

CHAPTER: 900

Inmate Programs and Services

DEPARTMENT ORDER:

**926 – Management of Inmates with
Disabilities**

**OFFICE OF PRIMARY
RESPONSIBILITY:**

**OPS
OGC
HS**

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ACCESS

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**Arizona
Department
of
Corrections
Rehabilitation
and Reentry**



Department Order Manual

A handwritten signature in black ink, appearing to read "Ryan Thornell", is written over a horizontal line.

Ryan Thornell, Director

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PURPOSE

This Department Order (DO) establishes procedures and standards to ensure, through compliance with Title II of the Americans with Disabilities Act of 1990 (ADA), the Arizona Department of Corrections, Rehabilitation and Reentry (Department) will not discriminate against inmates with disabilities based on their disability in access to services, programs, or activities.

References to healthcare professionals (i.e., Healthcare Services) are referring to the Contract Healthcare Provider (CHP) or their subcontractors unless otherwise stated.

APPLICABILITY

This DO is applicable to all Department employees, Program Associates, contractors, inmates, and Department facilities.

As agents of the Department, private prisons are subject to the provisions of the ADA and this DO.

RESPONSIBILITY

The ADA Administrator and/or designee is responsible for the Department's efforts to comply with and carry out its responsibilities under the provisions of Title II of the Americans with Disabilities Act.

- The ADA Administrator shall be responsible for:
 - Overseeing the Facility ADA Coordinators
 - Reviewing and approving Communication and Accommodation Plans (CAPs) as provided by Facility ADA Coordinators
 - Ensuring that disability-related requests, complaints, and grievances are appropriately handled and resolved
 - Maintaining relevant records and ensuring that personnel and inmates receive required trainings
 - Meeting with inmates with disabilities and personnel to remain informed about needs and challenges
- Facility ADA Coordinators, designated by the Warden at each facility, shall be responsible for:
 - Coordinating that facility's efforts to comply with the ADA
 - Identifying inmates with disabilities based on either the Intake/Reception process or other information provided by or on behalf of the inmate
 - Helping Department personnel implement disability-related policies and practices
 - Making individual and facility-wide decisions about auxiliary aids and services, and reasonable accommodations

- Maintaining information and data about disability-related requests, grievances, and decisions
- Meeting with inmates with disabilities regularly or upon request to assess and address their needs
- Ensuring that auxiliary aids and services, and reasonable accommodations are implemented without unreasonable delay
- Facility ADA Coordinators shall be:
 - Appropriately trained about the requirements of the ADA relevant to inmates with disabilities
 - Accessible to inmates and staff

PROCEDURES

1.0 TRAINING - Training shall be developed by the Department's ADA Administrator, in conjunction with the Staff Development and Training Bureau.

1.1 Department staff, CHP staff, and contractors who interact with or influence decisions affecting inmates with disabilities will receive training on the requirements of the Americans with Disabilities Act (ADA) and how to assist and interact with inmates with disabilities.

1.1.1 ADA Basics education will be completed via a Computer Based Training (CBT) module.

1.1.2 Interactions and assistance training will occur:

1.1.2.1 In person, remotely via interactive teleconference, or via a CBT module.

1.1.2.1.1 Staff completing ADA training via a CBT will be afforded the opportunity to ask questions of the Facility ADA Coordinator in-person or through email contact.

1.1.2.2 During New Employee Orientation or within 60 calendar days of beginning employment.

1.1.2.3 Annually, thereafter as a refresher course.

1.2 Inmates with disabilities shall be offered training on mobility and orientation, use of assistive technology, vocational and independent living skills, and how to access any programs, services and activities. Training shall be offered:

1.2.1 Within 60 calendar days of arrival for newly incarcerated inmates with disabilities.

1.2.2 Annually, thereafter as a refresher course.

1.2.3 An inmate who declines to participate in the new arrival training will have documentation of their decision placed into their ADA file. The inmate with a disability may, upon request, participate in the training at a future scheduled training date.

- 1.3 Training logs shall be maintained for all trainings conducted and shall include the date of training, names and identification numbers (badge number or inmate number) of attendees, and signatures of attendees.

2.0 INTAKE/RECEPTION PROCESSING

2.1 Initial Orientation for Inmates

- 2.1.1 Reception center staff shall ensure every inmate is provided in an accessible format:
 - 2.1.1.1 The ADA Notice of Rights and contact information for the Facility ADA Coordinators and the ADA Administrator.
 - 2.1.1.2 Notice of their right to non-discrimination based on a disability, and how to complete and submit an Inmate Request for Reasonable Accommodations/Modifications, Form 926-3.
 - 2.1.1.3 Key Materials and Orientation Materials, including the Inmate Handbook.
- 2.1.2 Instructions shall be communicated to inmates with disabilities using any auxiliary aids and services necessary to ensure effective communication occurs.
- 2.1.3 Contract nursing staff shall complete a comprehensive receiving screening, including, but not limited to, a screening for vision disabilities, within 72 hours of the inmate's arrival.
- 2.1.4 A healthcare provider shall perform a physical assessment and identify inmates who meet the designated criteria for placement of inmates with disabilities as shown in Attachment A, Criteria for Transfer/Placement of Inmates with Disabilities.
 - 2.1.4.1 Complete a Functional Assessment, Form 926-1.
 - 2.1.4.2 Assign a medical care needs "M" score.
 - 2.1.4.2.1 Ensure the "M" score and related disability needs information (including Special Needs Orders, ADA accommodations, etc.) are documented in the inmate's Medical Record and relayed to Calculation, Records and Population Management and the Medical Records Librarian.
 - 2.1.4.3 The Deputy Assistant Director for Prison Operations or designee shall approve transfer of the inmate from the Reception Center to the appropriate facility, consistent with the inmate's "M" score and security level.
 - 2.1.4.4 The Medical Records Librarian shall enter the "M" score into the Arizona Correctional Information System (ACIS) Offender Comments screen and indicate this is an inmate with a disability.
 - 2.1.4.5 ADA qualified inmates who require the use of wheelchairs shall be transported in appropriately equipped vehicles.

3.0 PERMANENT HOUSING ORIENTATION

- 3.1 The Facility ADA Coordinator or designee, is responsible for ensuring:
 - 3.1.1 Inmates with disabilities will be housed in appropriate settings consistent with their security classifications and will integrate them with non-disabled populations to the maximum extent possible.
 - 3.1.2 Inmates with disabilities will not be housed:
 - 3.1.2.1 In designated medical areas unless they are receiving medical care or treatment.
 - 3.1.2.2 In facilities that do not offer the same programs as facilities where they would be housed except for their disability.
 - 3.1.2.3 In a more restrictive setting because of their disability or due to lack of available accommodations or aids and services elsewhere.
 - 3.1.3 Each inmate with a disability is provided a physical orientation to the facility where the inmate will be housed. Inmates with disabilities are permitted to choose whether to navigate the facilities in which they are housed independently, or with assistance.
 - 3.1.4 Any assistive technology, auxiliary aids and services, accessible formats, and reasonable modifications approved at one facility will remain approved at all future facilities where an inmate with a disability may be housed.
 - 3.1.5 The provision of all auxiliary aids and services and reasonable accommodations to an inmate with a disability within seven calendar days of the inmate's arrival to the new facility and, whenever possible, these will move with the inmate from facility to facility.
 - 3.1.6 Each inmate with a disability has access to Key Materials in an accessible format.
- 3.2 Following transfer, and within 12 hours of the inmate's arrival at the new facility:
 - 3.2.1 The CHP Director of Nursing or designee shall perform a chart review and ensure:
 - 3.2.1.1 All currently prescribed medications are available for administration.
 - 3.2.1.2 Any referrals to specialty care are scheduled to occur as ordered.
 - 3.2.1.3 Any necessary assistive technology, auxiliary aids and services, and reasonable accommodations are provided.
 - 3.2.1.3.1 Primary consideration will be given to an inmate's request for a particular auxiliary aid, service, or accessible format, unless another equally effective means of communication or accessibility exists; providing the requested aid, service, or format would fundamentally alter the nature of the program, service, or activity; or providing the requested aid, service, or format would result in an undue financial or administrative burden.

3.3.2.2 Determine if the inmate has a disability that requires the inmate to be transferred.

3.4 For tasks that an inmate with a disability cannot independently accomplish using reasonable modifications, assistive technology, or auxiliary aids and services, or during periods when assistive devices are not available, or when an inmate with a disability prefers human assistance, Department staff, CHP staff, or a Qualified Inmate Aide (QIA) will provide assistance.

3.4.1 QIAs shall:

3.4.1.1 Be appropriately trained in confidentiality requirements and, for those assisting with navigation, appropriate guiding techniques.

3.4.1.1.1 Training shall be approved by the ADA Administrator.

3.4.1.2 Have the ability to communicate effectively, including the ability to read aloud, write clearly, and follow requests in the preferred language of the person they are assisting.

3.4.1.3 Consent to provide assistance and be appropriately paid for their service.

3.4.1.4 Have periodic performance evaluations.

3.4.1.5 Maintain the confidentiality of each inmate with a disability they assist.

3.4.2 QIAs shall not:

3.4.2.1 Offer services in exchange for goods or favors.

3.4.2.2 Be used if the inmate with a disability requests alternative assistive devices that permit independent completion of tasks or the assistance of Department personnel.

3.4.2.3 Be assigned to serve as a QIA as a punishment.

4.0 WORK ASSIGNMENTS

4.1 All processes related to work assignments, as outlined in DO #903, Inmate Work Activities, shall be accessible to inmates with disabilities. All job and program descriptions must be available in an accessible format on a tablet or equally effective device and made available to inmates with disabilities.

4.2 Qualified inmates with disabilities will not be disqualified from any position based on their disability unless no reasonable modification, auxiliary aid, or service can be provided that would make it possible to perform the essential duties of the position without posing a direct threat to the health or safety of the inmate or others.

4.2.1 A determination that a qualified inmate with a disability constitutes a direct threat to the health or safety of the inmate or others must be based on an individualized assessment.

- 4.3 The Department will conduct an individualized inmate assessment to determine any jobs an inmate with a disability could perform, with or without reasonable accommodations/modifications.
- 4.4 If a qualified inmate with a disability is rejected for a position, notice will be provided to them in an accessible format. Any qualified inmate with a disability who is rejected can apply to the next available assignment for which they meet the general qualifications, with or without reasonable modifications.

5.0 EDUCATION AND OTHER PROGRAMMING

- 5.1 Inmates with disabilities will have opportunities to take educational courses and other programs equal to the opportunities available to other inmates without disabilities.
- 5.2 All processes, assessments, and tasks related to all voluntary and required educational, counseling, and other programs shall be accessible to inmates with disabilities.
- 5.3 Auxiliary aids and services, assistive technology, and reasonable accommodations/modifications shall be available to inmates with disabilities who wish to enroll in a course.
- 5.4 If an educational course or other program involves the use of a computer or other electronic device, the computer or device shall be equipped with any necessary assistive technology for any inmate with a disability who wishes to enroll in the course or program.
- 5.5 Accessible recreation materials and equipment shall be provided at each facility.
 - 5.5.1 Games, books, movies, and other forms of entertainment shall be available in an accessible format to inmates with disabilities. Materials available to inmates via tablets shall be available to inmates with disabilities via accessible tablets to the greatest extent possible.

6.0 INDEPENDENT ACTIVITIES - Inmates with disabilities shall have:

- 6.1 Access to computers or tablets with assistive technology for creating documents privately and independently.
- 6.2 An effective notification system that will advise them of any routine announcements, alarms, or other information, including notification of daily prison activities (i.e., wake-up calls, mealtimes, and recreation time).
- 6.3 Accessible formats for filing a complaint or grievance as outlined in DO #802, Inmate Grievance Procedure. This shall include:
 - 6.3.1 Assistance with completing the complaint or grievance processes, upon request.
 - 6.3.2 The ability to make their needs and preferences known to the Facility ADA Coordinator if their requested reasonable accommodation/modification was not provided.
 - 6.3.3 The ability to express concerns or requests for information regarding an area's/facility's/division's compliance with the ADA known if the concerns were not resolved by the Warden, CHP Facility Health Administrator, Bureau Administrator, or Assistant Directors.

6.3.4 Inmates with disabilities who disagree with the final disposition of their grievance may submit an Inmate Letter, Form 916-1, to the Facility ADA Coordinator or ADA Administrator to seek resolution. Any disability-related complaints or grievances shall be addressed by the Facility ADA Coordinator and ADA Administrator.

6.3.4.1 The ADA Administrator, in consultation with the Facility ADA Coordinator, will render a decision within 15 business days of receiving the complaint or grievance pursuant to established policy, and provide a copy of the decision to the complaining inmate in an accessible format as outlined in DO #802, Inmate Grievance Procedure.

7.0 INMATES WITH VISION DISABILITIES

7.1 CHP healthcare staff shall:

7.1.1 Refer any inmate who fails the screening for visual impairment to Optometry for further examination.

7.1.2 Follow optometry recommendations and for visually impaired inmates:

7.1.2.1 Initiate a Communications and Accommodation Plan (CAP), Form 926-4.

7.1.2.2 Forward the CAP to the Facility ADA Coordinator.

7.1.2.3 Provide the Facility ADA Coordinator with information to revise or modify an inmate's CAP as needed.

7.2 Facility ADA Coordinators shall:

7.2.1 Meet with an inmate with a vision disability to discuss the CAP.

7.2.2 Review and modify the CAP as needed to meet the inmate's needs, based on:

7.2.2.1 An Inmate request for Reasonable Accommodations/Modifications.

7.2.2.2 Regular interactive communication at least every six months or as requested.

7.2.2.3 Recommendations from the CHP staff following an eye specialist examination.

7.2.3 Obtain approval from the ADA Administrator for each new or revised CAP.

7.2.4 Ensure the provision of any auxiliary aids and services, assistive technology, and reasonable accommodations listed on a CAP without unreasonable delay.

7.2.5 Ensure maintenance of all appropriate records for an inmate with a vision disability (i.e., a CAP, Request for Accommodation, training, etc.).

7.2.6 Ensure inmates with vision disabilities have the opportunity to communicate with medical personnel orally and in writing without the need for assistance from a QIA or other third party, whenever possible, absent circumstances.

- 7.3 Braille Literacy Program - A course in Braille literacy shall be available and regularly offered to inmates with vision disabilities.
- 7.4 Hand Restraints for Inmates with Vision Disabilities
 - 7.4.1 Hand restraints will not be used for inmates who use white canes or rely on their hands to navigate unless a determination that doing so is necessary due to a direct threat.
 - 7.4.2 Safety and security decisions related to the use of hand restraints should be made by a supervisor on an individualized basis.
 - 7.4.3 In situations requiring restraints, less restrictive alternatives to hand restraints, or restraint techniques that permit sufficient forward arm extension and mobility to sweep a white cane in front of the body will be used when possible.
 - 7.4.4 Correctional personnel will be trained on appropriate alternatives to hand restraints to allow inmates who use white canes or rely on their hands to navigate their surroundings in a secure environment when the incarcerated person does not pose a direct threat.
- 7.5 Identification (ID) Cards for Inmates with Vision Disabilities
 - 7.5.1 Each inmate with a vision disability will be offered the opportunity to have a modified ID card that identifies them as Blind, Low Vision, or with a Vision Disability.
 - 7.5.2 An inmate who declines a modified ID card does not waive their right or access to eligible services and can request a modified ID card at a later date. The requested modified ID card will be provided within 10 days of receipt of the request.
 - 7.5.3 The modified ID card signifies that the inmate has a vision disability and may require assistive technology, auxiliary aids and services, and reasonable modifications to understand and follow directions from personnel.
 - 7.5.4 The modified ID card will also indicate that additional information about the incarcerated person's disability-related needs is available in their CAP or from the Facility ADA Coordinator.
- 7.6 Safety and Security Considerations - Under certain limited circumstances, the Department may be delayed in providing, or unable to provide, an inmate with a vision disability with a specific reasonable modification, assistive technology, or auxiliary aid or service based on a reasonable and individualized determination that doing so poses a direct threat to the safety and security of the inmate, personnel, or other inmates.
 - 7.6.1 Such a determination must be made by a Warden or Deputy Warden in consultation with the relevant Facility ADA Coordinator and the ADA Administrator. The determination must be in writing and placed in the inmate's file. The determination must note:
 - 7.6.1.1 The modification, technology, aid, or services that was delayed or not provided.
 - 7.6.1.2 For how long it was delayed or not provided.

7.6.1.3 The individualized justification for why it was delayed or not provided.

8.0 COMPLAINTS FROM THE PUBLIC – Staff shall refer members of the public who believe they have been discriminated against because of their disability to the Facility ADA Coordinator in accordance with DO #108, Americans with Disabilities Act (ADA) Compliance.

IMPLEMENTATION

Assistant Directors, Deputy Assistant Directors, CHP Facility Health Administrators, Healthcare Services Administrators, Wardens, Deputy Wardens, and Bureau Administrators shall ensure compliance with Title II of the ADA and the provision of effective communication and reasonable accommodations for accessibility to inmates with disabilities.

DEFINITIONS/GLOSSARY

Refer to the Glossary of Terms for the following:

- Americans with Disabilities Act (ADA)
- Americans with Disabilities Act (ADA) Administrator
- Auxiliary Aids and Services
- Communications and Accommodations Plan (CAP)
- Disability
- Effective Communication
- Facility ADA Coordinator
- Key Materials
- Qualified Individual with a Disability
- Reasonable Accommodations

ATTACHMENTS

Attachment A - Criteria for Transfer/Placement of Inmates with Disabilities

FORMS LIST

916-1, Inmate Letter

926-1, Functional Assessment

926-3, Inmate Request for Reasonable Accommodations/Modifications

926-4, Communication and Accommodation Plan (CAP)

AUTHORITY

A.R.S. §41-1492 et seq., Public Accommodation and Services (Americans With Disabilities Act of 1992)
Americans with Disabilities Act of 1990, Titles I-V
Rehabilitation Act of 1973

ATTACHMENT A

CRITERIA FOR TRANSFER/PLACEMENT OF INMATES WITH DISABILITIES

FUNCTIONAL ASSESSMENT	
LIMITATIONS	<ul style="list-style-type: none">• Endurance (able to walk less than 200 feet)• Paralysis• Amputee• Hearing Impairment• Speech Impairment• Visual Impairment
SAFETY PRECAUTIONS	<ul style="list-style-type: none">• Oxygen via Concentrator• Treatment Plan on Outpatient Basis
ACTIVITIES OF DAILY LIVING; MAJOR LIFE ACTIVITIES	<ul style="list-style-type: none">• Wheelchair-dependent• Dependent with:<ul style="list-style-type: none">• Ambulation• Transfers• Hygiene• Bathing• Feeding• Toilet requirements