



**WYOMING DEPARTMENT OF CORRECTIONS**  
**Policy and Procedure #4.501**  
**Modifications and Accommodations for Disabled Inmates**

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<b>Authority:</b> Wyoming Statute(s): 25-1-104; 25-1-105  ACA Standard(s): 4-4142; 4-4429; 4-4429-1.  NCCHC Standard  P-G-02	<b>Effective Date:</b> January 15, 2015 <b>Revision/Review History:</b> 01/15/14
<b>Cross Reference of Policy:</b> P&P #3.403, <i>Inmate Rights</i>	<b>Summary of Revision/Review:</b> Updates existing policy pursuant to annual review.
<b>Approved:</b>  R.O. Lampert Robert O. Lampert, Director	<b>Supersedes Existing Policy :</b>  12-17-14 Date

**APPROVED FOR INMATE DISTRIBUTION**

**REFERENCE**

1. ATTACHMENTS
  - A. WDOC Form 429, *Request for Accommodation*
2. OTHER – None Noted



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## I. PURPOSE

- A. **Reasonable Modifications and Accommodations.** The purpose of this policy and procedure is to provide disabled inmates of the Wyoming Department of Corrections with a process for requesting reasonable modifications and accommodations to programs, services, and activities and to assure that facilities meet the accessibility requirements of disabled inmates.

## II. POLICY

- A. **Non-Discrimination.** The Wyoming Department of Corrections (WDOC) subscribes to a policy of non-discrimination toward individuals with disabilities in all elements of the correctional environment. This includes strict prohibitions against actions by individuals that create an intimidating or offensive environment through any verbal or physical conduct or discriminatory nature involving disability status. It also includes non-discrimination in the provision of services, programs and activities.
- B. **General Policy.** In accordance with the Americans with Disabilities Act and the Americans with Disabilities Act Amendments Act, it is the policy of the WDOC to provide all inmates with equal access to services, programs and activities without discrimination on the basis of disability.
1. Inmates with disabilities shall be housed in a manner that provides for their safety and security. Housing used by inmates with disabilities shall be designed for their use and shall provide for integration with other inmates. Programs and services shall be accessible to inmates who reside in WDOC facilities. (ACA 4-4142)
  2. WDOC shall provide inmates access to required or approved activities, services and programs. Discrimination on the basis of disability in the provision of services, programs, and activities administered for program beneficiaries and participants is prohibited. (ACA 4-4429)
  3. Inmates shall have access to an appropriately trained and qualified individual who is educated in the problems and challenges faced by offenders with physical and/or mental impairments, programs designed to educate and assist disabled offenders, and all legal requirements for the protection of offenders with disabilities. (ACA 4-4429-1)



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4. WDOC will make a reasonable accommodation to the known physical or mental limitations of an inmate with a disability unless to do so would be unduly costly, extensive, substantial, fundamentally alter the WDOC's inherent nature of business, or be a direct threat to the Department's operation.

### III. DEFINITIONS

- A. **ADA Coordinator:** A WDOC staff member, assigned by the Director who is responsible for coordinating ADA activities within the Department as they relate to offender management.
- B. **ADA Facility Liaison:** A WDOC staff member at each institution who is designated as the site coordinator for activities at each facility as they relate to disabled inmates.
- C. **Americans with Disabilities Act (ADA):** A federal civil rights law which was enacted in 1990 and amended with changes in 2009. The purpose of the act is to establish a clear and comprehensive prohibition of discrimination on the basis of disability.
- D. **Direct Threat:** (*For this policy only.*) A present condition or disability that poses a significant risk to the health or safety of oneself or others, and which prevents one from participating in a program, service or activity at a safe level, with or without reasonable accommodation.
- E. **Disability:** A physical or mental impairment that substantially limits one or more major life activities, documentation and record of such impairment, or by being regarded as having such impairment. "Substantially limits" means a condition that renders an individual unable to perform a major life activity (*e.g.*, caring for oneself, manual tasks, walking, seeing, hearing, speaking, breathing, learning, *etc.*), that the average person in the general population can perform, or significantly restricts the condition, manner or duration under which a major life activity can be performed.
- F. **Offenders with a Disability:** Offenders who have been identified by qualified healthcare professionals (QHP) to have a disability, based on an assessment and/or reassessment of specific criteria, or those who present medical record information from qualified healthcare professionals outside the facility related to a confirmed disability.



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- G. Programs:** *(For this policy only.)* Activities made available by the WDOC to offenders for purposes of changing the offenders' behavior patterns, maintaining optimal levels of health, and enhancing quality of life. Types of programs include but are not limited to education, vocational, substance abuse treatment, sex offender treatment, library, recreation, religion, counseling, clubs and hobby-craft where available and consistent with established custody levels.
- H. Qualified Healthcare Professional (QHP):** Physicians, physician assistants, nurses, nurse practitioners, dentists, mental health professionals and others who by virtue of their education, credentials and experience are permitted by law to evaluate and care for patients.
- I. Reasonable Accommodation:** *(For this policy only.)* A change or modification that provides disabled inmates with access to facilities, programs, services and process. Accommodations shall include modification of equipment, Telecommunication Devices for the Deaf (TDD's) and/or communication assistance that shall not result in fundamental alterations. The Department is not required to provide the "best" or most desired accommodation, but is obligated to sufficiently accommodate so as to meet accessibility needs.
- J. Services:** *(For this policy only.)* Activities for offenders which are mandated by law or court order, or are otherwise provided, that include but are not limited to food services, medical services, law library, commissary, property, visitation, attorney visits, mail, telephone and laundry.

#### IV. PROCEDURE

- A. Discrimination Prohibited.** Per WDOC Policy and Procedure #3.403, *Inmate Rights*, WDOC shall enact procedures and practices in a fair and equitable manner that ensures no form of unlawful discrimination takes place against inmates in correctional facilities. This includes discrimination on the basis of disability in the provision of services, programs, and activities. (ACA 4-4429)
1. An inmate with a disability is entitled to equal employment opportunities. An inmate with a disability is qualified if the inmate satisfies the requisite skill, experience, education, and other job-related requirements of the position, and if the inmate, with or without reasonable accommodation, can perform the essential functions of the position. The need for



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reasonable accommodation shall not serve as a factor in the employment decision.

2. An inmate with a disability is entitled to equal access to programs, services and activities. Inmates who are qualified as disabled may request modification or accommodation in order to access the program, service or activity.
  3. Inmates who feel they are being discriminated against may file a grievance under WDOC Policy and Procedure #3.100, *Inmate Communication and Grievance Procedures*.
- B. Housing for the Disabled.** Inmates with disabilities shall be housed in a manner that provides for their safety and security. Housing used by inmates with disabilities is designed for their use and provides for integration with other inmates. Programs and services shall be accessible to inmates with disabilities who reside in the facility. (ACA 4-4142)
1. Disabled inmates who have housing concerns may file a grievance under WDOC Policy and Procedure #3.100, *Inmate Communication and Grievance Procedures*.
- C. Requests for Modification to Programs and Services for the Disabled.** The Department shall provide a mechanism to process requests for reasonable accommodation to the known physical and/or mental impairments of an individual with a disability. The accommodation need not be granted if it would impose an undue hardship or direct threat.
1. **Designation of ADA Liaisons and Coordinator.** The WDOC shall designate an ADA facility liaison at each facility, as well as a designated ADA Coordinator in the Central Office to assist facility/program efforts to comply with and carry out the responsibilities defined in Title II of the Americans with Disabilities Act, and as amended by the Americans with Disabilities Act Amendment Act. (ACA 4-4429-1)
  2. **Initial Request for Information/Modification.** Any offender may request information or make a request for modification to programs, services, and/or activities to accommodate a disability by notifying the ADA Facility Liaison. Such requests must be in writing, using WDOC Form #429, *Request for Accommodation*. It is the offender's responsibility to request a reasonable accommodation to a disability if the offender feels an accommodation is necessary to access programs, services or activities. The offender shall assist in the determination of what type of



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reasonable accommodation the individual should receive and to suggest alternative that would be acceptable.

### **3. Review of Modification Request**

- i.** The ADA Liaison will review and clarify the inmate's request. The ADA Liaison may request assistance from the ADA Coordinator or other qualified individuals in reviewing requests for accommodation or modification and in making determinations of what accommodation(s) or modification(s) is reasonable on a case-by-case basis.
  - a.** When the disability is not obvious, reasonable documentation will be required. Reasonable documentation is information necessary to establish that an individual has a disability that is an ADA qualified disability.
    - (1)** The offender may be asked to sign a release of information allowing a medical caregiver to respond to WDOC.
    - (2)** If the requesting offender refuses to provide reasonable documentation, their request cannot be processed and a determination under ADA cannot be addressed.
  - b.** The determination of whether the offender has a qualified disability must take into consideration whether the offender is substantially limited in a major life activity. Determinations will be made on a case-by-case basis.
    - (1)** Persons having a record of impairment or who have been regarded as having impairment may also be qualified as disabled.
  - c.** Upon receipt of the necessary documentation, the requesting offender and the ADA Liaison will discuss what, if any, accommodations would be most effective and reasonable, and will make a determination. Reasonable accommodations may include modification or adjustments that enable individuals to access approved activities, services and programs.



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- (1) All information acquired during the process of making an ADA determination will be maintained in a separate ADA file. Files shall be maintained by each ADA Liaison at the facility where the requesting inmate is housed.
  - (2) Information will be provided on a need to know basis. Only persons involved in making the determination of a reasonable accommodation and/or assisting in the implementation of the accommodation will have knowledge of the request.
  - (3) The ADA Liaison shall consult the facility warden or designee when making a determination of whether to provide the inmate with an accommodation or modification and in determining what accommodation or modification will be provided.
  - (4) The decision of the ADA Liaison regarding whether or not to grant a request for accommodation or modification and the accommodation(s) or modification(s) to be provided shall be final. Final decisions regarding this process are subject to the inmate grievance procedure.
- d.** The requesting inmate will be informed as to the outcome of the decision in a reasonable time period.
- (1) Generally, an inmate request for accommodation or modification shall be reviewed and a decision rendered within one hundred twenty (120) days. Occasionally, circumstances may warrant an extension of the review period. The inmate shall be informed in writing if the review is to be extended, providing the inmate with the reason for the extension and an anticipated date for resolution of the request.
  - (2) If a request for modification to programming, services, or activities has been denied, the inmate may file a grievance under WDOC Policy and



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Procedure #3.100 *Inmate Communication and Grievance Procedures*. A copy of the previously submitted WDOC Form #429, *Request for Accommodation*, should be attached.

**V. TRAINING POINTS**

- A. When may an offender request a reasonable accommodation or modification?
- B. What recourse is available to the offender if the request for accommodation or modification is denied?
- C. When may a request for accommodation or modification be denied?