process that will be expeditiously completed and the inmate will then be transferred to a designated facility for further evaluation. Inmates in need of OMH Level 1 or 2 services or other medical or programmatic needs which cannot be met at Ulster CF will be transferred to Downstate CF.

3. Bedford Hills Correctional Facility: Maximum security reception center and general confinement facility that will process all female sensorially disabled, with the assistance of sign language interpreter services. Appropriate staff will be available with sign language capabilities. The staff will complete an extended assessment and a needs assessment on the functional ability of deaf (HL10), hard of hearing (HL20), blind (B240), and severely visually impaired (V230) inmates, if those assessments have not already been completed. Needs assessments will be updated as an inmate's sensorial disabilities change. Staff will also make placement and program and reasonable accommodation recommendations. Bedford Hills CF will share staff with expertise in the area of the sensorially disabled with Taconic CF when necessary.
4. Eastern New York Correctional Facility: Maximum security, male, general confinement facility that also has the capability to meet the needs of visually and hearing impaired inmates. Eastern CF operates a 31 bed residential unit for those individuals who cannot safely function in the general population of a prison. Appropriate staff will be available with sign language capabilities. The staff will complete an extended assessment and a needs assessment on the functional ability of deaf (HL10), hard of hearing (HL20), blind (B240), and severely visually impaired (V230) inmates, if those assessments have not already been completed. Needs assessments will be updated as an inmate's sensorial disabilities change. Staff will also make placement and program and reasonable accommodation recommendations. Eastern CF will share staff with expertise in the area of the sensorially disabled with Sullivan CF, Woodbourne CF, and Downstate CF when necessary.
5. Wende Correctional Facility: Maximum security, general confinement facility that also has the capability to service sensorially disabled male inmates and individuals with intellectual limitation and the mentally ill. Wende CF also operates a Regional Medical Unit (RMU). Appropriate staff will be available with sign language capabilities. The staff will complete an extended assessment and a needs assessment on the functional ability of deaf (HL10), hard of hearing (HL20), blind (B240), and severely visually impaired (V230) inmates, if those assessments have not already been completed. Needs assessments will be updated for deaf and hard of hearing inmates as their sensorial disabilities change. Staff will also make placement and program and reasonable accommodation recommendations. Wende CF will share staff with expertise in the area of the sensorially disabled with Wyoming CF and Lakeview CF when necessary.

Wende Correctional Facility will accommodate Legally Blind and Severely Visually Impaired (BL/SVI) inmates in accordance with the Private Settlement Agreement entered in the case of *Medina et al. v. DOCCS. et al.* 11-CV-176.

6. Sullivan Correctional Facility: Maximum security, general confinement facility that also has the capability to service sensorially disabled male inmates, individuals with intellectual limitation, and the chronically mentally ill. Appropriate staff will be available with sign language capabilities. The staff will complete an extended assessment and a needs assessment on the functional ability of deaf (HL10), hard of hearing (HL20), blind (B240), and severely visually impaired (V230) inmates, if those assessments have not already been completed. Needs assessments will be updated for deaf and hard of hearing inmates as their sensorial disabilities change. Staff will also make placement and program and reasonable accommodation recommendations. Sullivan CF will share staff with expertise in the area of the sensorially disabled with Eastern CF, Woodbourne CF, and Downstate CF when necessary.

Sullivan Correctional Facility will accommodate Legally Blind and Severely Visually Impaired (BL/SVI) inmates in accordance with the Private Settlement Agreement entered in the case of *Medina et al. v. DOCCS. et al.* 11-CV-176.
7. Woodbourne Correctional Facility: Medium security, general confinement facility that also has the capability to service sensorially disabled male inmates. Appropriate staff will be available with sign language capabilities. The staff will complete an extended assessment and a needs assessment on the functional ability of deaf (HL10), hard of hearing (HL20), blind (B240), and severely visually impaired (V230) inmates, if those assessments have not already been completed. Needs assessments will be updated as an inmate's sensorial disabilities change. Staff will also make placement and program and reasonable accommodation recommendations. Woodbourne CF will share staff with expertise in the area of the sensorially disabled with Eastern CF, Sullivan CF, and Downstate CF when necessary.
8. Wyoming Correctional Facility: Medium security, general confinement facility that also has the capability to service sensorially disabled male inmates. Appropriate staff will be available with sign language capabilities. The staff will complete an extended assessment and a needs assessment on the functional ability of deaf (HL10), hard of hearing (HL20), blind (B240), and severely visually impaired (V230) inmates, if those assessments have not already been completed. Needs assessments will be updated as an inmate's sensorial disabilities change. Staff will also make placement and program and reasonable accommodation recommendations. Wyoming CF will share staff with expertise in the area of the sensorially disabled with Wende CF and Lakeview CF when necessary.
9. Lakeview Shock Incarceration Correctional Facility (Males and Females): Minimum security. This facility will accommodate the shock incarceration population and have access to sign language interpreting services.
10. Taconic Correctional Facility: Female, medium security. This female facility will accommodate those individuals that have met the criteria for substance abuse treatment and/or general confinement. This facility will provide inmate access to Bedford Hills CF staff with expertise in the area of the sensorially disabled when needed and have access to sign language interpreting services.

11. Albion Correctional Facility: Female, medium security and Work Release. This facility has the ability to accommodate only hard of hearing inmates (HL20), NOT deaf (HL10), legally blind (B240), or severely visually impaired (V230) inmates.
12. Five Points Correctional Facility: Maximum security, double celled in general population, wheelchair accessible. Five Points' Special Treatment Program (STP) and Intermediate Care Program (ICP) are OMH Level 1. Inmates in wheelchairs may also be OMH Level 1. This facility has the ability to accommodate hard of hearing inmates (HL20), legally blind (B240), severely visually impaired (V230), NOT deaf (HL10) inmates.
13. Work Release Facilities: Facilities operating work release programs shall contract with a sign language interpreter or utilize sign language services when inmates requiring such services enter the program. Reasonable accommodations, including sign language interpreting services, with outside entities such as employers or other community services, are the responsibility of the outside entities. Reasonable accommodations, including the provision of a sign language services, for programs and services offered within the facility are the responsibility of the facility.
14. Willard Drug Treatment Campus: Drug treatment campus operated by the Department to provide a program of intensive drug treatment services for individuals sentenced to parole supervision sentences pursuant to Section 410.91 of the Criminal Procedure Law or for certain parole violators. This facility will contract with sign language interpreters when necessary.
15. Other Correctional Facilities: Facilities housing inmates with sensorial disabilities on a temporary basis shall be alerted by the sending facility of the special needs of the inmates with sensorial disabilities. Such facilities shall contract with a sign language interpreter when necessary. Any questions on reasonable accommodations should be referred to the ADA Coordinator or the sending facility.
16. All Correctional Facilities
 - a. Posters entitled "Inmates With Disabilities Notice of Rights Under the Americans With Disabilities Act," [Form #2612A](#), describing the Americans with Disabilities Act and inmates' rights to reasonable accommodations will be posted in areas frequented by inmates, including messhalls, law libraries, recreation areas, housing units, counseling, medical, psychiatric offices, and satellite units.
 - b. THE "NOTICE TO ALL NEW YORK STATE PRISONERS WHO ARE DEAF OR HARD OF HEARING CONCERNING MOTIONS FOR CONTEMPT AND ENFORCEMENT OF THE CLARKSON V. GOORD CONSENT JUDGMENT," [Form #2612D](#) (English and Spanish versions) will be posted in all Law Libraries and housing units.

IV. RECEPTION AND RETURN PAROLE VIOLATORS - INITIAL CLASSIFICATION PROCEDURES

- A. All inmates newly received into the custody of the Department and returned parole violators who wear hearing aids, or have a history of hearing loss or observable behavior indicating hearing loss, or who appear to meet the definition of legally blind or severe visual impairment will be immediately transferred to Downstate or Ulster Correctional Facility (males) or Bedford Hills Correctional Facility (females) for classification and assessment.
- B. Returned parole violators who have already been assessed as being deaf (HL10), hard of hearing (HL20), legally blind (B240), or severe visual impairment (V230) **MUST** be transferred to a designated facility. The transfer request must clearly state the inmate disability and that the inmate needs a designated facility.
- C. During initial classification, [Form #2612A](#), describing the Americans with Disabilities Act will be given and explained to these inmates by appropriate guidance staff with experience in sensorial disabilities. A sign language interpreter must be utilized for deaf or hard of hearing inmates whose primary means of communication is sign language. They shall be advised of their right to reasonable accommodations, which may include qualified sign language interpretive services, or other auxiliary aids, services and devices, the method for requesting such accommodations, and the procedures for grieving denials or modifications of requested accommodations.
- D. The guidance staff member explaining the Americans with Disabilities Act will also present [Form #2612B](#), "Request for Reasonable Accommodation for Inmates with Sensorial Disabilities," to the inmate and provide the inmate with assistance in completing it.
- E. Medical staff will complete the medical verification section and return the form to the staff member who assisted the inmate in its completion. For deaf and hard of hearing inmates, medical staff will complete the medical verification section after reviewing the audiograms and audiologist recommendations. For blind and severe visual impairments, medical staff will complete the medical verification section after reviewing eye reports and/or vision reports. Questions on interpreting audiograms and audiologist recommendations should be referred to staff with an expertise in the field of deafness, such as a sign language interpreter or vocational rehabilitation counselor or audiologist. Questions on interpreting eye or vision reports should be referred to the instructor for the blind, vocational rehabilitation counselor, the optometrist, ophthalmologist, or vision specialist.

If there is no documentation of a hearing or vision problem in the inmate's record, the inmate should be called out to be seen by the facility physician or physician's assistant or nurse practitioner. If the physician determines the hearing or vision loss may be significant, the physician should request a consultation with an audiologist or optometrist/ophthalmologist. [Form #2901](#), "Audiology Report," should be sent with the inmate to the audiologist for use.

- F. Guidance staff members shall complete the Reasonable Accommodation Determination section of [Form #2901](#), basing his or her determination on his or her assessment of the inmate's limitations, the verification from medical, and their knowledge of accommodations and the inmate's preferences. The completed form will be placed in the guidance folder. A copy will be sent to medical and will be shared with OMH staff if the inmate is referred for OMH services. A copy of the completed form will also be sent to the facility Parole Officer for inclusion in the inmate's community supervision file and to the ADA Coordinator. The reasonable accommodation determination will remain in effect until modified by the receiving facility designated for the sensorial disabled.
- G. THE "NOTICE TO ALL NEW YORK STATE PRISONERS WHO ARE DEAF OR HARD OF HEARING CONCERNING MOTIONS FOR CONTEMPT AND ENFORCEMENT OF THE CLARKSON V. GOORD CONSENT JUDGMENT" ([Form #2612D](#)) will be distributed to all incoming deaf and hard of hearing inmates.
- V. **ORIENTATION:** [Form #2612A](#), the notice of the rights of the inmates under the Americans with Disabilities Act, will be reviewed with deaf, hard of hearing, blind, and severely visually impaired inmates by appropriate staff during orientation at any new facility. Posters described in Section IV-G above, [Form #2612D](#), will be posted in all facilities.
- VI. **ASSESSMENT PROCEDURES:** Upon completion of the reception program, inmates with hearing or vision disabilities who require adaptive equipment other than hearing aids or eye glasses will enter an evaluation period for assessment of:
- Vocational skills
 - Academic level
 - Functional abilities
 - Medical assessment (vision specialist, audiologist)

Male inmates will be transferred to the Eastern New York Correctional Facility or Wende Correctional Facility or any other facility designated in this directive which has staff with expertise in the field of deafness and/or visual impairments for the assessment. Female inmates will remain at Bedford Hills Correctional Facility. Upon completion of the assessment, utilizing the needs assessment form, inmates who use sign language as their primary means of communication and/or need adaptive equipment other than hearing aids, preferred seating, or glasses, will be assigned to the facilities identified in Section III consistent with security, medical, and mental health level classifications.

VII. EQUIPMENT AND SERVICES FOR THE DEAF AND HARD OF HEARING

- A. Facilities designated in Section III shall make available to deaf and hard of hearing inmates the auxiliary aids, services, and assistive devices as approved through the reasonable accommodation process which are necessary to facilitate full and effective participation in prison programs, activities, and services. Each facility shall provide reasonable accommodations which shall include, as necessary, qualified sign language interpreting services for those deaf and hard of hearing inmates who use sign language to communicate, and other auxiliary aids, services, and devices where appropriate.
- B. Each designated facility will provide reasonable accommodations which may include reasonable access to qualified sign language interpreting services for inmates who primarily communicate through sign language as defined in Section II-I for the following:
1. Program participation, including educational, rehabilitative, vocational, employment within the facility, and special events for which the deaf inmate is otherwise qualified;

2. Grievance proceedings;
3. Administrative or disciplinary proceedings (including protective custody, involuntary protective custody, and administrative segregation hearings) including investigation and meetings with employee assistants, whenever a deaf or hard of hearing inmate is a party or witness, or in which a deaf or hard of hearing inmate may be subject to any sanction;
4. Temporary release consideration, if an interview with the inmate is required;
5. Reception and classification interviews and assessment;
6. Counseling sessions:
 - a. However, where either the inmate or the Offender Rehabilitation Coordinator seeks to discuss information which is confidential in nature, otherwise qualified inmate sign language interpreters may not interpret in these settings;
 - b. Where inmates meet in a group setting and are required to keep confidential the discussions of the group, inmates who are qualified sign language interpreters may assist the deaf or hard of hearing inmate. The inmate interpreter is also bound to keep the matters discussed by the group confidential; and
7. Medical, audiological, and dental contacts when communication between patient and medical personnel is critical to the efficacy of treatment or the safety or security of the inmate.
 - a. Due to the need to maintain confidences in these contexts, otherwise qualified inmate interpreters may not act as sign language interpreters in these settings except in cases of emergency where the failure to communicate would result in serious injury, illness, or death.
 - b. When medical services are to be provided outside of the correctional facility, the person responsible for scheduling the appointment shall notify the hospital or clinic (provider) that the patient will require qualified sign language interpreting services. This notification should be accomplished as soon as possible so the hospital or clinic can arrange for the provision of the interpreter. If the initial notification is made by telephone, it must be confirmed in writing or electronically.
 - c. If a qualified sign language interpreter is not available on site, the facility may utilize the teleconferencing system for obtaining the services of a qualified sign language interpreter.

Note: It is understood that mental health agencies will provide interpreter services for their contacts with sensorially impaired inmates. However, DOCCS will only provide interpreter services to OMH in psychiatric emergency situations.

- C. The assistive devices listed on [Form #2612C](#) "Reasonable Accommodations for Sensorially Disabled," will be maintained by the designated facilities and provided to individual inmates with sensorial disabilities on an as needed basis as approved by staff through the reasonable accommodation process.

Sighted guides and guided canes may not be refused by blind inmates or severely visually impaired inmates if their safety would be compromised without them.

Inmates may not choose or refuse the assigned sign language interpreter.

- D. Verbal announcements and commands, whether through a public address system, roll call, or otherwise, shall be communicated alternatively to deaf and hard of hearing inmates in a manner which can be understood by a deaf and hard of hearing inmate. No deaf or hard of hearing inmate shall be disciplined for failing to obey a verbal order or rule which has not been communicated alternatively in a manner which can be understood by the deaf or hard of hearing inmate.
- E. The facility will ensure that visual alarms or warning systems or, where equally effective, other visual or manual means of notifying deaf or hard of hearing inmates of emergencies, counts, program changes, or other matters of which the inmate should be informed will be utilized in the areas under facility control in which a deaf or hard of hearing inmate resides, sleeps, works, eats, exercises, attends classes, or can otherwise be expected to be present.

VIII. EQUIPMENT AND SERVICES FOR THE VISUALLY IMPAIRED

- A. Replacement of Corrective Lenses and Glasses: DOCCS shall replace corrective lenses or glasses for Legally Blind/Severely Visually Impaired (LB/SVI) inmates whenever damaged or lost. The replacement corrective lenses or glasses shall be provided to the LB/SVI inmate at no cost unless DOCCS can demonstrate that the inmate negligently or intentionally broke or lost the lenses or glasses, in which case the LB/SVI inmate will have to pay for the replacement lenses or glasses. Such demonstration may include repeated breaking or losing of such glasses or lenses.
- B. DOCCS shall not deny an LB/SVI inmate reasonable accommodations appropriate to his or her uncorrected vision if a DOCCS medical professional determines in good faith that he or she is not able to effectively use the corrective lenses or glasses that DOCCS has provided.
- C. Downgrading of Visual Disability Classification: DOCCS shall not change an LB/SVI inmate's visual disability classification from LB to SVI or from LB/SVI to not visually impaired until the inmate has been physically offered appropriate corrective lenses or glasses and he or she has either accepted or rejected those lenses.

If a formerly LB/SVI inmate, whose visual disability classification has been downgraded to a classification of not visually impaired but who needs corrective lenses or glasses to see properly, loses, breaks, or is otherwise not in possession of his or her corrective lenses or glasses for more than seven days, DOCCS shall grant a request for reasonable accommodations for his or her vision impairment despite the fact that he or she has been re-classified as not visually impaired, unless DOCCS can demonstrate that the inmate negligently or intentionally broke the lenses or glasses. Such demonstration may include repeated breaking or losing of such glasses or lenses.
- D. Technology Instruction: DOCCS shall provide, upon request, instruction on the proper use of all available assistive devices in the Resource Room for LB/SVI inmate, including the various uses of assistive software and other computer technology.
- E. Resource Room
 - 1. DOCCS shall provide, upon request, removable glare screens for use by LB/SVI inmates on computers.
 - 2. DOCCS shall maintain a sufficient number of computers at each facility Resource Room with assistive programs for LB/SVI inmates.

3. DOCCS shall allow inmates to use headphones with the SARA scanner, or the equivalent device, and provide headphones for that purpose.
- F. Educational Classrooms
1. If computers are available in the educational classrooms, DOCCS shall provide, upon request, removable glare screens for use by LB/SVI inmates on computers.
 2. DOCCS will provide enlarged text materials to LB/SVI inmates who are approved for large print as a reasonable accommodation. DOCCS will not unreasonably deny requests by an LB/SVI inmate participating in an academic program administered by DOCCS for reasonable accommodations to use in that academic program, including, but not limited to, SARA scanners and electronic magnifiers (e.g., CCTVs or portable CCTVs).
- G. Housing Block
1. LB/SVI inmates shall be permitted to buy from an outside vendor a typewriter capable of typing 14 point font or larger, if such typewriters are available and DOCCS determines they are not a security risk.
- H. Law Library
1. DOCCS shall provide, upon request, removable glare screens for use by LB/SVI inmates on computers.
 2. Each facility designated for the LB/SVI inmates shall have at least one computer with assistive programs in the Law Library for use by LB/SVI inmates.
- I. Protective Custody
1. LB/SVI inmates shall have access to bold-lined paper, a magnifier, and 20/20 pens while in Protective Custody.
 2. LB/SVI inmates in Protective Custody shall have access to other reasonable accommodations that they would have in General Population, subject to security, cost, or operational concerns.
- J. SHU
1. LB/SVI inmates shall have access to bold-lined paper, a magnifier, and 20/20 pens while in SHU.
 2. LB/SVI inmates in SHU shall have access to other reasonable accommodations that they would have in General Population, subject to security, cost, or operational concerns.
- K. Trained Staff
1. DOCCS shall have on staff at least one employee who is trained to operate the LB/SVI assistive devices in the Resource Room.
 2. DOCCS will make best efforts to have available an employee trained in the operation of the LB/SVI equipment in the Resource Room during regularly scheduled weekday hours.
- L. Extended Closings: Subject to emergencies, DOCCS shall use best efforts never to close the Resource Room for more than six consecutive days, but if the Resource Room is unavailable for more than ten consecutive days, DOCCS will make available during regular Resource Room hours a SARA scanner, a computer with the full complement of assistive programs, and a CCTV.

- M. Large Print: DOCCS shall make forms used by LB/SVI inmates available in Large Print, including at a minimum:
1. Reasonable Accommodation Request forms;
 2. Disbursement or refund request forms;
 3. State Shop forms;
 4. Call-out slips, including for sick call, dentist, library and resource room requests;
 5. Grievance forms; and
 6. Commissary sheets.

IX. REASONABLE ACCOMMODATION PROCESS

- A. Reception: Requests for reasonable accommodations may be an ongoing process throughout the inmate's incarceration. The initial determination as described in Section IV should follow the inmate through any transfers. However, appropriate reasonable accommodations may change depending upon the abilities of the inmate and the nature of the program or activity.

For instance, a sign language interpreter is necessary for a doctor to explain to an inmate why he or she wants to administer an HIV test. However, a reasonable accommodation for a deaf inmate who knows how to read who wants to make a commissary buy is a pencil and paper.

- B. Subsequent Requests for Reasonable Accommodations

1. Inmate requests for accommodations may be made verbally or in writing to any person employed by DOCCS.
Inmates shall be provided with [Form #2612B](#) and shall be assisted in completing it, if necessary.
2. Requests for accommodations shall be acted upon within five business days, or less if necessary, by either granting the request, denying it, granting it with modifications, or advising the inmate that the request is pending medical evaluation. In making a decision, consideration shall be given to the choice of accommodation made by or on behalf of the inmate.

All requests for accommodations shall be forwarded to the Deputy Superintendent for Program Services or designee within the facility and all time frames within this Section shall apply. Another medical verification is usually not necessary in most cases where the inmate has been previously evaluated.

If a deaf or hard of hearing inmate has difficulty in communicating, accommodations should be provided expeditiously.

3. Inmates shall be informed of the determination in writing via a completed [Form #2612B](#) and interpreted into sign language, if necessary. The inmate response section will record whether the inmate agrees with the determination or disagrees and desires a review by the Superintendent.

C. Review by the Superintendent

1. If the inmate requests a review by the Superintendent, the Superintendent or designee shall grant the request, or if necessary, arrange a meeting with the inmate within 24 hours to discuss the nature of the request and the needs of the inmate. The assistance of a sign language interpreting service shall be provided where required to facilitate communication.
2. The Superintendent or designee shall render a decision within five business days of receiving the request or sooner where medical needs or other exigencies make it necessary.
The review decision shall be presented to the inmate in writing via a completed page 2 of [Form #2612B](#) and interpreted into sign language where necessary.
The inmate shall be advised of his or her right to grieve the decision in accordance with Directive #4040, "Inmate Grievance Program."
3. When considering an individual request for reasonable accommodation, DOCCS will consider similar requests that have been made by other inmates at the facility within the past six months.
4. Upon request, DOCCS shall provide LB/SVI inmates with bold-lined paper in lieu of blank writing paper whenever a person who is not visually impaired would be entitled to free blank writing paper. DOCCS shall not subject bold-lined writing paper to any additional restrictions beyond those placed on blank writing paper for non-visually impaired inmates.
5. DOCCS shall provide LB/SVI inmates in SHU or Protective Custody with at least two 20/20 pens for in-cell use and shall replace them as needed. LB/SVI inmates housed in other locations may obtain, by request or purchase, 20/20 pens for in-cell use.
6. The person in charge of providing reasonable accommodations at each facility, or if unavailable, another staff person, shall make rounds at least one time per week to see LB/SVI inmates who are not housed in general population, including those in SHU, Protective Custody, and MHU, and provide those inmates with reasonable accommodations as appropriate.

D. Removal of Reasonable Accommodations

1. When an LB/SVI inmate receives a correction for his or her vision impairment that results in a change of his or her classification from LB to SVI or from LB/SVI to not visually impaired, DOCCS shall not discontinue that inmate's access to a previously approved accommodation without first consulting with a medical professional.
2. If DOCCS determines that a removal of a previously approved accommodation is justified, as provided for above, DOCCS will provide the reasons for that decision, in writing, to the inmate. If the reasonable accommodation is removed for a security reason, no further explanation beyond this statement need be given.
3. DOCCS can remove an accommodation if staff determines that allowing the inmate to possess the accommodation presents a security risk to himself, herself, or others.

E. Record Keeping

1. A copy of all requests for accommodations and determinations shall be maintained in the guidance folder, medical, community supervision files. A copy shall also be maintained in the OMH file, if applicable.
2. Inmate Grievance Program files concerning reasonable accommodations shall be kept in the facility grievance office for five years from the date of final action.
3. A copy of all written requests for reasonable accommodations, subsequent determinations, and related grievance decisions, complaints, and letters shall be forwarded to the ADA Coordinator in Central Office and maintained by that office for five years from the date of final action.

X. GRIEVANCE PROCEDURE: Any inmate who believes that he or she has been discriminated against because of a disability or who disagrees with a decision on his or her request for a reasonable accommodation can submit complaints pursuant to Directive #4040. The facility shall send all decisions rendered by the Superintendent or designee on reasonable accommodation grievances to the ADA Coordinator in Central Office. The ADA Coordinator shall have the authority to initiate a review of any denied request for accommodations, or any denied grievance.

XI. TRANSFERS OF INMATES WITH SENSORIAL DISABILITIES

- A. Not all facilities can accommodate inmates with sensorial disabilities. Transfer requests (both scheduled and unscheduled) for inmates who are deaf (HL10), hard of hearing (HL20), legally blind (B240), or severely visually impaired (V230) must indicate the inmate's disability on the transfer request. It is the responsibility of the person submitting the transfer request (usually the Offender Rehabilitation Coordinator) to indicate the inmate's sensorial disability.
- B. If a transfer of a sensorially disabled inmate involves an overnight stay at an interim facility, it is the responsibility of the sending facility's Inmate Record Coordinator (IRC) to alert the interim facility of the needs of the inmate. Facilities should avoid transfers of sensorially disabled inmates immediately prior to weekends or holidays in order to avoid weekend or holiday stays in interim facilities.
- C. SHU to SHU transfers of deaf (HL10), hard of hearing (HL20), legally blind (B240), and severely visually impaired (V230) inmates must be to another designated facility.
- D. Personal items provided to a sensorially disabled inmate as reasonable accommodations, such as a Shake-Awake alarm, phone amplifier, or talking watch, will be sent with the inmate upon transfer to another facility which is designated for the sensorially disabled. This equipment should be transferred via the IRC Office under separate cover. The sensorial staff at the receiving facility will be responsible for the reissue of the equipment as appropriate.

Other items of reasonable accommodation, such as talking calculators, pocket talkers, etc., are loaned to the inmate and should be kept at the loaning facility.