

Know Your Rights

PRISONER ACCOMMODATIONS

This fact sheet is designed to help people with disabilities understand their legal rights in correctional facilities. This fact sheet will cover:

- (1) Disability Protections under Federal Law
- (2) Physical Accessibility Requirements for Prisons
- (3) Program Accessibility Requirements for Prisons
- (4) Auxiliary Aids & Services

EVEN AS A PRISONER, YOU HAVE RIGHTS UNDER DISABILITY LAWS.

Title II of the Americans with Disabilities Act (“ADA”) applies to stateⁱ and countyⁱⁱ jails and prisons as well as any other custodial or correctional institution.ⁱⁱⁱ

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.^{iv}

The Rehabilitation Act applies to federal and state prisons receiving federal funding, and programs or activities conducted therein, and it essentially provides the same protections as the ADA.^v

YOU HAVE THE RIGHT TO ACCESS PHYSICAL AREAS IN THE PRISON REGARDLESS OF YOUR DISABILITY.

A prison, when viewed in its entirety, must be readily accessible and usable by individuals with disabilities.^{vi} Not all cells or all facilities must be accessible, and structural changes need not be implemented where other methods are effective. However, any new construction or alterations must meet ADA accessibility requirements.

EXAMPLE: A modification could be enlarging a doorway or stairs to make a rooftop recreational area accessible for prisoners with mobility disabilities.^{vii}

Accessibility can be achieved with reasonable accommodations or modifications to existing facilities.

EXAMPLES: Having guards help prisoners who use wheelchairs over barriers like curbs or adding a cup dispenser to an inaccessible water fountain would be reasonable accommodations.^{viii}

This publication is a fact sheet for informational purposes only.
This publication is not intended to be legal advice or a substitute for professional services.

YOU HAVE THE RIGHT TO ACCESS EDUCATIONAL, VOCATIONAL, REHABILITATIVE AND RECREATIONAL PROGRAMS REGARDLESS OF YOUR DISABILITY.

Educational, vocational, rehabilitative, or recreational programs, services, or activities that are offered to non-disabled prisoners must be offered to prisoners with disabilities who otherwise meet the eligibility requirements for those programs.^{ix}

EXAMPLES: Inmates with disabilities are entitled to access programs such as boot camp, libraries, classes and vocational training, dining halls, visitation services, telephone calls, church services, and medical care or treatment.^x

Not every program that is available to non-disabled prisoners has to be made available to prisoners with disabilities; program offerings need only be equal as a whole.^{xi}

YOU HAVE THE RIGHT TO AUXILIARY AIDS AND SERVICES.

Prisons must provide individuals with disabilities auxiliary aids or services to help them participate in programs and activities.

EXAMPLES: Providing a blind inmate with an inmate assistant and access to audio records so the inmate can participate in programs and benefits involving reading and writing^{xii} or providing a hearing impaired inmate with a qualified interpreter during his participation in prison programs.^{xiii}

EXCEPTION: A public entity is not required to make any changes that would result in a fundamental alteration or undue financial or administrative burden.

EXAMPLE: It would be an undue burden on prison officials to provide a deaf inmate with unlimited access to an ASL interpreter, rather than access limited to necessary circumstances.

YOU MAY FILE A COMPLAINT WITH:

- Before prisoners may challenge a condition of their confinement in federal court, they must exhaust their administrative remedies by submitting a complaint, inmate grievance, or appeal to the proper prison custodian due to the Prison Litigation Reform Act.^{xiv}

- *Department of Justice*

You must file 180 days from the date of discrimination.

An online complaint form** is available at: <http://www.ada.gov/t2cmpfrm.htm>

Mail to:

U.S. Department of Justice
Civil Rights Division
950 Pennsylvania Ave., NW
Disability Rights Section – NYAV
Washington, D.C. 20530

Email to:

ada.complaint@usdoj.gov

**If you cannot access the web complaint forms, please request a copy from our office.

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