



Illinois Department of Corrections

Administrative Directive

Number:

04.01.111

Title:

ADA Accommodations

Effective:

9/1/2024

Authorized by:

[Original Authorized Copy on File]

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Acting Director

Supersedes:

04.01.111 effective 6/1/2023

Authority:

730 ILCS 5/3-2-2, DR 504 Rehabilitation Act of 1973
42 USC 12101, et seq., Americans with Disabilities Act of 1990, 42 USC 12101, et. seq., Americans with Disabilities Act Amendments of 2008
Holmes v. Baldwin Settlement Agreement, April 2018

Related ACA Standards:

5-ACI-2C-11; 5-ACI-2C-12; 5-ACI-2C-13; 5-ACI-5E-02;
5-ACI-3D-04

Referenced Policies:

05.03.123, 05.03.150, 05.10.110

Referenced Forms:

DOC 0286 – Individual in Custody Request
DOC 0401 – Auxiliary Aids & Services Assessment /
Communication Plan
DOC 0481 – Back-up DAO Unscheduled Inspection
Report

I. POLICY

The Department shall not discriminate against individuals in custody with known disabilities and shall provide reasonable accommodations to ensure access to programs, activities and services in accordance with the Americans with Disabilities Act and the provisions established in this Directive.

II. PROCEDURE

A. Purpose

The purpose of this directive is to provide instructions to staff for providing accommodations to individuals in custody with disabilities.

B. Applicability

This directive is applicable to all correctional facilities within the Department.

C. Facility Review

A facility review of this directive shall be conducted annually.

D. Designees

Individuals specified in this directive may delegate stated responsibilities to another person or persons unless otherwise directed.

E. Definitions

ADA disability/impairment accommodation – means a modification or adjustment to the process or environment that will enable individuals in custody with a disability and/or impairment, who are otherwise qualified, to access a program, activity or service provided by the Department.

Americans with Disabilities Act (ADA) of 1990 – means 42 USC 12101, et seq., Title II of the Americans with Disabilities Act Amendments (ADAA) of 2008.

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Auxiliary Aids and Services – for the purpose of this directive means items, equipment and services that assist in effective communication between a person who has a hearing, vision or speech disability/impairment and a person who does not, as well, as those with a mobility impairment, which allows them to function as others who do not need assisted devices.

Blind – a visual acuity worse than 20/200 or less, with the best possible correction, or a visual field of 10 degrees or less. Unable to see because of injury, disease or a congenital condition.

Deaf – for the purpose of this directive means a condition where auditory function is not sufficient to process speech and language.

Disability – a physical or mental impairment that substantially limits one or more of the major life activities of an individual, a record of such an impairment, or being regarded as having an impairment.

Hard of hearing – for the purpose of this directive means a condition where auditory function may or may not be sufficient to hear sound and where there is a difficulty distinguishing specific speech patterns in conversation.

Interactive dialogue – for the purpose of this directive means a face-to-face communication in response to an individual in custody's request for ADA disability accommodation used to identify the precise limitations resulting from the disability and potential reasonable accommodations that could be provided to enable the individual in custody to effectively access programs, activities and services provided by the Department for which they would otherwise be qualified.

Mobility Impairment – is a disability that affects movement ranging from gross motor skills, such as walking, to fine motor movement, involving manipulation of objects by hand. These include but are not limited to amputation, paralysis, cerebral palsy, stroke, multiple sclerosis, muscular dystrophy, arthritis, and spinal cord injury.

New construction – for purposes of this directive shall mean each facility or part of a facility constructed by, on behalf of, or for the use of the Department where construction commenced after January 26, 1992.

Qualified Interpreter – An interpreter who, via Videophone/Video Relay Service/Video Remote Interpreting services or on-site appearance, can interpret effectively, accurately and impartially, both receptively and expressively, using any necessary specialized vocabulary, given the language, skills and education of the individual in custody. Includes, but not limited to, sign language interpreters, oral transliterators and cued language transliterators.

Tactile Paging System – A notification system, provided by MMCall or like vendor, for individuals in custody identified as Deaf or Hard of Hearing, which provides a vibrating alert and visual text messaging display to the individual in custody, notifying them of events such as yard, medication line, medical appointments, evacuation, emergencies, etc.

Teletypewriter equipment (TTY) – An electromechanical typewriter or device that either transmits or receives messages whereby an operator acts as facilitator between individuals by converting spoken conversation to text or text to audible conversation.

Temporary disability/impairment – a condition that can be treated with an expectation of full recovery. It is not the result of a chronic condition, but short-term in nature and resolved over time.

Videophone / Video Relay Service (VRS) – A video telecommunication service which allows deaf, hard of hearing and speech-impaired persons to communicate over video telephones and similar technologies while utilizing American Sign Language (ASL) with hearing people and/or individuals who might be deaf and/or hard of hearing, with or without the use of a sign language interpreter.

Vision Impairment – a condition in which a person's eyesight cannot be corrected to a normal level. Which could be caused by a loss of visual acuity and/or a loss of visual field.

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F. General Provisions

1. All decisions regarding ADA accommodation shall be made on an individual case-by-case basis. Approval of an accommodation request shall not constitute a precedent for other requests.
2. Requests that cause undue hardship on the Department, including those that would be unduly costly, extensive, substantial or disruptive; requests that would result in a threat to the safety or security of the facility or health of any person; or requests that fundamentally alter the nature or operation of the facility shall be denied.
3. Disabled and/or impaired individuals in custody shall not be permanently housed in an infirmary unit unless medical treatment is otherwise required.
4. Individuals in custody with disabilities shall not be in inappropriate security classifications because no accessible cells or beds are available.
5. Individuals in custody with disabilities shall not be deprived of visitation with family members by placing them in distant facilities where they would otherwise not be housed.
6. Individuals in custody requiring the use of a wheelchair shall be housed in cells or dormitories that are wheelchair accessible.
7. Individuals in custody requiring the use of a wheelchair shall be transported in wheelchair accessible vehicles.
8. Removal of security restraints during communication for deaf or hard of hearing individuals in custody, who utilize their hands as a primary means of communication, including gesturing, sign language or written communication, shall be evaluated on a case-by-case basis.
 - a. Deaf or hard of hearing individuals in custody utilizing their hands as a primary means of communication that are being transported outside the facility on a writ, medical furlough or emergency transfer shall be restrained in accordance with Administrative Directive 05.03.123, including utilization of extended chain security hand restraints (Peerless Handcuff 702C-6X).
 - b. Factors including, but not limited to, security risk shall be considered prior to removal of the restraints and/or utilization of extended chain security hand restraints.

NOTE: Restraints shall not be removed without the authorization of the Shift Supervisor or above.

9. Property of individuals in custody shall be controlled in accordance with Administrative Directive 05.10.110; however, the Facility ADA Coordinator may approve requests for special permit items such as vibrating and/or talking watches, talking books and amplifying headphones, etc. on a case-by-case basis, which may exceed the number allowed per Administrative Directive 05.10.110, Section II.G.1.
10. In facilities or units that house individuals in custody that are deaf or hard of hearing, closed captioning shall be activated for day room televisions and recreational DVD programming.

G. Requirements

1. The Director shall:
 - a. Designate facilities that based on structural design or modification are wheelchair accessible.

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- (1) Maximum Security – Lawrence, Menard (Restrictive Housing and R & C only), NRC and Logan.
 - (2) Medium Security – Big Muddy River, Dixon, Graham R & C, Menard, Pinckneyville, Kewanee LSRC and Logan.
 - (3) Minimum Security – Decatur, Robinson and Taylorville.
- b. Designate an individual to serve as the Department's ADA Administrator who shall coordinate the Department's compliance in accordance with the ADA and state requirements. Additional employees may be designated as Agency/Facility ADA Coordinators to assist the Agency ADA Administrator as necessary.
2. The Office of the Transfer Coordinator shall maintain a list of those facilities designated as wheelchair accessible as listed in Section II.G.1.a.
3. The Chief Administrator of each facility shall:
 - a. Designate at least one individual to serve as the Facility ADA Coordinator. The name of the Facility ADA Coordinator shall be:
 - (1) Reported to the Agency ADA Administrator and updated as necessary.
 - (2) Provided to individuals in custody via methods such as Warden's Bulletins or posted notices.
 - b. Ensure individuals in custody are provided with information regarding ADA disability accommodations. Procedures for requesting ADA disability accommodations shall be provided to individuals in custody in the Individual in custody Orientation Manual.
 - (1) Requests for accommodation shall be submitted on the Individual in Custody Request, DOC 0286.
 - (2) All requests shall be submitted to the Facility ADA Coordinator.

NOTE: Individuals in custody who are unable or need assistance completing the DOC 0286 may request assistance.
 - c. Establish a procedure for individual in custody access to TTY and VRS equipment. Procedures for the individual in custody telephone system shall be in accordance with Administrative Directive 05.03.150.
 - (1) Individuals in custody who require the use of TTY and/or VRS equipment shall not be restricted from using standard telephones.
 - (2) Individuals in custody who normally utilize standard telephone equipment shall not be restricted from using TTY and/or VRS equipment when making calls to approved persons who require the use of TTY and/or VRS equipment.
 - (3) Procedures requiring advanced scheduling for access to TTY and/or VRS equipment shall be approved by the Facility ADA Coordinator.
 - d. Ensure all emergency evacuation plans include provisions for evacuating individuals in custody with disabilities.

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- e. Ensure Closed Captioning is available and being utilized on all dayroom televisions, and notated on the Back-up DAO Unscheduled Inspection Report, DOC 0481.
 - f. Ensure individuals in custody, who are being transferred and have current active medical permits in place, shall have such permits honored, until such time as the receiving facility's medical provider has an opportunity to evaluate the individual in custody and determine if the permit should be continued and/or discontinued.
4. The Facility ADA Coordinator shall:
- a. Upon receipt of DOC 0286 for ADA disability accommodation:
 - (1) Review the request and meet with the individual in custody, as necessary, for interactive dialogue.
 - (2) Consult with the facility's operational and administrative staff and the Agency ADA Administrator, as necessary, to ensure the proposed ADA disability accommodations are feasible or to identify effective alternatives.
 - (3) If required, schedule an individualized assessment with a licensed specialist for recommendations of auxiliary aids or services that may assist in providing effective communication.
 - (4) Approve or deny the request; and in writing, in a reasonable amount of time not to exceed five (5) business days:
 - (a) Notify the Agency ADA Administrator of the determination.
 - (b) Notify the individual in custody of the determination.

NOTE: If a reasonable accommodation is offered to the individual in custody and is subsequently rejected, the Department shall not be required to offer an alternative accommodation.
 - (5) Document the determination and, if applicable, the approved accommodations in the Case Notes on Offender 360 (O360).
 - (6) Ensure updates for an individual in custody, to whom has been identified with an ADA Indicator, as outlined in O360, under Profile Maintenance, to include Hearing, Mobility, Speech and/or Vision, as well as additional and/or associated indicators as appropriate.
 - b. Upon identification or referral of a deaf or hard of hearing individual in custody:
 - (1) If the individual in custody requires accommodation beyond the assistance of a hearing aid, develop an Auxiliary Aids & Services Assessment/Communication Plan, DOC 0401. The original DOC 0401 shall be maintained in the individual in custody's medical file. Copies or an electronic equivalent shall also be provided to the Facility ADA Coordinator, Agency ADA Administrator and to the individual in custody. The communication plan may include, but shall not be limited to:
 - (a) Authorization for optional identification showing the individual in custody as deaf or hard of hearing.
 - (b) Alternative notification methods for auditory announcements.

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- (c) Authorization for special permit items and auxiliary aids such as visual aids, written material, flashcards, word processing hardware, TTY, VRS, Over-the-ear headphones, closed caption televisions, assistive listening system or devices used to amplify sound, traditional phone, Vibrating Watch, Tactile Paging System or qualified sign language interpreters.
 - (d) Coordination of communication accommodations when the information being relayed is complex, exchanged for a lengthy period or involves legal due process. This may include, but is not limited to, communications such as:
 - i. Orientation.
 - ii. Counseling.
 - iii. Educational and Career and Technical Education programming.
 - iv. Medical and mental health services.
 - v. Religious services.
 - vi. Due process hearings, including disciplinary hearings.
 - vii. Pre-release instructions.
 - (2) Provide notification to vendors, community partners and other service providers with whom the individual in custody interacts to inform them when they need to provide accommodation. Such notification shall include the need for a sign interpreter for medical writs, Prisoner Review Board hearings, custodial interviews with state agencies and court writs.
- c. Monitor approved ADA disability/impairments accommodations and individualized communication plans to ensure effective implementation and continuance after implementation.
- d. Submit to the Agency ADA Administrator an annual compliance report. The report shall:
 - (1) Be submitted by June 30th of each year.
 - (2) Contain facility specific ADA information as required by the Agency ADA Administrator.
- e. Ensure individuals in custody who have been designated as Deaf or Hard of Hearing are provided the tactile paging system.
 - (1) The system shall be set up and provided in various locations throughout the facility to best ensure timely notification is provided.
 - (2) Staff assigned to these areas shall provide notification to the individuals in custody as preset text or freeform text in a professional and respectful manner.

H. Training

1. All staff in regular contact with individuals in custody shall receive annual ADA training. Training may be provided during annual cycle training, pre-service orientation training and/or as necessary to ensure compliance with said responsibilities.

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2. Facility ADA Coordinators shall receive additional specialized training on accommodation needs for deaf or hard of hearing and other aspects of needs for accommodations to ensure compliance with this Administrative Directive as required.

NOTE: All training curriculum shall be developed by the Office of Staff Development and Training and approved by the Agency ADA Administrator.

I. New Construction or Altered Part of a Facility

1. The Department will comply with all applicable Capital Development Board 2018 Illinois Accessibility Code Design when constructing any building or facility or altering any part of a DOC owned or occupied facility accessible to staff, the public or individuals in custody. The design and construction of the new or altered part of the facility shall be readily accessible to and usable by individuals with disabilities.
2. Projects that increase, expand or extend a facility's gross floor area or height of a facility are considered additions. Additions must comply with the requirements of the standards applicable to new construction.
3. Alterations include remodeling, renovation, rehabilitation, reconstruction, restoration, resurfacing of paths or vehicle ways, changes or rearrangements in structural parts, and changes or rearrangements of walls and full-height partitions. Normal maintenance, reroofing, painting, or changes to mechanical and electrical systems are not considered alterations unless they affect usability.
4. Any alteration of a primary function area, defined as any area where individuals in custody carry out one or more major activities, requires the altered primary function area and elements being altered comply with the standards. Alterations made to areas containing a primary function also require an accessible path of travel to the extent that it is not disproportionate to the cost. Spaces within a facility that are not considered primary function areas include entrances, corridors, restrooms and closets.
 - a. When altering a primary function area, the costs for additional alterations to comply with the standards, beyond the cost of the primary alteration, are considered disproportionate if the costs for the additional alterations exceed 20 percent of the cost of the primary alteration.
 - b. The Department will ensure that if any portion of an existing facility is altered in such a way that affects, or could affect, the usability of the facility or portion thereof, said alteration will comply with, to the maximum extent feasible, the applicable 2018 Illinois Accessibility Code.

NOTE: Full compliance with the standards is not required if the Department demonstrates it is structurally impracticable to meet the requirements of the standard(s).
 - c. Each newly constructed facility will provide accessible mobility features for at least 3%, but no fewer than one, of the total number of cells/rooms allocated for housing individuals in custody.
 - d. As required by the 2018 Illinois Accessibility Code, at least 2% but no less than one of the total number of cells/rooms shall be equipped with audible emergency alarm systems and visual alarms.
 - e. Each facility shall have video phones and telephones available to individuals in custody that include appropriate communication features such as volume control.