



**Americans with Disabilities Act**

**Disability Related Access for Inmates and Visitors**

**Guide**

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## **Guide Purpose**

This guide is designed to be utilized by local, state, and federal government correctional institutions and government-funded private detention facilities, in order to educate and train facility staff regarding their Americans with Disabilities Act (ADA) and other civil rights responsibilities towards inmates with disabilities and visitors with disabilities.

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The Southwest ADA Center is a program of ILRU (Independent Living Research Utilization) at TIRR Memorial Hermann. The Southwest ADA Center is part of a national network of ten regional ADA Centers that provide up-to-date information, referrals, resources, and training on the Americans with Disabilities Act (ADA). The centers serve a variety of audiences, including businesses, employers, government entities, schools, and individuals with disabilities. Call 1.800.949.4232 to reach the center that serves your region or visit [www.adata.org](http://www.adata.org).

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The information herein is intended solely as informal guidance and is neither a determination of legal rights or responsibilities, nor binding on any agency with enforcement responsibility under the ADA or any other law.

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## ***INTRODUCTION***

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### **The Immense Need for Awareness and Training**

According to the U.S. Bureau of Justice Statistics, an estimate of 32 percent of state and federal inmates have a disability, meaning more than 750,000 people with disabilities are incarcerated across the nation.<sup>1</sup> This includes inmates with psychiatric disabilities exceeding the number in state psychiatric hospitals tenfold<sup>2</sup> and an estimate of tens of thousands of deaf people that are currently incarcerated.<sup>3</sup> This number will increase as inmates gain various debilitating conditions through the natural aging process. A report conducted in 2014 by the Pew Charitable Trusts and the John D. and Catherine T. MacArthur Foundation reveals that inmates gain disabilities at a higher rate than people who are not incarcerated.

Inmates with disabilities who need accommodations are often overlooked, ignored, or even punished for their need of equal access. Abuse and neglect can be common features of prison life at higher rates for inmates with disabilities. The time they serve is harder, with more sanctions imposed and less access to positive programming than other inmates. Reported cases in 2016 describe situations in 21 states where facility staff seized wheelchairs, canes and walkers from inmates and denied them accommodations, services and programs in violation of the Americans with Disabilities Act (ADA).<sup>4</sup>

According to John Wodatch, the head of the Disability Rights Section of the U.S. Department of Justice's Civil Rights Division from its inception in 1995 until 2011, the majority of the thousands of annual complaints the office received were from inmates with disabilities, and nearly all of them were substantiated.<sup>5</sup> Due to these discriminatory practices, inmates with disabilities can end up living in a "prison within a prison."<sup>6</sup>

Additionally, about 85 percent of incarcerated youth have a disability.<sup>7</sup> These youth with disabilities (often undiagnosed) present a unique and particularly vulnerable group in juvenile facilities. They are referred to the juvenile justice system earlier than youth without disabilities and they are referred for more serious crimes and experience shorter survival times before they recidivate.<sup>8</sup>

Visitors with disabilities often face hindrances and barriers when trying to visit an inmate because the facility fails to accommodate their disabilities. Barriers include a lack of accessible parking, inaccessible entrances and visitation areas, lack of effective communication or a modification of policy that would make the facility accessible to the visitor.

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### *The Americans with Disabilities Act (ADA)*

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The **ADA** was signed into Law in 1990 and contains five titles.

- **Title I Employment** prohibits discrimination on the basis of disability in employment.
- **Title II State and Local Government** gives people with disabilities an equal opportunity to benefit from all programs, services, and activities.
- **Title III Public Accommodations** covers businesses and nonprofits and their access obligations to people with disabilities.
- **Title IV Telecommunications** requires phone companies to provide telecommunications relay services for people who have hearing or speech disabilities and closed-captioning of Federally funded public service announcements.
- **Title V Miscellaneous** provides instructions to Federal agencies involved in regulating and enforcing the other Titles, prohibits against retaliation and coercion, and more.

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### *Disability Civil Rights Apply to Correctional Institutions*

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The ADA states that no individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs or activities of a public entity, or be subjected to discrimination by any such entity, including correctional institutions.

The U.S. Supreme Court confirmed that **Title II of the ADA** does apply to state prisons in their treatment of prisoners in *Yeskey v. Pennsylvania Dept. of Corrections*, 524 U.S. 206, 213 (1998) despite the state’s arguments that prisoners did not “benefit” from imprisonment. The Supreme Court also recognized that Congress responded to the history of mistreatment of prisoners with disabilities by extending Title II’s protection for them beyond violations of the Eighth Amendment’s prohibition against cruel and unusual punishment in *United States v. Georgia*, 546 U.S. 151 (2006).

**Section 504 of the Rehabilitation Act of 1973, as amended**, applies to federal, state and private prison facilities receiving federal funding, and programs or activities conducted therein, and essentially provides the same protections as the ADA.

The ADA Title II applies to correctional institutions regarding **facility visitors** with disabilities. Section 504 also applies if the institution receives federal funding.

Government-funded private correctional institutions are obligated to carry out the government's ADA Title II and Section 504 obligations.

It is worth noting that the Civil Rights of Institutionalized Persons Act (CRIPA) authorizes the U.S. Attorney General to investigate conditions of confinement at state and local government institutions such as prisons, jails, pretrial detention centers, and juvenile correctional facilities. The Attorney General may initiate civil law suits where there is reasonable cause to believe that conditions are "egregious or flagrant," residents are subjected to "grievous harm," and are part of a "pattern or practice" of resistance to residents' full enjoyment of constitutional or Federal rights included in Title II of the ADA and Section 504 of the Rehabilitation Act.<sup>9</sup>

Therefore, it is imperative that all facility staff, including administrators, correctional treatment specialists, compliance officers, medical and other staff should have a functioning knowledge of ADA requirements as it pertains to the institution. Basic ADA information must be included in correctional officer and other staff training, especially during their first year of employment.

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### *Who Is Protected Under The ADA?*

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Assuring that the correctional facility is complying with the ADA begins with the knowledge of what inmates and visitors are covered under the ADA. Not everyone with a medical condition is protected by the ADA. In order to be protected, a person must have a disability as defined by the law.

An individual may establish coverage under any one or more of the three prongs of the definition of disability:

- A physical or mental impairment that substantially limits one or more major life activities.
  - Note that the term "substantially limits" under the ADA Amendments Act shall be construed broadly in favor of expansive coverage and is not meant to be a demanding standard. Many **medical conditions** by their inherent nature will give rise to a substantial limitation of one or more major life activities, therefore with respect to these types of impairments, the necessary individualized assessment of ADA coverage should be particularly simple and straightforward.
  
- A record of such an impairment.
  - This means that the individual has a history of, or has been misclassified as, having a mental or physical impairment that substantially limits one or more major life activities.

- ↗ Is regarded as (or treated as or is perceived as) having an impairment that substantially limits one or more major life activities even if the individual does not, in fact, have such an impairment or the impairment is minor.
- This means that the individual may not have any impairment or has a minor impairment but is discriminated against by an entity because it believes the individual has such an impairment.

Also, a public entity shall not exclude or otherwise deny equal services, programs, or activities to an individual because of a **relationship** or **association** with an individual with a disability.

The definition of disability under the ADA is intended to have **broad coverage**, and major life activities may include, but are not limited to: caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, sitting, etc. This also includes the operations of major bodily functions such as the immune system, normal cell growth, digestive system, etc. Hepatitis C or HIV are examples of a substantial limitation of one or more major bodily functions.

Temporary, episodic (conditions that result in sporadic and usually irregular symptoms) or in-remission impairments (such as cancer) are covered if these factors substantially limit a major life activity when active. Episodic condition examples are epilepsy, migraines, post-traumatic stress, and psychiatric conditions.

### **Individuals NOT covered under the ADA**

The term “disability” does not include pedophilia, exhibitionism, voyeurism, other sexual behavior disorders, compulsive gambling, kleptomania, or pyromania. Individuals who have psychoactive substance use disorders resulting from current illegal use of drugs are also not protected under the ADA. Please note that an individual who has a history of being an addict and is no longer using, would be covered under having a record of such an impairment.

### **Determining who is covered**

Disabilities can include chronic illness, physical disabilities, hearing and visual impairments, psychiatric conditions, intellectual/developmental disabilities (**I/DD**), etc. A best practice is to have trained and supervised corrections staff, including correctional treatment specialists, conduct screening interviews of all inmates upon admission to help identify those inmates with disabilities. Also, it is important to follow up with inmates as they may develop disabilities during incarceration and will then have ADA rights.

### **For more information on ADA coverage:**

Questions and Answers about the Department of Justice’s Final Rule Implementing the ADA Amendments Act of 2008 at [www.ada.gov/regs2016/adaaa\\_qa.html](http://www.ada.gov/regs2016/adaaa_qa.html).

EEOC: Questions and Answers on the Final Rule Implementing the ADA Amendments Act of 2008 at [www.eeoc.gov/laws/regulations/ada\\_qa\\_final\\_rule.cfm](http://www.eeoc.gov/laws/regulations/ada_qa_final_rule.cfm)

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### ***Qualified Individual with a Disability***

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Qualified **inmates** with disabilities should have access to all programs to which they would otherwise be entitled whether mandatory or voluntary.

Correctional institutions must ensure that qualified inmates with disabilities **shall not be excluded** from participation in, or be denied the benefits of, the services, programs, or activities of a facility because it is inaccessible to or unusable by individuals with disabilities. This includes correctional facilities developing **non-discriminatory eligibility criteria** for early release, parole, or other re-entry programs.

A qualified individual with a disability is a person who can meet the essential eligibility requirements of a program with, if needed, reasonable modifications to rules, policies, and practices, and/or with the removal of architectural, communications, or transportation barriers.

NOTE: The same requirements apply to **visitors** who are eligible to participate in services and programs.

Make sure requirements are truly necessary if they tend to screen out individuals or class of individuals with disabilities.

### **Generally, facilities, for example, shall NOT place inmates with disabilities:**

(Part 35 Nondiscrimination on the Basis of Disability in State and Local Government Services § 35.152 Jails, detention and correctional facilities, and community correctional facilities. [www.ada.gov/regs2010/titleII\\_2010/titleII\\_2010\\_regulations.htm#a35152](http://www.ada.gov/regs2010/titleII_2010/titleII_2010_regulations.htm#a35152))

- in inappropriate security classifications because no accessible cells or beds are available,
- in medical areas unless they are receiving medical care or treatment,
- in facilities that do not offer the same programs as facilities where they otherwise would be housed, and
- in distant facilities where they would otherwise not be housed that would deprive them of visitation with family members.

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### ***Designated Person Who Assures Compliance***

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Correctional institutions must have an appointment of one or more **designated persons who assure compliance** with Section 504 and the ADA, as amended, including investigating of complaints on behalf of inmates and visitors.



This appropriately trained and qualified individual(s) is one who has been designated by the warden/superintendent or other authority to coordinate efforts to comply and carry out responsibilities defined by the ADA and section 504. This person is usually identified as the ADA or 504 coordinator and can be a designated compliance officer who is properly trained in their legal requirements.

It is a best practice and institutional standard that the ADA/504 coordinator “develop relationships with, and use the expertise of, institutional staff, advocacy groups, nonprofit organizations, agencies of government, and others that have relevant knowledge and experience.”<sup>10</sup>

The facility shall make available the name, office, email address, and telephone number of any designated employee(s) to visitors. The designated employee(s) should be readily accessible to inmates and visitors.

The institution must also keep formalized documentation of their ADA compliance efforts, which can be completed by the ADA/504 coordinator.

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### ***ADA Grievance Process / Notice of Rights / Filing an ADA Complaint***

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#### **ADA Grievance Process**

Correctional institutions must give notice of ADA rights. They must also establish and implement **inmate** ADA grievance procedures to address disability-related complaints that provide for **prompt** and **equitable resolution**. These procedures can be incorporated in the facility’s grievance procedures but must meet the ADA grievance process requirements. Grievance procedures that meet the same legal requirements must also be adopted for **visitors**.

#### **Notice of Rights**

Notice of Rights and Grievance Procedures must be **widely publicized** to inmates and visitors. This includes providing a means of effective communication to inform those inmates and visitors who have disabilities which directly impacts their communication. Case managers/correctional treatment specialists can play a key role at admission in providing inmates notice of ADA rights. These rights should also be publicized to visitors via the website and posted in visitation areas.

#### **Filing a Complaint**

**Inmates** can file a complaint with U.S. Department of Justice (USDOJ) and/or bring a private lawsuit in court. However, an inmate may not file a lawsuit without first going through the steps designated by the Prison Litigation Reform Act. The USDOJ’s Administrative Remedy Program grievance requirements apply to all federal inmates regardless of where they are housed (local, state, federal, or government funded facilities). Once the Administrative Remedy Program requirements have been exhausted, the inmate may file in court. All correctional institutions should ensure that

the provision of accommodations, if needed, are given to inmates with disabilities in order to prepare and process a request or an appeal.

**Visitors** can choose to utilize the correctional institution's visitor grievance process and/or file with USDOJ or bring a private lawsuit in court.

For more information see the USDOJ's ADA Best Practices Tool Kit for State and Local Governments, Chapter 2 - ADA Coordinator, Notice & Grievance Procedure: Administrative Requirements Under Title II of the ADA at [www.ada.gov/pcatoolkit/chap2toolkit.htm](http://www.ada.gov/pcatoolkit/chap2toolkit.htm).

For more information on federal grievance requirements see the Federal Bureau of Prisons' Management of Inmates With Disabilities at [www.bop.gov/policy/progstat/5200\\_005.pdf](http://www.bop.gov/policy/progstat/5200_005.pdf) and 28 C.F.R. § 39.170, Compliance procedures at [www.ecfr.gov/cgi-bin/text-idx?SID=6b20515b0c8c2cf03ae0e63bd1c8595c&mc=true&node=pt28.1.39&rgn=div5](http://www.ecfr.gov/cgi-bin/text-idx?SID=6b20515b0c8c2cf03ae0e63bd1c8595c&mc=true&node=pt28.1.39&rgn=div5). Also see Federal Bureau Prison Administrative Remedy Program 1330.18 Statement at [www.bop.gov/policy/progstat/1330\\_018.pdf](http://www.bop.gov/policy/progstat/1330_018.pdf).

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### *Policy and Procedures Equals Access*

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#### **Inmates with Disabilities**

It is a best practice to develop detailed policy and procedures on how an inmate can request an accommodation and how the corrections facility will process that request. Make sure to include a specific process of granting and providing or denying the request. For example, an *Accommodation Request Form* can identify the inmate's limitations and the specific accommodation that will allow them to perform the specified activity.

In order to determine if an effective accommodation should be provided, the facility, where appropriate, can review the inmate's medical records, arrange to have the inmate diagnosed by appropriate professionals, interview staff, and take other actions reasonably necessary. It should always engage in an interactive process, which is an informal, flexible conversation with the inmate to help determine the most appropriate accommodation. A promising practice may include a partnership with the inmate's case manager, the ADA/504 coordinator, and if appropriate, medical staff, to interact with the inmate to identify the necessary accommodation, as well as to perform ongoing monitoring to assure the barrier removal solution remains effective.

A grievance process is legally required and should be included in the policy and procedures for inmates who believe that they have been discriminated against due to disability.

***Pierce v. District of Columbia, 128 F.Supp.3d 250 (D.D.C. 2015)***

Prison officials have a duty to assess the potential accommodation needs of inmates with known disabilities who are taken into custody and to provide accommodations that are necessary, whether or not the person has made a specific request for an accommodation and without relying solely on assumptions about that person's needs.

**Visitors with Disabilities**

Officials should develop policies and procedures that apply to members of the public who enter any department facility or participate in any department sponsored program, service, or activity as a visitor. This should contain directives and procedures on how to assure a visitor's access through policy modification, effective communication, or physical barrier removal. Clearly state the steps a visitor must take to make a request and engage in the interactive process with the visitor to determine the most effective accommodation. These ADA notifications and procedures should be included in the formal visitation process a visitor must undergo that allows them to enter the facility.

**Visitor Grievance Process**

The ADA requires a grievance process for visitors who believe that they have been discriminated against on the basis of disability. This notification and procedure could be included in the visitor signature form that contains the visitation rules and regulations. However, the notification of grievance should be presented in a manner where it is easily noticeable to the visitor.

Tip: Research and model other correctional facility ADA policy and procedures for inmates and visitors that accurately adheres to the law.

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***Limitation on State and Local Government Obligations***

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The correctional entity is not required to provide program access if it would result in a fundamental alteration in the nature of a program or undue financial and administrative burden. A fundamental alteration is a change that is so significant that it alters the essential nature of the facilities, services, privileges, or accommodations offered.

**Weighing Civil Rights vs. Undue Burden**

In some circumstances, the lack of disability access could result in significant detrimental harm to the inmate. An example of this is refusing to modify a policy that would allow the provision of a specialized mattress for an inmate with paralysis to help prevent skin pressure ulcers. Another example is an inmate, who due to deafness has limited reading abilities, subjected to multiple disciplinary actions because they are unaware of the standards for acceptable behavior due to being denied a qualified sign language interpreter (effective communication) in order to understand the information contained within the offender orientation handbook.

If an undue burden defense is being considered, the facility, along with the program administrator and responsible clinician, should carefully determine the detrimental harm that would occur to an inmate if the particular accommodations are not granted.

According to USDOJ regulation, 28 C.F.R. § 35.150(a)(3), the **correctional institution carries the burden of proving fundamental alteration or undue burden**. The institution must consider all resources available for use in its funding and operation and must document the reasons for reaching that conclusion. The institution must do what it can up to the point of fundamental alteration or undue burden to create access.

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### ***Direct Threat***

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Security is the prime concern for facility officials. If it is objectively determined that a person with a disability is truly a direct threat that cannot be mitigated, then they may be excluded from participation in a service or program.

Direct Threat is defined as a significant risk to the health or safety of others that cannot be eliminated by:

- modification of policies, practices or procedures (including accommodations) or
- provision of auxiliary aids or services (effective communication).

The correctional institution can have legitimate safety requirements based on actual risks and facts, which should be documented as to why it is a risk and what facts make it a risk. For example, if an accommodation is provided, and it is used as a weapon, the inmate may have forfeited the right to that accommodation. However, this does not necessarily release the institution from creating access by another means.

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### ***Integrated Settings Priority***

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In accordance to fair treatment of inmates and the ADA, those with disabilities must be placed and housed in the most integrated setting appropriate to the needs of the individuals. Integrated settings allow people with disabilities to interact with people without disabilities to the fullest extent possible.

It is vital to establish facility **correctional standards** that include classification and placement procedures that generally place inmates with disabilities in facilities offering the same programs and opportunities as are afforded to prisoners without disabilities. Therefore, programs and services need to be accessible to inmates with disabilities who reside in the facility.

An example is providing the services necessary to safely permit inmates with mobility disabilities, I/DD or psychiatric disabilities to reside and participate in the same programs as nondisabled inmates rather than being placed in restricted housing and segregated programs. This also means there needs to be accessible housing in all security classifications and/or program levels of the facility.

Inmates with disabilities should have access to appropriately trained and qualified staff who are educated in the difficulties faced by inmates with various disabilities (i.e., physical, cognitive, and psychiatric). The difficulties could be due to the inmate's particular disability or due to inaccessible facility, programs, or services.

### **Separate Programs**

The correctional institution can have tailored programs and services available for inmates with disabilities. These programs may be needed in order to facilitate program access and integrated participation. However, it is prohibited to exclude inmates with disabilities from other programs just because special programs are available for inmates with disabilities.

Different or separate aids, benefits, or services to individuals with disabilities can also be offered **ONLY** if the programs must be separate to be effective and should be the option of last resort.

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### *Program Access*

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A facility, when viewed in its entirety, must be readily accessible to and usable by inmates and visitors with disabilities. Program accessibility may be achieved by a number of methods with integration priority. These methods include:

- policy modification/accommodation,
- effective communication (including an accessible website for visitors with disabilities), and
- architectural access.

### **Examples of Correctional Services, Programs, And Activities That Should Have Program Access:**

- libraries
- job / vocational training
- boot camp
- substance abuse programs
- phone calls
- housing and cell assignment
- dining hall
- life skills classes
- social services
- sexual offender treatment programs
- religious services
- work release and early release programs
- confinement level
- medical and mental health screening
- visitation programs

- medical, dental, and mental health services
- anger management
- academic and apprenticeship education
- commissary services
- personal hygiene care / accessible bathrooms
- recreational programs
- parenting classes
- appropriate classification
- food availability during non-dining hours

### **Creative Program Access Solutions**

Undoubtedly, some programs may call for highly creative access solutions for inmates with various disabilities. Participation in earned release programs such as conservation projects of wildland fire suppression, flood and other emergency responses, maintenance of public lands, and manual toiling of farms typically require specific eligibility qualifications. Inmates must earn the right to participate by their non-violent behavior and conformance to rules. They must also be physically fit, carefully screened and medically cleared.

Where inmates with various disabilities meet the behavioral criteria but may not meet the physical standards due to a disability, the facility should explore possible program expansion to include other components and responsibilities, such as administrative or sideline support work. Filling out reports and paperwork, coordinating team work, inventory of and sorting picked crops, food preparation and on-site meal services by these inmates could possibly be performed so that they are integrated in the program and have equal opportunity to earn early release time.

### **Last Resort**

If a facility administers specific programs (including those involving earning early release) that, after extensive due consideration, cannot become accessible to an inmate with a disability, then as a last resort, the facility must assure equal access to the same or similar benefits by offering a substitute or separate accessible group or individually tailored program.

### **Services Provided by Means of Kiosks and Computers**

Kiosks and computers can provide access to a host of information for inmates and may also be utilized by visitors to the facility. Information such as learning courses, job vacancies, health, rehabilitation, legal, printing forms, filing grievances, making medical appointments, scheduling laundry, and video visits can be accessed.

### **Considerations When Making Kiosks Accessible**

Kiosks should be operable for individuals who have low vision or blindness, little or no color perception, limited or no hearing, limited manual dexterity, limited reach and strength, a prosthetic device, limited or no speech, or limited cognitive skills. Kiosks should also be operable without time dependent controls.

Computers, keyboards, and kiosks should (but not limited to):

- be equipped with accessibility features/software (such as screen reading software),
- be located in areas that provide ease of access for wheelchair users and others with mobility disabilities,
- have video captioning, and
- follow “Symbols” from the Department of Justice’s 2010 Standards (707.6.3.2) if there are function keys.

Policy modification that allows for inmate or visitors with disabilities that need increased time allotment to complete a task should be given.

Correctional facilities first and foremost must make sure that when they upgrade or acquire new kiosks, that the latest accessible features are incorporated including, but not limited to, the following:

- physical structure of the kiosk, such as the height and angle of the screen and keyboard,
- an assistive keyboard,
- audio and headphone outputs,
- screen interface including size and color of text and buttons on screen, clear identification of form inputs, easily understood language, and the provision of audio alternatives for all information or functionality conveyed by images or text,
- produce a text-to-speech capability, and
- Braille instructions to turn on speech output.

Contact the U.S. Access Board for more information and guidance at (800) 872.2253 (voice) or (800) 993.2822 (TTY) and go to [www.access-board.gov](http://www.access-board.gov).

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### *Architectural and Transportation Access*

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#### **Architectural Access**

Not all cells and facilities or common areas must be physically accessible, and structural changes need not be implemented where other methods are effective for inmates with mobility disabilities. However, in most cases, the only way to assure full integration and equal access to programs and services is to remove physical barriers such as enlarging a doorway or building a ramp to make a recreational area accessible. Minor accommodations such as adding a cup dispenser to an inaccessible water fountain could be considered. Additionally, remove communication barriers such as installing flashing fire alarms for those who cannot hear.

Required applicable technical provisions addressing physical access issues are found in the Architectural Barriers Act ([www.access-board.gov/the-board/laws/architectural-barriers-act-aba](http://www.access-board.gov/the-board/laws/architectural-barriers-act-aba))

and the U.S. Department of Justice's 2010 Standards ([www.ada.gov/2010ADASTandards\\_index.htm](http://www.ada.gov/2010ADASTandards_index.htm)). The 2010 Standards for designing an accessible cell is found at [www.ada.gov/accessiblecells.htm](http://www.ada.gov/accessiblecells.htm).

### **For More Extensive Information**

The Great Lakes ADA Center's Accessible Detention and Correctional Facilities archived webinar deals with the unique security features that can pose challenges to designing accessible detention facilities. This webinar highlights applicable provisions for these facilities at [www.accessibilityonline.org/ao/archives/42](http://www.accessibilityonline.org/ao/archives/42).

Also contact the U.S. Access Board for further information at (800) 872.2253 (voice) / (800) 993.2822 (TTY), [www.access-board.gov](http://www.access-board.gov).

### **Transportation Access**

Standard transport practices can be dangerous for inmates with mobility disabilities. These inmates are at a high risk of unintentional injury when being transferred and seated in a vehicle that is not accessible to them. Individuals with mobility disabilities are usually unable to keep themselves securely seated without the proper space and restraints. Also, mobility equipment can sustain damage if it is not properly stored or secured in the vehicle. Safe transport for inmates who use manual or power wheelchairs might require the correctional facility to make minor modifications to existing cars or vans, or to use lift-equipped vans or buses. Some individuals who use assistive devices like crutches, braces, or even manual wheelchairs might be safely transported in vehicles other than a lift equipped van, but this must be determined on a **case-by-case basis**. Facility staff should be trained on all accessible transportation facets, including how to use lift equipment, properly transferring and securing the inmate in the vehicle, and properly securing mobility equipment. Contact your regional ADA Center ([www.adata.org](http://www.adata.org)) to learn of guidance resources involving accessible and safe transportation procedures.

### ***Clemons v. Dart*, 168 F.Supp.3d 1060 (N.D. Ill. 2016)**

Correctional facilities have occasionally tried to avoid providing accessible facilities by offering inmates assistance with navigating physical barriers. Rather than assigning an inmate who used a wheelchair to one of the accessible rooms, the Cook County Sheriff provided him with an inaccessible room but promised that nurses were always on call to help him access the sink, shower, and toilet in his room. The court rejected that arrangement, reasoning that the purpose of the ADA, even in the jail context, is to promote the ability of individuals with disabilities to engage in "independent living." Requiring him to rely on nursing assistance rather than providing him the means to address his own basic needs was not "equivalent access." "Title II requires affirmative, proactive accommodations necessary to ensure meaningful access to public services and programs, not accommodation upon request."



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### ***Policy Modification***

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The correctional institution must make reasonable modifications in policies, practices, and procedures (which can include accommodations) when necessary to avoid disability discrimination by affording goods and services to a person with a disability unless it would fundamentally alter the nature of the goods and services provided. If a fundamental alteration will occur, the entity must then do what they can to the greatest extent possible.

To decide what is a “reasonable modification,” courts have weighed the needs of inmates with disabilities rights against the structural, financial, and administrative concerns of the facility.

In particular, courts examine:

- Whether the modification will fundamentally alter a program or activity.
- If making modifications that would result in undue financial and administrative burdens.

Courts also examine penological concerns such as safety. The urgency of the need and safety considerations play significant roles in determining whether a modification is reasonable.

Correctional facilities do not have to make modifications that would interfere with their ability to respond to a safety threat, as such modifications would not be reasonable. However, in facilitating compliance with this obligation, it would be a best practice to create and implement policies that foster staff to:

- seek assistance from facility-based crisis intervention teams and mental health professionals,
- learn de-escalation techniques, and
- forego discipline and provide treatment where it is apparent that an inmate’s negative or disruptive behavior is related to their disability.

#### **Policy Modification Examples for Inmates**

- Participation in boot camp by an inmate who has a history of hypertension or has a prosthetic leg, with accommodations if needed, that would make the inmate eligible for early parole release.
- Exception to prohibiting Deaf and hard of hearing inmates from using toll-free “800” numbers or “711” access numbers to access Relay Services.
- Exception to the rule forbidding inmates from storing food in their cells, so that an inmate who has diabetes can keep their blood sugar stable.
- Allow an inmate with a psychiatric condition to have or work one consistent schedule.

- Allowing inmates who take psychiatric medication to participate in drug treatment programs and other activities that are required or help inmates to be eligible for parole.
- Modify policies and procedures to require that inmates with serious mental health or developmental disabilities be evaluated by appropriate staff to consider mitigated sanctions if these inmates are subject to serious misconduct sanctions and to resolve allegations of non-violent offenses informally.
- Implement policies that no longer permit discipline for self-injurious behavior due to disability.

***Reaves v. Dep't of Corrections, 195 F.Supp.3d 383 (D. Mass. 2016)***

A man with quadriplegia, who was unable to sit in a wheelchair, challenged various aspects of his incarceration. Prison officials had refused to transport him with a gurney or modify its schedule and activities to allow him to safely go outside or socialize with his peers — procedures that had prevented him from showering, going outdoors, or socializing with peers for over sixteen years. The court found that not only was he being treated differently from his peers; he was being denied access to experiences that are “fundamental to what it means to be human.”

**Visitors and Policy Modification**

Visitors with disabilities should be made fully aware, as they go through the formal visitation process in order to be allowed to enter the facility, that they have a right to request a reasonable modification of policy, if needed, to create visitation access, even if it affects visitation rules. How a visitor requests and receives a modification/accommodation should be easily understood and not be a burden to complete. This process should be posted on the institution’s website and included in any visitor policies and procedures.

A visitor’s need for the policy modification/accommodation, such as a request to bring in food in order to maintain stable blood sugar due to diabetes, may cause concern because this could be an opportunity for contraband to enter the facility. In these cases, the visitor may need to make prearrangements with the facility and possibly produce, from an appropriate professional, a letter indicating their need to do so. As with all visitors, the facility may conduct an examination of the visitor’s food. Alternative accommodations could be that the facility provides the food that is specified by the visitor or that the visitor is allowed to purchase commissary items.

**Policy Modification Examples for Visitors**

- Allowing visitation in an accessible area for the visitor who is a wheelchair user if the designated visitation area is inaccessible.
- Assisting a visitor with cognitive disabilities in making a request for a needed accommodation.

- Allowing a visitor with anxiety disorder to visit the inmate in a quiet area.
- Allowing an ADA defined service animal to accompany its handler/visitor.

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### *Effective Communication*

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The correctional facility must provide **inmates** with communication related disabilities an effective means, through auxiliary aids and services, to receive and understand information and to be able to communicate with others in any and all relevant aspects of facility living.

The facility must also provide disabled **visitors** auxiliary aids or services, when needed, so they can participate in all visitor services and programs.

Inmates or visitors who may need effective communication may include people who are Deaf, deaf-blind, hard of hearing, blind or have low vision, have speech related disabilities or cognitive and intellectual disabilities.

Communication can be achieved through the use of auxiliary aids and services assuring communication accessibility. When selecting an auxiliary aid or service, the correctional institution must give primary consideration to the aid or service preferred by the individual. Usually that individual is best able to identify the communication barriers that hamper participation. However, the public entity can provide a different aid or service if that aid or service is an effective means of communication.

For example, a Deaf individual who has limited reading skills due to deafness, passing notes back and forth during a medical exam will not be effective. A qualified sign language interpreter will be needed to assure the inmate can fully participate in their own exam.

#### **Auxiliary aids and services can include:**

- qualified readers
- taped texts
- audio recording
- materials on disk/flash drive
- Braille or large print materials
- accessible web sites
- qualified sign language interpreters
- video remote interpreting (VRI)
- notetakers
- transcription services
- written materials
- telephone handset amplifiers
- videophones
- assistive listening systems
- telephones compatible with hearing aids
- closed or open captioning
- teletype machines (TTY)
- screen reading software
- electronic reading/writing pads

The decision of what type of auxiliary aid or service that will be effective will vary in accordance with the following analysis:

- What is the method of communication used by the individual?
- What is the nature, length, and complexity of communication involved?
- What is the context in which communication is taking place?

Auxiliary aids and services should be provided during orientation. This assures that an incoming inmate with a communication related disability can learn and understand facility rules and sanctions, mail and visiting procedures, grievance procedures, eligibility requirements for programs, how to participate in these services, how to access medical and mental health care, terms of release, etc. Signed acknowledgement of receipt of initial orientation and inmate handbook should only occur after the inmate has been afforded effective communication as it relates to their disability.

Providing effective communication through auxiliary aids and services should be a normal part of services and programs (such as education, anger management, and obtaining reintegration tools) and activities (such as sports, recreational, spiritual and work). Effective communication is paramount in an inmate's discipline due process, including in disciplinary hearings. Benefits such as learning of and understanding resources upon release are also critical.

Correctional institutions must provide auxiliary aids and accessible formats in a timely manner, and in a way that protects the privacy and independence of the individual. It is important to be familiar with the **Relay Service** (see Resource section) and up-to-date assistive communication technology. If the institution has extensive telephone contact with the public, it must have teletype machines (TTY) and should consider providing videophones. Sign language interpretation services through video phones are useful when an inmate is Deaf or hard-of-hearing and is in need of this service.

### **Effective Communication Examples for Inmates**

- Providing inmates with vision impairments access to tape players and books on tape, large print, Braille reading materials (available free through the Library of Congress), or providing an electronic tablet with accessible features, in order to fully participate in various programs.
- Providing Deaf inmates qualified sign language interpreters for classification interviews, orientation, medical appointments, required classes, and treatment programs.
- Divide assignments into smaller tasks and goals for inmates with cognitive disabilities.
- Read and explain, where needed, the inmate handbook and written orientation materials to an inmate with an intellectual disability.
- Always use captioned videos.

- Provide an assistive listening system device to an inmate who wears hearing aids, so they can listen to and follow instructions or take part in therapeutic activity.
- Modifying policies that limit the length of Relay calls because the call may work in a way that takes longer than average phone calls.
- Providing videophones, which is a telephone device transmitting and receiving a visual image as well as sound, for inmates whose primary language is American Sign Language.
- Making sure Deaf and hearing-impaired inmates do not miss pill call, medical appointments, or meals because these events are only announced verbally.
- Talking to an inmate with a brain injury in a quiet, distract-free setting to relay important instructions and information.
- Read aloud what is written on the board and keep instructions brief and uncomplicated for inmates with learning/reading disabilities.
- Providing a qualified sign language interpreter during a Deaf inmate's medical screening and appointments.
- Allow time for clarification of directions and essential information for inmates with various cognitive related disabilities.

### **Effective Communication Examples for Visitors**

- Providing a quiet place of visitation so a hard of hearing visitor is able to communicate with an inmate.
- Providing an amplification device for use in the visitation booth telephones which allows physical proximity and relative quiet.
- Facility website is accessible to the public who are blind, have low vision, are hard of hearing, or Deaf (see Resources section regarding website accessibility).

Court rulings have required facilities to make accommodations for Deaf or hard of hearing visitors who are seeking to communicate with inmates.

### **Qualified Sign Language Interpreters**

Correctional institutions must provide the auxiliary aid or service, including **ASL** (American Sign Language) interpreters for inmates and visitors and cannot require that the visitor bring their own interpreter. An ADA qualified interpreter is defined as accurate, effective, expressive, and impartial, and able to use necessary specialized vocabulary.

The only **limited exceptions** to this rule are the following circumstances:

- Where there is a specific request by a person with disability to use a friend, family member, or other person to interpret, and this accompanying adult agrees to do this, and reliance on that person is appropriate under the circumstances.
- In emergency situations where there is imminent threat to the safety or welfare of the individual or public and no interpreter is available, a friend, family member or other person can be used as an interpreter.
- Use of children as interpreters is only permissible in emergencies involving imminent threat to the safety or welfare of the individual or the public where there is no interpreter available.

### **Financial Responsibility**

The institution assumes full financial responsibility for auxiliary aids or services such as qualified sign language interpreters or alternative formats whether it is for an inmate or a visitor.

Admittedly, correctional institutions may be concerned with the possible costs associated with providing effective communication for inmates. In weighing off civil rights and rehabilitation vs. undue burden, it stands to reason that inmates who do not receive needed aids and services during incarceration are penalized for having a disability or live in a “prison within a prison.”<sup>11</sup> This means that prolonged communication deprivation can lead to mental health conditions, irreversible loss of communication and social abilities, and these inmates can be more susceptible to be victims of violence in detention facilities. The inmate may also take legal action against the institution that will most likely result in the courts mandating that the institution provide these services as discussed below.

### **Legal Obligations**

Court cases have illustrated the types of accommodations facilities may have to provide to ensure its disabled inmates can communicate effectively. These have included systems that inform inmates of announcements made by loudspeaker, access to functioning TTYs, sign language interpreters, hearing aids, batteries for hearing aids, video remote interpreting systems, inmate helpers, visual alarms, and other auxiliary aids. Further, courts have found that inmates are entitled to these types of accommodations in a wide variety of settings, ranging from religious services, medical consultations to disciplinary hearings.

### ***United States v. South Carolina Dept. of Corrections, DJ # 204-67-174, (Settlement Agreement, March 29, 2018)***

The Department of Justice ADA settlement agreement with the South Carolina Department of Corrections (SCDC) ensures that the SCDC will provide communications with inmates who have a hearing disability that are as effective as communications with other inmates. The SCDC must

honor the choice of the auxiliary service or aid by the individual with a disability, unless the SCDC can demonstrate that another effective means of communication exists.

The SCDC is also required to make the determination of the appropriate auxiliary aids and services during its initial assessment at intake. Effective means must be provided for critical communication, complex information, lengthy exchanges, or anything involving legal or other due processes. This can include the following programs and activities:

- orientation,
- disciplinary hearings,
- classification,
- medical care,
- psychological services,
- educational/vocational programs,
- programs that are required for parole or early-release,
- classification review interviews,
- grievance processes,
- religious services, and
- pre-release instructions.

The SCDC is also required to provide an effective visual or other notification system so that inmates who have a hearing disability do not miss announcements, alarms, or other auditory instruction and information.

The SCDC must also ensure that inmates who have hearing disabilities are cuffed or restrained in a manner that permits effective communication (e.g., cuffing inmates in the front so they can sign; having one hand free in order to write) unless legitimate safety concerns dictate otherwise.

### **Videophones**

Expect court cases where advocates argue that the goal of effective communication cannot be fully realized until facilities are required to provide videophones for inmates who communicate with ASL. As a note, ASL is not English and is the primary language for many people who are culturally Deaf. Various states, including Maryland and Kentucky, have agreed to provide videophones per the terms of settlement agreements.

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### ***Other General Requirements***

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The following are other general obligations under the ADA:

- No discrimination through contract is allowed. When contracting with a private sector business, non-profit, or another governmental department, the correctional institution must ensure that its ADA Title II obligations are carried through by that contractor.
- Those who are covered under the ADA have protection against retaliation and harassment.
- Regulation of smoking is allowed.

- A modification of policy accommodation can be refused by an individual even if it is effective to remove service barriers. However, in doing so, the individual may not be able to access the program or service.
- Personal services and devices are generally not required to be provided to visitors, however, given the nature of the facility, correctional institutions are required to provide necessary devices and services for inmates such as:
  - canes,
  - walkers,
  - catheters,
  - eyeglasses,
  - urine pouches,
  - wheelchairs,
  - hearing aids,
  - necessary medications,
  - prescribed orthopedic shoes,
  - mattresses that prevent bed sores,
  - oxygen,
  - ostomy supplies,
  - shower chairs,
  - prostheses,
  - orthodontic devices,
  - therapeutic diets,
  - raised toilet seats / grab bars,
  - personal care assistance for hygiene, dressing, eating, etc., and
  - blood sugar level testing equipment.

### **Personal Care Attendants**

Personal Care Attendants (PCAs) should be well trained to assist inmates with their activities of daily living and their services must be safe and effective. Regarding using fellow inmates to assist an inmate on a one-on-one basis, the facility should refer to performance-based standards for detention facilities that comply with the ADA.<sup>12</sup>

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### *Service Animals*

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### **Service Animals and Visitors**

Visitors of inmates may use and be accompanied by their service animal anywhere the visitor is permitted. The facility can identify and incorporate these situations in the visitation process.

The ADA definition of a service animal is limited to a dog that is individually trained to do work or perform tasks for an individual due to disability. The key is recognition and response by the service animal to assist the individual with a disability. Also, a modification in policy must be considered to allow the specific breed of miniature horse (if reasonable), if it is trained to do work or perform tasks for that particular individual with a disability.



Only 2 inquiries are allowed if the need for the service animal is NOT obvious nor apparent:

1. Is the animal required because of a disability?
2. What work or task has the animal been trained to perform?

Do not make inquiries about a disability and a task demonstration cannot be asked for nor required.

If a service animal truly affects the security of a facility, or is highly disruptive and the handler does not take effective action to control it, or the animal is not housebroken, the animal may be excluded from a detention facility visiting area. However, the visitor may remain without the animal.

The correctional entity is not responsible for the care or supervision of a service animal.

The animal must be harnessed, leashed, or otherwise tethered. There are only 2 limited exceptions to this rule:

- the handler is unable to use these because of their disability, or
- the use would interfere with the safe and effective performance of work or tasks.

However, the unleashed service animal must otherwise be under the handler's control (i.e., voice control, signals, or other effective means).

### **Common Service Animal Questions**

1. Does the dog have to wear a special harness or have a training certification proving that it is a legitimate service animal?

No! Many services animals are individually trained by their handlers.

2. Does the ADA cover comfort animals?

No! The ADA does NOT protect comfort/therapy/emotional support animals that do NOT meet the definition of an ADA service animal. A comfort animal is a passive animal that does not perform any individual tasks for its handler.

### **Service Animal State Laws**

Some states have passed more stringent service animal laws than the ADA. For example, the New Mexico Service Animal Act (NMSAA), N.M. Stat. § 28-11-3, was passed in 2013 and reflects the ADA and has additional regulations. The NMSAA allows in-training service animals by training organizations or an individual trainer in any building open to the public. Also, violation of this law is a misdemeanor and the offender can be fined up to \$1,000.00 or a year in jail, or both. In addition, a person who is misrepresenting their pet as a qualified service animal is committing a misdemeanor violation.

## Who uses Service Dogs?

Examples of individuals who:

- are blind or have low vision use dogs to guide and assist with orientation,
- are deaf use dogs to alert them to sounds,
- have mobility disabilities can use dogs to pull their wheelchairs or retrieve items,
- have epilepsy may use a dog to warn them of an imminent seizure,
- have psychiatric disabilities may use a dog to remind them to take medication, and
- are service members returning from active duty with new disabilities as they reenter civilian life.

## Service Animals and Inmates

A service animal can allow for the inmate to become more self-sufficient. However, there are factors that the correctional institution should consider in allowing an inmate to have a service dog. These include how well the animal is trained, the facility's ability to adequately care for the animal in terms of safety, veterinary care, adequate daily routine care, etc.

If the facility has a dog-training program where the inmates train the animals to become adoptable or to assist individuals with disabilities, there could be a contemplation of allowance for an inmate to have a service animal of their own.

Given that correctional institutions are facing an aging population, where disability often accompany age, well trained service dogs can assist in many activities of daily living that would otherwise have to be done by staff. Alleviating staff of such duties could be an aid to the facility.

For more information on ADA service animals:

- Frequently Asked Questions about Service Animals and the ADA [www.ada.gov/regs2010/service\\_animal\\_qa.pdf](http://www.ada.gov/regs2010/service_animal_qa.pdf)
- Service Animal and Emotional Support Animals. Where are they allowed and under what conditions? [www.adata.org/publication/service-animals-booklet](http://www.adata.org/publication/service-animals-booklet)

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## *Mobility Devices / Other Power-Driven Mobility Devices*

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USDOJ has recognized that people with mobility, circulatory, respiratory, or neurological disabilities use many kinds of devices for mobility. Examples of these include walkers, canes, crutches, braces, manual or power wheelchairs and electric scooters. In addition, advances in technology have given rise to new devices, such as Segways<sup>®</sup>, used as a mobility device by people with disabilities, including injured veterans.

USDOJ's regulations have always stated that ADA covered entities, including correctional institutions, must allow people with disabilities who use manual or power wheelchairs or scooters,

and mobility aids such as walkers, crutches, and canes, into all areas where members of the public are permitted.

**USDOJ expanded their ADA regulations** that state covered entities, which would also include correctional institutions, must also allow people with disabilities who **use other types of power-driven mobility devices (OPDMDs)** into their facilities, unless a particular type of device cannot be accommodated because of legitimate safety requirements.

Where legitimate safety requirements bar accommodation for a particular type of OPDMD device, the covered entity, if possible, must provide the service it offers in alternate ways. The correctional facility can identify and incorporate these situations in the visitation process. If due to legitimate safety reasons the facility is unable to accommodate an OPDMD, it should consider a modification in policy, for example, that will enable the visitor to navigate to the visitation site by the facility providing a mobility device or allowing them to visit in an area that is a short accessible distance.

For more detailed information on how these regulations apply, especially those concerning other types of power-driven mobility devices that are powered by batteries, fuel, or other engines (i.e., golf carts, Segways<sup>®</sup>, etc.) go to [www.ada.gov/opdmd.htm](http://www.ada.gov/opdmd.htm).

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### *Common Access Complaints by Inmates and Visitors*

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**The Office of Justice Project has identified the following access issues:**<sup>13</sup>

- Inmates who take psychiatric medication are excluded from participating in drug treatment programs that are required to be eligible for parole.
- Inmates with disabilities are excluded from job assignments, preventing them from earning good-time credits qualifying them for early release.
- Inmates with disabilities are housed in the infirmary, segregated from the general population, unable to participate in the programs and activities available to other inmates.
- Many complaints allege lack of accessible cells, toilets, and showers, steeply sloped sidewalks and floors or steps which keep inmates with mobility disabilities from accessing essential areas such as dining halls, libraries, and medical facilities.
- Lack of personal assistance for those who require help with daily activities such as toileting, showering, or feeding - some inmates have received no assistance in toileting and have remained soiled for extended periods of time.
- Lack of TTYs and policies that limit the length of TTY telephone calls (TTYs function in a way that takes longer than regular calls).

- Denial of qualified sign language interpreters for classification interviews, medical appointments, required classes and treatment programs.
- Missed medical appointments, pill call, or meals because these events were only announced orally.
- Denial to access to books on tape, tape players, or large print or Braille reading materials.
- Not receiving necessary devices such as eyeglasses, hearing aids, wheelchairs, walkers, and canes, necessary medical equipment such as catheters, urine bags, and prescribed orthopedic shoes, and necessary medications such as insulin and seizure medications for inmates with disabilities.
- Inmates with diabetes have also complained of not being able to test their blood sugar levels or get the proper diet prescribed by prison doctors.
- Visitors with disabilities face difficulties due to lack of accessible parking, entrances, and visitation areas.

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### ***CONCLUSION***

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Correctional facilities have clear legal requirements that protect the civil rights of inmates and facility visitors with disabilities.

The **American Correctional Association and Commission on Accreditation for Corrections (ACA)** clearly states that discrimination on the basis of disability is prohibited, and that **inmates** must have access to an appropriately trained and qualified person(s) who has the authority to assure ADA compliance of civil rights protection. The ACA performance-based standards include procedures and practices that assure inmates with disabilities are treated fairly and have equal opportunity in all aspects of prison life.<sup>14</sup>

Correctional facilities have clear ADA obligations to assure that **visitors** with disabilities can gain access equal to that of nondisabled visitors, including participation in any services and programs that include visitors. Facilities must assure these visitors access through policy modification, effective communication, and physical barrier removal.

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## *Resources*

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ADA National Network

[www.adata.org](http://www.adata.org)

U.S. Access Board

(800) 872.2253 (voice)

(800) 993.2822 (TTY)

[www.access-board.gov](http://www.access-board.gov)

U.S. Department of Justice

There are a **wide variety** of helpful ADA Title II publications at [www.ada.gov](http://www.ada.gov)

ADA examples and resources for criminal justice entities at [www.ada.gov/cjta.html](http://www.ada.gov/cjta.html)

*ADA Best Practices Tool Kit for State and Local Governments*

[www.ada.gov/pcatoolkit/chap2toolkit.htm](http://www.ada.gov/pcatoolkit/chap2toolkit.htm)

The Office of Justice Programs (OJP)

<http://ojp.gov/about/offices/ocr.htm>

Telecommunication Relay Service – TRS

[www.fcc.gov/consumers/guides/telecommunications-relay-service-trs](http://www.fcc.gov/consumers/guides/telecommunications-relay-service-trs)

Website Accessibility

- *Constructing a POUR Website*  
<https://webaim.org/articles/pour/>
  
- *Web Content Accessibility Guidelines (WCAG) 2.0 Checklist*  
<https://webaim.org/standards/wcag/WCAG2Checklist.pdf> or  
<https://webaim.org/standards/wcag/checklist>
  
- *WCAG At a Glance*  
[www.w3.org/WAI/standards-guidelines/wcag/glance/](http://www.w3.org/WAI/standards-guidelines/wcag/glance/)
  
- *WCAG 2.1 New Guidelines*  
<https://blog.prototypr.io/the-new-guidelines-in-wcag-2-1-explained-c26e62b196f2>
  
- Section 508 of the Rehabilitation Act Standards  
(applies to electronic and information technology procured by Federal agencies)  
[www.access-board.gov/guidelines-and-standards](http://www.access-board.gov/guidelines-and-standards).

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- <sup>7</sup> The National Council on Disability, “Breaking the School-to-Prison Pipeline for Students with Disabilities,” 18 June 2015, [www.ncd.gov/publications/2015/06182015](http://www.ncd.gov/publications/2015/06182015) (Accessed April 7, 2019).
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- <sup>10</sup> American Correctional Association and Commission on Accreditation for Corrections, “Performance-Based Standards For Adult Local Detention Facilities” 4<sup>th</sup> ed. Upper Marlboro, MD: Graphic Communications., June 2004, 103.
- <sup>11</sup> Sara Novic, “Deaf Prisoners Are Trapped In Frightening Isolation.”
- <sup>12</sup> American Correctional Association et al., “Performance-Based Standards For Adult Local Detention Facilities,” 72.
- <sup>13</sup> U.S. Department of Justice Civil Rights Division, “Disability Rights On-Line News,” Feb. 2008, Issue 23, [www.ada.gov/newsltr0208.pdf](http://www.ada.gov/newsltr0208.pdf) (Accessed August, 22, 2018).

<sup>14</sup> American Correctional Association et al., “Performance-Based Standards For Adult Local Detention Facilities,” 72.

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“Examples and Resources to Support Criminal Justice Entities in Compliance with Title II of the Americans with Disabilities Act,” Jan. 2017, U.S. Department of Justice Civil Rights Division, [www.ada.gov/cjta.html](http://www.ada.gov/cjta.html), (Accessed June 29, 2018).

<p>For additional information and questions contact your Regional ADA Center at 1.800.949.4232 (V/TTY). To find your Regional ADA Center go to <a href="http://www.adata.org">www.adata.org</a>.</p>
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