



Detention & Correctional Facilities

The Department of Justice (DOJ) regulates Title II of the Americans with Disabilities Act (ADA), which covers state and local governments. These public entities are responsible for the operation or management of juvenile and adult jails, detention and correctional facilities, and community correctional facilities, whether they are operated directly by the state or local government, or through contracts, licenses, or other arrangements with other entities. (§35.151(k) and §35.152)

Overarching Obligation

The regulations require public entities to ensure that qualified inmates or detainees with disabilities are not discriminated against, denied benefits to which they are entitled, or excluded from programs, services, or activities for which they are eligible.

Integrated Setting

Inmates or detainees with disabilities must be housed in the most integrated setting appropriate to their needs. Accessible cells or housing units need to be available in all security classifications and/or program levels of a facility.

Qualified inmates or detainees with disabilities should have access to available programs and activities, whether they are mandatory or voluntary. Such activities may include educational, vocational, work release, or religious programs, as well as opportunities for visitation.

Unless it is appropriate to make an exception, public entities must not place inmates with disabilities in:

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

Minimum Requirements from the 2010 Standards (§35.151(k))

New construction of jails, prisons, and other detention and correctional facilities must comply with the 2010 ADA Standards for Accessible Design. At least 3% of cells must be accessible for individuals with mobility disabilities, including those who use wheelchairs. Accessible cells must be provided in each classification level.

At least 2% of the general holding and housing cells must be equipped with communication features designed to accommodate individuals who are deaf or hard of hearing. These features include

telephones with volume control where telephones are provided in cells, and visible alarm signals where audible emergency alarm systems are provided for occupants of cells and occupants are allowed to evacuate independently. (Sections 232 and 807, ADA Standards)

Alterations to jails, prisons, and other detention and correctional facilities must also comply with the 2010 ADA Standards until new construction levels of access are achieved within the facility.

When alterations are made to specific cells, required features for mobility access may be provided in substitute cells (cells other than those where alterations are originally planned), as long as the substitute cell:

- Is located within the same prison site,
- Is integrated with other cells to the maximum extent feasible, and
- Has equal physical access to areas used by inmates or detainees for visitation, dining, recreation, educational programs, medical services, work programs, religious services, and other offered programs.

If it is technically infeasible to locate a substitute cell within the same prison site, the substitute cell may be provided at another prison within the same system.

Medical and long-term care facilities in detention and correctional facilities, whether they are licensed or not, are also subject to the 2010 ADA Standards for accessibility.

Content was developed by the Mid-Atlantic ADA Center, and is based on professional consensus of ADA experts and the ADA National Network.



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