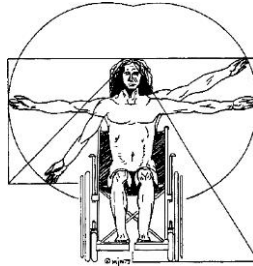


ADA Standards in Correctional Facilities



Presented by
Mark J. Mazz, AIA

www.markjmazz.com

mark.j.mazz@verizon.net

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Applicable Standards for New Construction and Alterations :

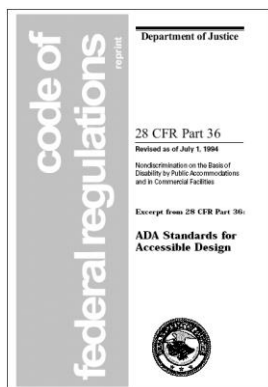
If physical construction begins:

- Before September 15, 2010:
 - 1991 Standards or UFAS
- On or after September 15, 2010 and before March 15, 2012:
 - 1991 Standards, UFAS, or 2010 Standards
- On or after March 15, 2012:
 - 2010 Standards

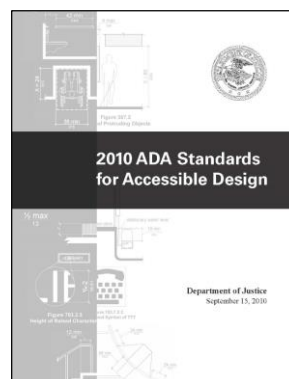
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Enforceable Standards



Unaltered since March 15,2012



Constructed on or after March 15,2012

<https://www.ada.gov/1991standards/adastd94-archive.pdf>

https://www.ada.gov/regs2010/2010ADAStandards/2010ADAStandards_prt.pdf

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Other Standards



Section 504: UFAS

Standards for Accessible Medical and Diagnostic Equipment

<https://www.access-board.gov/attachments/article/1368/ufas.pdf>
<https://www.access-board.gov/attachments/article/1870/mde-rule.pdf>

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Title II Regulations, §35.151(k):

§35.151(k) *Detention and correctional facilities.*

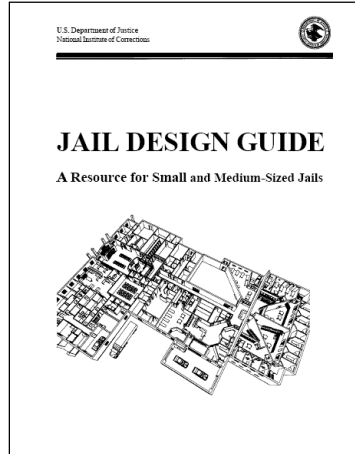
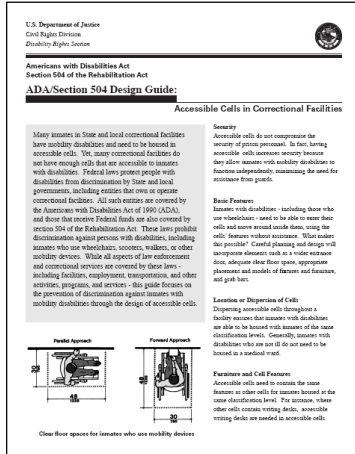
- (1) *New construction of jails, prisons, and other detention and correctional facilities* shall comply with the 2010 Standards except that public entities shall provide accessible mobility features complying with section 807.2 of the 2010 Standards for a minimum of 3%, but no fewer than one, of the total number of cells in a facility. Cells with mobility features shall be provided in each classification level.
- (2) *Alterations to detention and correctional facilities.* Alterations to jails, prisons, and other detention and correctional facilities shall comply with the 2010 Standards except that public entities shall provide accessible mobility features complying with section 807.2 of the 2010 Standards for a minimum of 3%, but no fewer than one, of the total number of cells being altered until at least 3%, but no fewer than one, of the total number of cells in a facility shall provide mobility features complying with section 807.2. Altered cells with mobility features shall be provided in each classification level. However, when alterations are made to specific cells, detention and correctional facility operators may satisfy their obligation to provide the required number of cells with mobility features by providing the required mobility features in substitute cells (cells other than those where alterations are originally planned), provided that each substitute cell—
 - (i) Is located within the same prison site;
 - (ii) Is integrated with other cells to the maximum extent feasible;
 - (iii) Has, at a minimum, equal physical access as the altered cells to areas used by inmates or detainees for visitation, dining, recreation, educational programs, medical services, work programs, religious services, and participation in other programs that the facility offers to inmates or detainees; and
 - (iv) If it is technically infeasible to locate a substitute cell within the same prison site, a substitute cell must be provided at another prison site within the corrections system.
- (3) With respect to medical and long term care facilities in jails, prisons, and other detention and correctional facilities, public entities shall apply the 2010 Standards technical and scoping requirements for those facilities irrespective of whether those facilities are licensed.

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Helpful Documents

DOJ: ADA/Section 504 Design Guide

National Institute of Corrections:
Jail Design Guide



https://www.ada.gov/accessible_cells_prt.pdf

<https://nicic.gov/jail-design-guide-resource-small-and-medium-sized-jails>

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Safe Harbor:

- Grandfathered:
 - Element by element:
 - Have not been altered on or after March 15, 2012,
 - Were addressed in 1991 Standards or UFAS, and
 - Comply with 1991 Standards or UFAS

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Safe Harbor:

- Correctional Facilities are not mentioned in the 1991 Standards.

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Get out of Jail Free terms

- Fundamentally alter:
 - Think of a “fundamental alteration” as paving a baseball diamond to provide a compliant accessible route between the bases.

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Get out of Jail Free terms

- Undue administrative and financial burden
 - The “undue burden” must be both an undue financial burden **and** an undue administrative burden.
 - The public entity must consider all available resources.
 - There must be a written statement explaining why something is a fundamental alteration or a undue financial and administrative burden.

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Get out of Jail Free terms

- Technically infeasible
 - “where application of the standards would involve removal of a load-bearing structural member or where existing physical or site restraints **prevent** compliance”
 - Cost is not a consideration

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Get out of Jail Free terms

- Maximum extent feasible:
 - Only applies to alterations
 - Applies where the existing facility makes it **virtually impossible** to comply fully
 - Any altered other features that can be made accessible shall be made accessible

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Get out of Jail Free terms

- Program Access
 - Title II (State and Local Government)
 - Applies only to facilities unaltered since January 26, 1992
 - Integrated setting
 - Alternate Methods

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Direct Threat Exception:

- May impose legitimate safety requirements necessary for the safe operation of its services, programs, or activities.
- Must be based on **actual** risks, not on mere speculation, stereotypes, or generalizations.

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How Many Cells Must be Accessible?

- 3%, which must be dispersed among all classifications.
- Where cells have more than 25 beds, 5% of the beds.
- Cells with
Communication
Features: 2%



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Location or Dispersion of Cells

- Inmates with disabilities must be housed with inmates of the same classification levels.
- Generally, inmates with disabilities who are not ill are not to be housed in a medical ward.



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Why Disperse?

- Disabled inmates share all of the behavioral and custody characteristics of other inmates, and housing units must be designed to accommodate them at different custody levels.
- Opportunities for work and reduced sentencing only happen in certain classifications.

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Housing Cells:

- New construction:
 - 3% of the housing cells must be compliant.
 - Accessible Cells must be provided in each classification level.
 - Section 504 of the Rehab Act requires 5%.

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Alterations to Housing Cells:

- 3% of the housing cells in each alteration must be made accessible.
- Continues until at least 3% of all the housing cells are accessible.
- Accessible Cells must be provided in each classification level.

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Additional Accessible Cells:

- May need to provide additional cells to ensure that each inmate with a disability is housed in a cell with the accessible elements necessary to afford the inmate access to safe, appropriate housing.
 - Example: Palliative Care

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Correctional Facilities:

- Inmates with disabilities cannot be excluded or denied the benefits of the services, programs, or activities provided.
- For example, conjugal visits.



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Alterations to Housing Cells:

- When not all classification levels are being altered, substitute cells may be used, provided:
 - Located within the same prison site;
 - Integrated with other cells to the maximum extent feasible;
 - Has equal physical access as the altered cells to areas used by inmates
 - If it is technically infeasible to, a substitute cell must be provided at another prison site within the corrections system.

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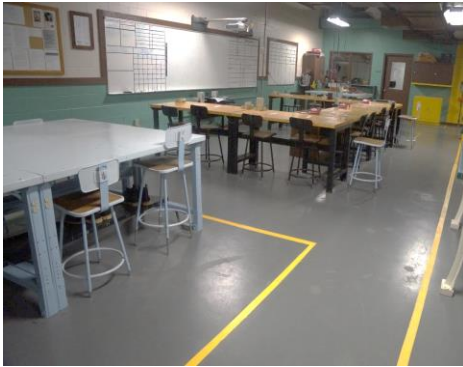
Common Use Areas

- Spaces and features that serve the accessible cells must be accessible:
 - Dayrooms
 - Vestibules
 - Shower areas
 - Toilet areas
 - Exercise
 - Health Services
 - Food Service
 - Telephones
 - Other support areas

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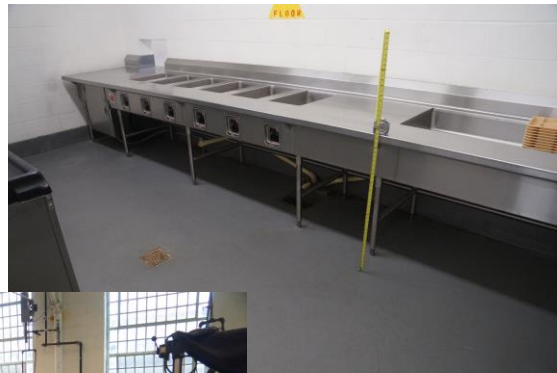
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Access to Work and Education



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Access to Work and Education



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Libraries



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Exercise Facilities

Is the equipment on an accessible route?



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Exercise Facilities

Is the equipment on an accessible route?



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Dining Areas

- Provide accessible seating at 5% of the seating.
- Food lines must be accessible.
- Controls must be within reach.



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Visiting:

- Contact
- Family
- Non-Contact (both sides)
- Attorney
- Video



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Visiting Windows

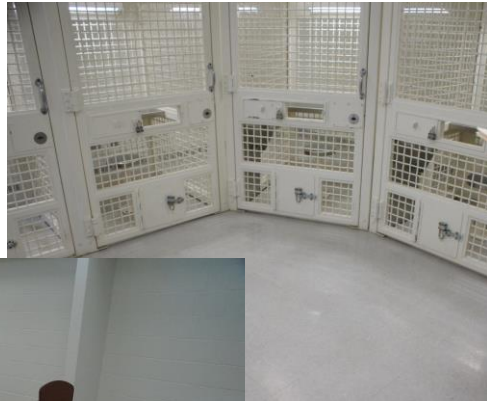
- Must be accessible on both sides
- Handset must have volume controls
- Counter top must be accessible
- Accessible area must have the same features as the other areas



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Group Therapy Seating:



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Other Seating:



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Telephones

- All telephones must have volume control.
- Each location must have at least one accessible telephone.
- At least one TTY shall be provided in at least one secured area. (Program access may require more.)

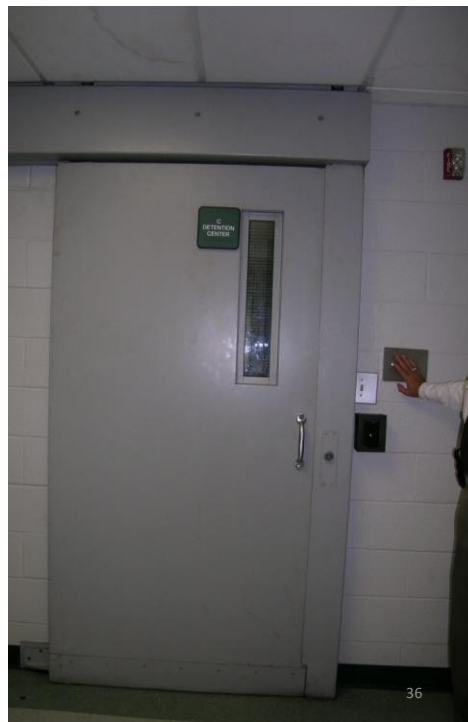
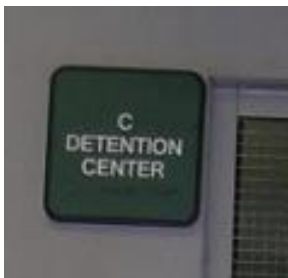


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Doors: What must comply?

- Clear width?
- Thresholds?
- Maneuvering space?
- Compliant hardware?
- Is an accessible sign required?



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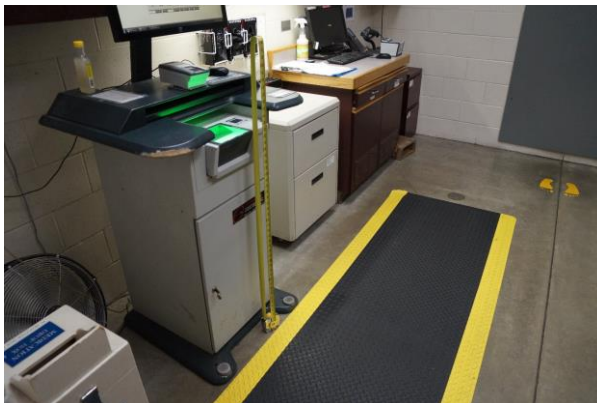
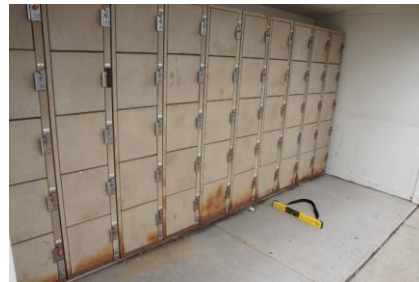
Operable Parts:

- Level clear floor space
- Between 15" and 48"



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Operable Parts:



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Operable Parts:



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Operable Parts



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Service Counter

Commissary

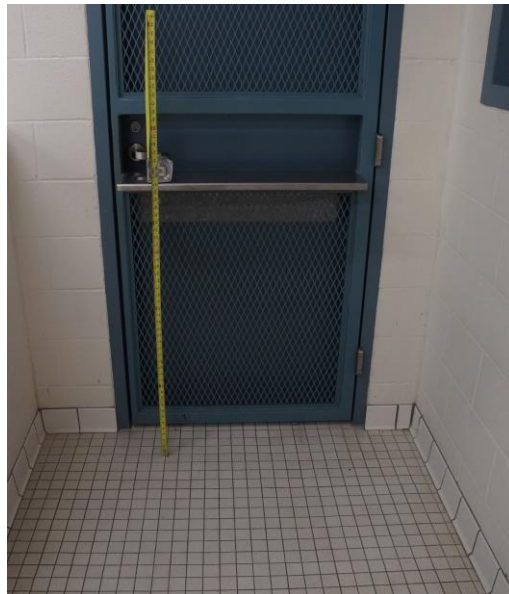
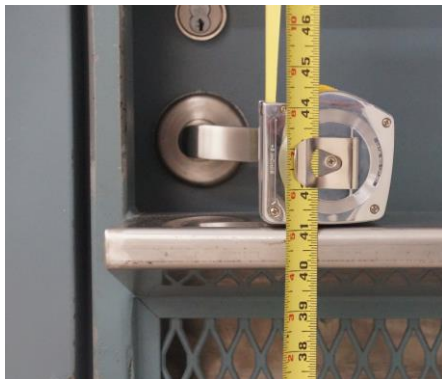
- ≤ 36 " tall
- 36" long



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Service Counter

Towel window



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Service Counter

Pill Dispensary



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Service Counters

Cuff ports?



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Medical Facilities:

Must comply with the Medical Care and Long-Term Care Facility requirements irrespective of whether the facility is licensed.



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Medical Equipment:

- Adjacent 30" by 48" clear floor space
- Adjustable seat height down to 19"



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Medical Equipment:

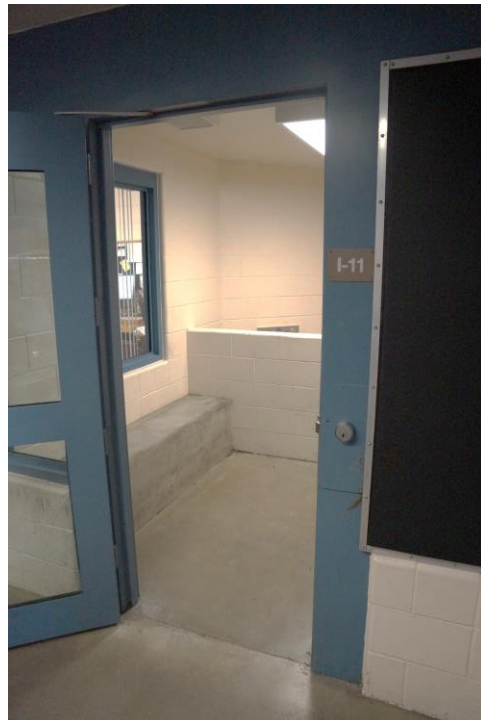


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Special Holding Cells and Special Housing Cells

- At least one cell serving each purpose, including:
 - Minimum security
 - Maximum security
 - Orientation
 - Protective custody
 - Administrative or disciplinary detention or segregation
 - Detoxification
 - Medical isolation



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Holding Cells and Housing Cells

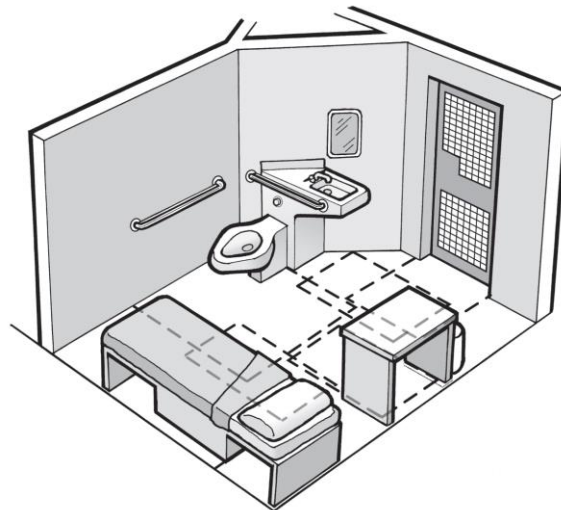
- Turning Space must be provided.
- When provided, at least one must be accessible:
 - Benches
 - Beds
 - Toilet and Bathing Facilities

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Furniture and Cell Features

Accessible cells must have the same features as other cells for inmates housed at the same classification level.



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Cell Door

- Clear width $\geq 32''$
- If detainee may operate the door unassisted, then maneuvering space and accessible door hardware must be provided.

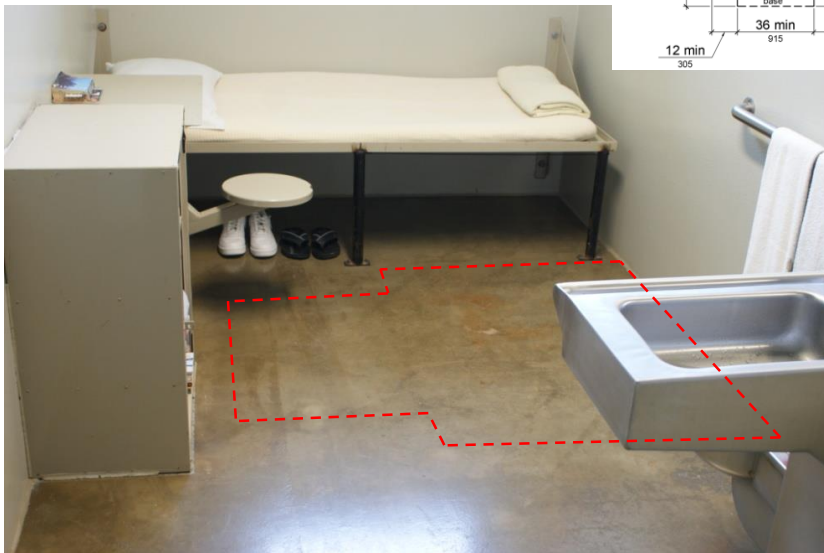
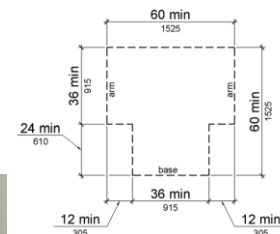


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Turning Space in Cell



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Cell Bed

- Top of mattress should be 17" to 19" above the floor
- 30" x 48" clear floor space parallel to bed

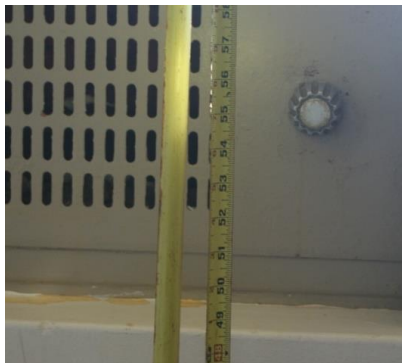


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Cell Controls

- Lacks 30" by 48" clear floor space.
- Control $\leq 48"$.



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Storage:

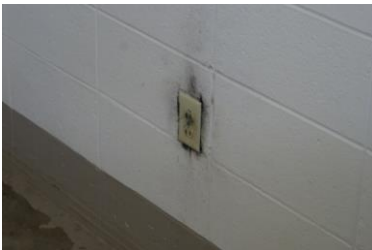
One of each type between 15" and 48".

- Lockers
- Hooks
- Shelves



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What about
the Cigarette
lighter?



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Electrical Receptacles

- Center of lower outlet $\geq 15''$



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Cell Lavatory

Angled wall



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Cell Toilet



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Grab Bars

- Not required in cells that are specially designed without protrusions for purposes of suicide prevention.

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Grab Bars

Are these grab bars permitted?



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Group Showers

Treat like a roll-in shower, plus:

- Place the accessible shower near a corner.
- Must have grab bars.
- If drain is the accessible route or clear floor space, 2% max. cross slope.



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Shower Rooms

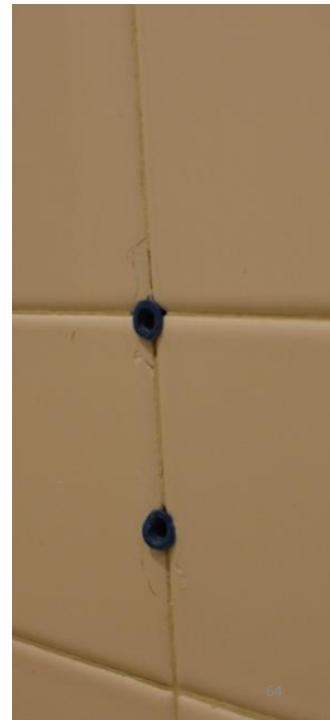
Remember to provide:

- Provide 60"-dia. Turning circle or T-turn.
- Maneuvering space at door.
- Grab bars.



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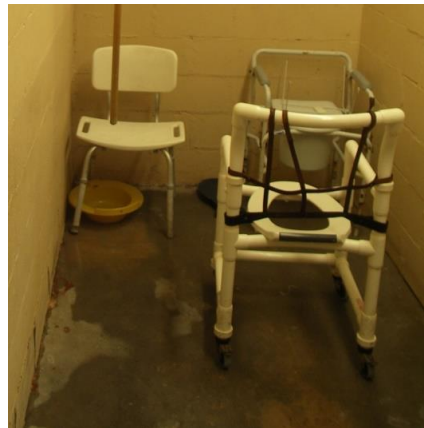
Mount Grab Bars Securely



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Shower chairs

If the detention center provides shower chairs, then secured folding seats are not necessary.



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Cells with Communication Features

- Where audible emergency alarm systems are provided to serve the occupants of cells, visible alarms must be provided.
 - Unless inmates or detainees are not allowed independent means of egress.
- Telephones, where provided within cells, shall have volume controls.

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Open Caption



\$35.160
Effective communications

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Accessible Transport

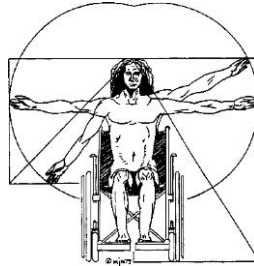
§ 35.130 General prohibitions against discrimination



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Mark J. Mazz, AIA

www.markjmazz.com

mark.j.mazz@verizon.net

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