



DISABILITY LAW CENTER

Utah's Protection and Advocacy Agency

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A general guide for inmates who have disabilities at the Utah State Prison

This guide was written by the Disability Law Center (DLC), a private non-profit organization designated by the Governor to protect the rights of people with disabilities in Utah. The mission of the DLC is to enforce and strengthen laws that protect the opportunities, choices and legal rights of people with disabilities in Utah. This guide is not legal advice. If you need legal advice, you should call a private attorney. The DLC will update this guide when needed.

This guide will provide the following information.

How to ask for medical treatment for a disability	2
How to ask for an ADA accommodation	3
How to ask for mental health help	4
How to ask for your medical records from your doctors	5
The grievance process	6
▪ How to file a Level One Grievance	6
▪ How to file a Level Two Grievance	8
▪ How to file a Level Three Grievance	10
How to get help	12

How to ask for medical treatment for a disability

If you are sick or hurt because of a disability, ask to see a doctor.

If you need to see a doctor right away, ask an officer to call Medical.

Here are some examples of when you should ask to see a doctor for a disability:

- you see sores on your skin where you wear a brace or use a wheelchair,
- you think your diabetes has caused an infection in your feet,
- you have more seizures, even though you get medicine, or
- the prison has tested you for Hepatitis C and you want to know the results.

How to ask to see a doctor

1. Get an Inmate Care Request Form from your housing officer, caseworker, or Lieutenant. These forms are sometimes called “sick call requests” or “kites”.

2. Make sure you follow the directions on the form.

- Fill in all the spaces.
- Clearly explain what is wrong and why you think you need to see the doctor.
- If you need help filling out this form, ask your housing officer to call your caseworker to come help you.

3. Put the form in the **sick call box**. Do not place it in the mailbox.

4. The medical staff will read your form. They will decide how soon you will be seen. There may be someone else who is sicker than you. Nurses and doctors will see those people first. You may have to wait a few days before you see a nurse. You should not have to wait more than seven (7) days for a nurse to see you.

How to ask for an ADA Accommodation

The Americans with Disabilities Act (ADA) says that the prison cannot treat you differently because you have a disability. You should be able to take a class, go to a group, or live in your room without any problems because of your disability. If you cannot do one of these things because of your disability, you can ask for an ADA accommodation. An accommodation means that the prison will make a change so it is possible for you to go to the class, go to the group or live in your room.

Following are some examples of ADA accommodations:

- a shower chair because you cannot stand up,
- a change in a MAP program, such as the Sex Offender's Treatment Program, so you can read the material and do the homework, or
- having information given to you in a way that you can understand.

How to submit a request for an ADA accommodation

1. Get an ADA Request Form from your caseworker or your housing officer.
2. Make sure you follow all the directions on the form. Fill in all the spaces. Tell them why you think you need the change. If you need help filling out this form, ask your housing officer to call your caseworker to come help you.
3. Place the form in an envelope and write on it, "Facility ADA Coordinator."
4. Put the envelope in the Prison Mailbox.
5. Ask another inmate to watch you put your ADA Request Form in the Prison Mail Box.
6. Ask this inmate to write down the time and date you did this and to sign their name on that paper.
7. Keep that paper so you can show the officers that someone else saw you mail your request.

How to ask for mental health help

To ask for mental health help, you do the same thing as when you ask to see a doctor -- **unless you need to see someone right away.**

These are some examples of when you might need mental health help right away:

- if you think you might hurt yourself or another inmate, or
- your mental illness is getting worse, quickly.

Tell any prison staff right away if you feel this way.

These are examples of non-crisis needs for mental health help:

- you take medicine for depression and it is helping a little, but you would like to try more to see if it will make you feel better,
- you are hearing voices again and would like to see a doctor, or
- you need to see your counselor more because you are having a hard time dealing with your mental illness.

How to put in a request for mental health help

1. Get an Inmate Care Request Form from your housing officer, caseworker, or Lieutenant. These forms are sometimes called “sick call requests” or “kites.” If you need help filling out this form, ask your housing officer to call your caseworker to come help you.
2. Make sure you follow all the directions on the form.
 - Fill in all the spaces.
 - Tell them what is wrong and why you think you need to see a mental health person
3. Put the form in the **sick call box**. Do **not** place it in the mailbox.

How to ask for your medical records from your doctors

Almost all information in your medical records should be given to you. But sometimes, a doctor can say that you cannot see your records. If a doctor thinks it would harm you to know what your records say, then you cannot see those records.

These are some examples of when you might want to ask for your health records:

- you think that your diabetes treatment outside of the prison worked better for you,
- the prison says you do not have bipolar disorder even though other doctors say you do, or
- you had an eye doctor who said you need eye surgery.

How to put in a request for your healthcare records

1. Write a letter to your doctor that states
 - your name,
 - the kinds of records you want, and
 - the address where you want the doctor to send the records.
2. Ask the doctor to send you any forms you need to use to ask for your records.
3. Ask how much you have to pay to get your records.
4. If you get a form from your doctor, fill it out completely. If you need help filling out that form, ask your housing officer to call your caseworker to come help you.
5. That form may need to be notarized. Ask your housing officer to call a notary for you. Do not sign a form that needs to be notarized until the notary comes to see you sign.
6. Mail the completed form and include the money, if it is needed, to the doctor.

The grievance process

There are three (3) levels in the Utah State Prison grievance process. You may file a grievance when you think the prison did something wrong.

You need to know how long you have to file a grievance at each level. If you miss a deadline, you might have to start over or you might not ever be able to grieve your issue. If you have problems, write to Management Services at the prison and explain your problem.

How to file a Level One Grievance

1. You can file a grievance if the prison says you cannot see the doctor or have the change you asked for when asked for an ADA accommodation. You must do this within seven (7) working days.
 - Ask your prison housing officer, caseworker or Lieutenant for a grievance form. (If you want to keep a copy for yourself, you should ask for two forms. You can copy what you wrote on the second form and keep that one for your records.)
2. Follow all the directions on the form. Fill in all the spaces. Tell them why you think you should have what you asked for. Only put one issue on each grievance form. If you want to grieve more than one thing, you will need to fill out more than one grievance form. If you need help filling out that form, ask your housing officer to call your caseworker to come help you.
3. Sign your name and put the date on the grievance form.
4. Put your grievance in an envelope.
 - Fill out the section in the upper left corner of the envelope with your name, inmate number and housing unit
 - Check the box marked “Grievance.”
 - Check the department that would cover your issue. For instance, if a doctor said you could not have the medicine you want, check the box for Medical. If you do not know which department covers your issue, check “Other.” **You need to check both “Grievance” and the department or it could slow down your grievance.**
5. Put the envelope in the Facility Mail Drop.
 - Ask another inmate to watch you put your grievance in an envelope and into the Facility Mail Drop.

- Ask this inmate to write down the time and date you did this and to sign this paper.
- Keep that paper for your records.

The prison must tell you their decision in a letter. They have 21 working days to write you this letter. A working day is Monday through Friday. If you do not get a letter or if they say you still cannot have what you are asking for, you can file a Level Two Grievance.

How to file a Level Two Grievance

If the prison did not answer any part of your Level One grievance, you may appeal. You can appeal if you do not agree with what they said and still think you should get what you asked for. This appeal is called a Level Two Grievance.

1. When you get your letter about your Level One Grievance, count out five (5) working days from you got the letter. Do not count weekends or holidays. You must send a Level Two Grievance by that date.
2. If you did not get a letter about your Level One Grievance, look at the date that you sent in your form. Count out 21 working days (do not count weekends or holidays) to find out what date you should have gotten a letter. Count out five more working days. You must send a Level Two Grievance by this date.
3. Ask your prison housing officer, caseworker or Lieutenant for a Level Two Grievance form. (If you want to keep a copy of the grievance for yourself, ask for two forms. You can copy what you wrote on the second form and keep that one for your records.)
4. Tell them why you think their answer to your first grievance was wrong.
 - Tell them why you think you should have the service you want.
 - Tell them why you think it should not be denied. Be careful to focus on the issue in your first grievance.
 - **Do not add new issues.**
5. Sign your name and put the date on the grievance form.
6. Put your grievance in an envelope.
 - Fill out the section in the upper left corner of the envelope with your name, inmate number and housing unit
 - Check the box marked “Grievance.”
 - Check the department that would cover your issue. For instance, if a doctor said you could not have the medicine you want, check the box for Medical. If you do not know which department covers your issue, check “Other.” You need to check both “Grievance” and the department or it could slow down your grievance.
 - Deposit the envelope in a Facility Mail Drop.

7. Ask another inmate to watch you put your grievance in an envelope and into a facility mail drop.

Ask this inmate to write down the time and date you did this and to sign this paper.

8. Keep this paper for your records.

The prison must tell you their decision in a letter. They have 21 working days to write you this letter. If you do not get a letter or if they say you still cannot have what you are asking for, you can file a Level Three Grievance.

How to file a Level Three Grievance

If the prison did not answer any part of your Level Two grievance, you may appeal. You can also appeal if you do not agree with what they said and still think you should get what you asked for. This appeal is called a Level Three Grievance. This grievance will go to a hearing officer who will read your grievance and make a decision. You do not meet the hearing officer in person.

1. When you get your letter about your Level Two Grievance, count out five (5) working days from the date you got the letter. Do not count weekends or holidays. You must send a Level Three Grievance by that date.
2. If you did not get a letter about your Level Two Grievance, look at the date that you sent in your form. Count out 21 working days (do not count weekends or holidays) to find out what date you should have gotten a letter. Count out five more working days. You must send a Level Three Grievance by this date.
3. Ask your prison housing officer, caseworker or Lieutenant for a Level Three Grievance form. (If you want to keep a copy of the grievance for yourself, ask for two forms. You can copy what you wrote on the second form and keep that one for your records.)
4. Fill out the form completely. List every service that you asked for that has been refused or not answered.
5. Explain why you think your grievance was not handled properly.
6. Sign your name and put the date on the grievance form.
7. Put your grievance in an envelope.
 - Fill out the section in the upper left corner of the envelope with your name, inmate number and housing unit
 - Check the box marked “Grievance.” Also check the department that would cover your issue. For instance, if a doctor said you could not have the medicine you want, check the box for Medical. If you do not know which department covers your issue, check “Other.” **You need to check both “Grievance” and the department or it could slow down your grievance.**
 - Deposit the envelope in a Facility Mail Drop.

8. Put the envelope in the Facility Mail Drop.

- Ask another inmate to watch you put your grievance in an envelope and into the facility mail drop.
- Ask this inmate to write down the time and date you did this and to sign this paper.
- Keep this paper for your records.

The hearing officer must tell you their decision in a letter. They have 21 working days to write you a letter.

How to get help

Private Attorneys

A private attorney might be able to help you. To find a private attorney, ask your caseworker for a phone book to use. Look in the phone book for attorneys who might work on your issue. These might be civil rights or disability attorneys.

Utah State Prison Contract Attorneys

The contract attorneys sometimes help with the documents needed to file a lawsuit. They only help with two types of lawsuits.

- They might help with lawsuits about whether you are legally in prison. These lawsuits are called habeas corpus writs. These lawsuits have nothing to do with whether you are guilty or innocent.
- They might help with lawsuits about the conditions at the prison.

The contract attorneys cannot help you with criminal issues or appeals. The contract attorneys will not go to court for you.

If you want to meet with a contract attorney, ask your caseworker to set up an appointment.

Disability Law Center (DLC)

Disability Law Center
205 North 400 West
Salt Lake City, UT 84103
(801) 363-1347

The DLC is **not** taking individual cases. The DLC is only working on disability issues. You are welcome to call or write to the DLC. The DLC is looking for important disability issues. Your input will help the DLC decide what issues to work on.

If you are not happy with any service you got or any decision made by the DLC, you have the right to make a complaint. This complaint is called a grievance. To file a grievance, call or write the DLC and ask for a grievance form. We will send you the form with instructions. If you have any other questions or concerns, please call the DLC toll-free at 1-800-662-9080 (Voice), or 1-800-550-4182 (TTY).

American Civil Liberties Union (ACLU)

355 North 300 West
Salt Lake City, UT 84103

The ACLU only works on constitutional violations. The ACLU does not give legal advice. They do not give emergency help. The ALCU files very few individual cases. The ACLU accepts cases that might affect a whole group. The ACLU also accepts cases that might change a rule or procedure.

Prisoner Information Network (PIN)

Post Office Box 165171
Salt Lake City, Utah 84116

PIN is a non-profit organization. PIN is made up of volunteers. PIN provides help for

- people in jail or prison,
- people who used to be in jail or prison, and
- families of people in jail or prison.

PIN answers hundreds of questions from people in jail or prison every month. PIN provides answers about jail and prison rules. PIN works with agencies to help people in jail or prison with medical, rehabilitation, post-release, justice and legal issues.

United States Department of Justice (DOJ)

950 Pennsylvania Avenue, NW
Civil Rights Division
Disability Rights - NYAVE
Washington, DC 20530

The DOJ helps people in jail or prison who are treated differently than other inmates because of a disability. If you think you are being treated differently than other inmates because you have a disability, you can file a complaint with the DOJ. The DOJ does not take very many individual cases. They only took about 100 inmate cases last year. You can send your complaint to the DOJ by mail.

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