

Disability Rights Legal Center

**DRLC**

Formerly Western Law Center For Disability Rights

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March 17, 2008

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***Via Fax & U.S. Mail***

Elizabeth Miller  
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**Re: Systemic Disability Discrimination Issues in Los Angeles County Jail**

Dear Ms. Miller and Commander Conte:

I am writing to follow up on our previous discussions regarding alleged violations of federal and state disability nondiscrimination statutes in Los Angeles County Jail. As you know, DRLC reached an agreement with the County to allow our disability expert, Logan Hopper, to conduct a three day site inspection of the Los Angeles County Jail. Mr. Hopper's review was designed to identify physical and programmatic barriers for people with disabilities to the programs and services at the L.A. County Jail. In exchange for this access to the jail facilities, we agreed to provide Mr. Hopper's report to the County and LASD. In accordance with this agreement, you will find enclosed Mr. Hopper's report.

We would like to acknowledge LASD's assistance during the three days that Mr. Hopper, representatives of the ACLU and DRLC spent touring the jail facilities. As you are aware, we and Mr. Hopper spent a substantial amount of time reviewing a number of facilities within the jail system, and we appreciate LASD's cooperation in that effort.

That being said, Mr. Hopper's report identifies a number of violations of the fundamental rights of people with disabilities within the Los Angeles County Jail system. Mr. Hopper's findings confirm the existence of multiple issues that we have previously identified for LASD at our meetings last year on this topic and in correspondence since that time. Given the scope and severity of these problems – both as identified through complaints received by our office and now confirmed by Mr. Hopper's inspection –

LASD must enact a comprehensive and immediate remedial plan to ensure that these violations are corrected.

## **I. MR. HOPPER'S FINDINGS**

Mr. Hopper's report identifies significant problems with respect to classification, housing, access to programs and services, and physical access barriers within the L.A. County Jail system. Indeed, it appears that the combination of LASD's classification and resulting segregation of people with disabilities, in combination with multiple and pervasive architectural barriers and department wide misconceptions regarding the rights of this population, results in a system that imposes some of the worst conditions on people with disabilities while at the same time wholly excluding them from the most beneficial of programs within the jail.

As Mr. Hopper notes, "[t]he degree of segregation of persons with disabilities that I observed throughout the L.A. County Jail system is unparalleled in my experience." (Report at 9). At the same time, however, it appears that many people who may have disabilities, but who are not classified as such, receive little to no accommodations whatsoever.

More specifically, Mr. Hopper found a number of conditions that demonstrate pervasive problems within the system:

- There is no comprehensive set of policies or procedures for identifying inmates with disabilities and determining appropriate accommodations for these individuals (Report at 6);
- Housing and classification decisions appear to be made based on stereotypes and misconceptions, made in an extremely cursory manner, relying mainly on the simplest and quickest observations by staff (Report at 7);
- This classification system results in, among other things, a failure to recognize that persons who do not rely exclusively on wheelchairs may have significant physical restrictions requiring accommodations;
- People who are identified as having disabilities are housed in segregated facilities that provide no access to the programs and services available in the L.A. County Jail system (Report at 8);
- These facilities are often those with the poorest conditions, including broken plumbing, lack of any natural light and limited access to outdoor recreation (Report at 9);
- These facilities (into which people with disabilities are segregated) are replete with myriad architectural barriers (Report at 16-30);
- Architectural barriers are also pervasive throughout the rest of the jail system (Report at 16-30); and

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- As a result of the above in combination with erroneous assumptions about the capabilities and legal rights of people with disabilities, this entire population has no access at all to the vast majority of programs and services of the L.A. County Jail System (Report at 8).

In sum, Mr. Hopper's report, which echoes the complaints received by our offices from people housed within these facilities, demonstrates serious and systemic violations of federal and state disability rights laws.

## II. VIOLATIONS OF FEDERAL AND STATE NONDISCRIMINATION STATUTES

A number of federal and state nondiscrimination statutes govern treatment of people with disabilities at the Los Angeles County Jail. Title II of the American with Disabilities Act (ADA) prohibits public entities from discriminating against qualified individuals with disabilities. It provides:

Subject to the provisions of this title, no qualified 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.

42 U.S.C.S. § 12132.

Similarly, Section 504 of the Rehabilitation Act of 1973 provides in pertinent part: "[N]o otherwise qualified individual with a disability ... shall, solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance..." 29 U.S.C.S. § 794.

Both the ADA and the Rehabilitation Act apply in the jail context, and prevent inmates or detainees with disabilities from being excluded from participation in jail programs or discriminated against in the various aspects of jail life. See *Pennsylvania Dept. of Corrections v. Yeskey*, 524 U.S. 206 (1998); and *Armstrong v. Wilson*, 124 F.3d 1019, 1022-24 (9th Cir.1997). In addition, many of the violations at issue here also rise to the level of Constitutional violations. See, e.g., *U.S. v. Georgia*, 546 U.S. 151 (2006).

In addition to the federal statutes identified above, a number of state statutes protect the rights of people with disabilities, and explicitly incorporate federal ADA standards on this issue. See California Government Code Section 11135(a) ("No Person in the State of California shall, on the basis of ... disability, be unlawfully denied the benefits of, or be unlawfully subjected to discrimination under, any program or

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activity that is funded directly by the state or receives any financial assistance from the state.”); California Civil Code Section 51 (“All persons within the jurisdiction of this state are free and equal, and no matter what their...disability... are entitled to the full and equal accommodations, advantages, facilities, privileges, or services in all business establishments of every kind whatsoever.”); and California Civil Code Section 54 (“Individuals with disabilities ... have the same right as the general public to the full and free use ... public buildings, ... public facilities, and other public places.”).

Under these nondiscrimination statutes, public entities, such as the County and LASD, cannot deny the benefits of programs, activities, or services to individuals with disabilities because their facilities are inaccessible or because of a decision regarding a desired population grouping. The ADA, like other civil rights statutes, prohibits the denial of services or benefits on specified discriminatory grounds. Just as the jail cannot refuse to provide services or benefits to an individual on the basis of his or her race, it cannot refuse to provide benefits solely because an individual has a disability. See Department of Justice: Title II Technical Assistance Manual II.3-2000; and *Barden v. City of Sacramento* 292 F.3d 1073, 1075 (9<sup>th</sup> Cir. 2002).

Here, in direct contravention of the language and intent of nondiscrimination statutes, the Los Angeles County jail system explicitly labels people with disabilities, segregating them into separate facilities (while at the same time denying the needs of people with less obvious disabilities) and then denying access to programs based on that classification. Indeed, LASD’s system provides two equally unsatisfactory options for a person with a disability – classification as a person with a disability, which automatically forces him into segregation in the worst facilities with no access to programs and services, or classification as a person without a disability meaning he has little or no option for accommodations for any of his disability needs. Neither category is acceptable, and such a black and white approach to this issue simply results in a failure of the system on both ends of the spectrum.

In addition, LASD has an obligation to provide facilities that are “readily accessible to and useable by” individuals with disabilities: “A public entity shall operate each service, program, or activity so that the service, program, or activity, when viewed in its entirety, is readily accessible to and usable by individuals with disabilities.” 28 C.F.R. § 35.150(a) (2006); see also Department of Justice: Title II Technical Assistance Manual 5.1000. Ironically, the areas into which people with disabilities are segregated at Men’s Central Jail appear to present some of the most egregious physical access violations, while access violations system-wide go unaddressed because the assumption is that people with disabilities will never enter any area other than that into which they are segregated. This piecemeal approach to addressing the physical access barriers within the jail simply serves to exacerbate the problems within an already flawed system.

We believe that LASD can do better, and is legally required to do so.

### III. DEMAND

Based on our previous discussions, as well as the related findings in Mr. Hopper's report, we believe that LASD must take the following steps in order to guarantee the rights of people with disabilities under federal and state nondiscrimination statutes:

- In the short term (e.g. 30 days), LASD must correct the most immediate physical access barriers, including defects with toilets, sinks and drinking fountains in the IRC and holding cells, as well as showers in housing areas, and ensure that people with disabilities have the same access to these facilities as people without disabilities (i.e. they should be able to access these features in the same manner as those without disabilities).
- In the medium term (e.g. 60 days), LASD must work with us to develop written policies on accommodations for people with disabilities housed within the jail (including for those with mobility disabilities, diabetes, epilepsy and other similar conditions), provision of mobility devices, classification and housing assignments.
- Finally, LASD must agree that within ninety days it will conduct a complete evaluation of its programs, services and activities using an agreed upon consultant, such as Mr. Hopper, to address the larger issues within the system.

In order to guarantee the rights of this population, the above points will need to be addressed through some form of enforceable agreement, such as through a consent decree.

We hope that LASD will be able to commit to addressing these issues in a comprehensive fashion. However, if we cannot achieve satisfactory results by April 4, 2008, you may expect that we will have no option but to pursue legal action on behalf of this population seeking relief under federal and state laws.

Please feel free to contact us regarding this issue.

Sincerely,  
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Shawna L. Parks  
Director of Litigation

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Elizabeth Miller

Commander Dennis Conte

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Enclosure

cc: Melinda Bird (w/ enc.)  
Virginia Keeny (w/ enc.)

# LOGAN HOPPER ASSOCIATES

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Accessibility and ADA Policy Consultants

March 7, 2008

Virginia Keeny	Shawna Parks	Melinda Bird / Mary Tiedeman
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Re: ADA Compliance Report for the Los Angeles County Jail System

Dear Ms. Keeny, Ms. Parks, Ms. Bird, and Ms. Tiedeman:

At your request, I recently visited and performed site inspections at various Los Angeles County Jail facilities. I visited the Men's Central Jail, the Inmate Reception Center, the Correctional Treatment Center, and the Twin Towers, all located in downtown Los Angeles, on November 26 & 27, 2007. I also visited the North County Correctional Facility and the Peter Pitchess Center South Facility, located near Castaic, California on December 10, 2007. In addition, I have reviewed numerous documents related to ADA compliance and disability policies provided to you by the Los Angeles County Sheriff's Department pursuant a to request under the California Public Records Act. I was informed that the documents were produced in response to a request for all documents referring to policies and procedures regarding inmates with disabilities. This report has been prepared to describe the conditions relating to programmatic and physical accessibility for persons with disabilities at these facilities, with the major purpose being to provide an evaluation of compliance with the Americans with Disabilities Act (ADA) and other applicable programmatic accessibility requirements and physical accessibility standards. Given the relatively short site visits and the lack of detailed information provided by the Los Angeles County Jail System, this report does not address issues relating to inmates with psychiatric, cognitive or developmental disabilities, although they may face issues that parallel those identified in this report.

At the outset, I would like to acknowledge the cordial and helpful nature of all Los Angeles County Jail staff, and personally thank all staff for their assistance throughout the three days of site visits.

## **Background and Expertise**

To provide a brief background, I have been continuously active in the area of accessibility for persons with disabilities since 1976. I was a founding member of the Oakland, California Commission on Disabled Persons in 1980 and served as a consultant to the Commission on matters of accessibility and barrier removal, as well as being actively involved in more comprehensive issues concerning persons with disabilities. I have continued working with accessibility regulations and standards since that time, and I was recently involved with four subcommittees working on the latest rewriting of the Americans with Disabilities Act

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Accessibility Guidelines, scheduled for adoption in 2008. I currently serve on the U. S. Access Board's Public Rights-of-Way Accessibility Advisory Committee. I am an alternate member of the national ANSI A117.1 Accessibility Standards Committee and am also a member of the California Division of the State Architect's Accessibility Code Change Task Force. A complete and current copy of my curriculum vitae will be made available upon request. Most of the professional work of my consulting firm has likewise involved projects related to program and physical accessibility and design for persons with disabilities. This has included disability-related evaluations and accessibility surveys, ADA self-evaluations and transition plans, and architectural services for actual rehabilitation, renovation, and retrofit projects specifically related to providing access improvements at over 5,000 separate project locations. These have included streets and sidewalks, government buildings, prisons and jails, schools and universities, public service agencies, parks and natural areas, hotels, restaurants, public housing projects, private offices and commercial complexes. I and/or my firm has also served as an expert witness/consultant in numerous legal cases related to the ADA and accessibility, often serving as a joint expert or mediator between parties to resolve accessibility issues equitably. The firm has also worked with over 35 separate government entities, including municipal, county, and state agencies, to prepare the entity's ADA self evaluation and/or transition plan, as required by the ADA to comply with programmatic accessibility requirements.

Of the many project types and locations involving the ADA and accessibility, a large number have included correctional facilities. For the past four years, I have served as the court-approved joint expert in the matter of *Farrell v. Hickman/Tilton*, involving programmatic and physical accessibility for the entire Division of Juvenile Justice system of the California Department of Corrections and Rehabilitation. In this capacity, I have reviewed over 1,000,000 square feet of buildings at eight major correctional facilities for compliance with accessibility criteria and analyzed all of the department's programs and services for programmatic accessibility. In a three-year project for the City and County of San Francisco, my firm surveyed the entire facilities of the City and County Sheriff's Department and Correctional Facilities, including the City Jail and County Jail, as well as three major satellite youth facilities. I have served as an expert in the matters of *Aris vs. Campbell*, and in conjunction with that case, surveyed the Hamilton Correctional Facility in Hamilton, Alabama, for accessibility compliance. I have served as an expert in the matters of *Flynn vs. Boyle*, and in conjunction with that case, have provided programmatic evaluations and surveyed the Taycheedah Correctional Institution in Fond du Lac, Wisconsin. My firm has provided architectural design renovations for the sole purpose of achieving ADA/accessibility compliance at the Berkeley, California Hall of Justice and Jail and the Oakland, California City Jail.

## **Methodology**

This report should not be interpreted as an exhaustive survey of all conditions present at the various facilities, but rather represents a basic evaluation of the major programmatic and physical access issues affecting the usage of the facilities by persons with disabilities, as defined by the



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ADA. For physical accessibility portions of the report, applicable standards are interpreted consistent with standard architectural practice.

As part of the physical inspection process, I used a standard English tape measure to obtain dimensional information. I used a standard "pencil-type" door pressure gauge, measured in pounds, to obtain pressures on exterior and interior doors. I used a small digital camera to take photographs at several locations. It was not possible to photograph all areas for which accessibility issues are described in this report, since I did not want to take any photos of inmates without permission, which was impossible to obtain. These photographs will be made available upon request.

Since this report is based on a general inspection of the premises and documents for a relatively short period of time, it must be realized that a much more comprehensive evaluation of both the physical and programmatic policies and procedures must be undertaken. This greater degree of evaluation is common for a system as large and complex as the Los Angeles County Jail, and none of the records that I have been provided indicate that such an evaluation has occurred in the past. Therefore, this report can only serve as a preliminary analysis of the basic conditions and issues prevalent throughout the system. Also, I would reserve the right to revise or add conclusions and opinions as more information is made available. If any party has any material information that would expand or clarify the information contained herein, or if any information provided in this report is believed to be non-factual, it is requested that such information be brought to my attention for review and possible clarification.

Sincerely,

Logan Hopper, Principal Consultant

# ADA Compliance Report for the Los Angeles County Jail System

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### **1. Programmatic and Structural Regulatory Requirements**

For the physical accessibility portions of this report, the accessibility standards applicable to the facilities and used as bases for this report include the following:

1. The Americans with Disabilities Act Accessibility Guidelines (referred to as "ADAAG" in this report), also called the Americans with Disabilities Act Standards for Accessible design in Title II of the ADA, as published by the U. S. Architectural and Transportation Barriers Compliance Board, July 26, 1991, with all U. S. Department of Justice approved amendments.
2. The Uniform Federal Accessibility Standards (referred to as "UFAS" in this report), as published by the U. S. Architectural and Transportation Barriers Compliance Board, April 1, 1988 edition.
3. The California State Building Code (referred to as "CBC" or "Title 24" in this report), Title 24, Parts 1-8 of the California Code of Regulation, triennial editions from 1980-2004. (Note: Since reference numbers vary greatly among editions, and applicability varies depending on the date of construction or renovation, specific references are not typically given in this report.)

It is probable that other federal, state, and local codes, standards, and guidelines are applicable to construction and/or physical modifications that have occurred at the facility, but no detailed records of these have been provided and no specific records research has been undertaken at this point.

For programmatic evaluations, the documents used as bases for this report include the following:

1. The Americans with Disabilities Act, Title II, July 26, 1990.
2. U.S. Department of Justice's (D.O.J.) Americans with Disabilities Act Title II Technical Assistance Manual, November 1993 with amendments.
3. Section 504 of the Rehabilitation Act of 1973.
4. Other U.S. Department of Justice technical assistance publications.

Prior to any evaluation of the specific conditions present at the Los Angeles County Jail facilities that would relate to the provisions for accessibility for persons with disabilities, it is important to provide a basis for the evaluations and conclusions. It should be noted that this discussion is not intended to represent any type of legal argument or opinion, but rather attempts to provide a practical understanding of what Title II of the ADA and other disability regulations, standards, and codes require. Therefore, no specific citations from the reference materials are included, but these could be provided upon request. It should be noted that all of the descriptions provided herein are excerpted from these documents, and they do not represent solely the perspectives or opinions of the author.

A public entity, including a subdivision of a state or local government, has various obligations under Title II of the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973. Title II of the ADA regulates the programs, services, and facilities of public entities. Title II of the ADA is similar to Section 504, but differs in that Section 504

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applies only to government agencies that receive federal financial assistance. The purpose of Section 504 is to ensure that no otherwise qualified individual with disabilities shall, solely by reason of his or her disability, be discriminated against under any program or activity receiving federal financial assistance. The L. A. County Sheriff's Department would have been subject to the requirements of Section 504 for many years. The ADA specifically states the intent not to apply lesser standards than are required under other federal, state, or local laws; therefore, the law that is the most stringent takes precedence. This intent has particular application with respect to the L.A. County Jail system's obligations under Section 504 or under the California Building Code, which in some cases, may exceed ADA requirements with respect to structural and physical modifications.

Title II of the ADA mandates that public entities, including correctional institutions, must reasonably modify policies and procedures to avoid discrimination toward persons with disabilities. U.S. D.O.J. policies further describe the requirements for "program accessibility". A public entity must operate each service, program, or activity, when viewed in its entirety, so that it is accessible to and usable by individuals with disabilities. The ADA does not necessarily require the public entity to make all of its existing facilities accessible, nor does it require a public entity to take any action that would fundamentally alter the nature of a service, program, or activity. There are various methods that may be appropriate for providing programmatic accessibility. Title II also requires the use of auxiliary aids necessary to enable persons who have visual, hearing, mobility, or similar impairments to have access to programs and activities by making appropriate reasonable accommodations.

Under Title II of the ADA and Section 504, the term "program" embraces all of the programs, activities, and services offered by a covered entity in the fulfillment of its mission. A public entity must also consider the entire scope of its overall operation as one program made up of several parts or elements. In conducting the programmatic review, it must examine each of the parts or elements that make up the whole. The public entity must ensure that its entire program is readily accessible to and usable by individuals with disabilities.

A public entity is required to prepare a self-evaluation to assess its program and services to assure that discriminatory practices are identified and removed. A public entity is required to prepare a transition plan, outlining the structural modifications it will implement to make its programs and services accessible to persons with disabilities.

The ADA self-evaluation is intended to be the public entity's assessment of its current policies and practices. The self-evaluation identifies and corrects those policies and practices that are inconsistent with Title II requirements. A public entity's policies and practices are reflected in its laws, ordinances, regulations, administrative manuals or guides, policy directives, and memoranda. The self-evaluation is intended to further evaluate these practices, and Title II of the ADA requires the following (among other) areas of examination:

- (1) A public entity must examine each program to determine whether any physical barriers to access exist. It should identify steps that need to be taken to enable these programs to be

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made accessible. If structural changes are necessary, they must be included in a transition plan.

- (2) A public entity must review its policies and practices to determine whether any exclude or limit the participation of individuals with disabilities in its programs, activities, or services. The self-evaluation must identify policy modifications to be implemented and include complete justifications for any segregating, exclusionary, or limiting policies or practices that will not be modified.
- (3) A public entity must review its policies to ensure that its decisions concerning a fundamental alteration in the nature of a program, activity or service, or a decision that an undue financial and administrative burden will be imposed by Title II, are made properly and expeditiously.
- (4) A public entity must review its building and construction policies to ensure that the construction of each new facility or part of a facility, or the alteration of existing facilities after January 26, 1992, conforms to the standards designated under the Title II regulations.

An ADA transition plan is required by U.S. Department of Justice regulations to address the following aspects of accessibility:

- (1) The transition plan shall identify physical obstacles in the public entity's facilities that limit the accessibility of its programs or activities to individuals with disabilities.
- (2) The transition plan shall describe the methods that will be used to make the facilities accessible.
- (3) The transition plan shall specify the schedule for taking the steps necessary to achieve compliance with the ADA and, if the time period of the transition plan is longer than one year, identify steps that will be taken during each year of the transition period.
- (4) The transition plan shall give the name of the official responsible for the plan's implementation.

Under the ADA, public entities have been responsible for compliance with Title II since January 26, 1992. Title II self-evaluations and transition plans generally should have been completed by January 26, 1993, and structural modifications required by the transition plan should have been completed by January 26, 1995.

The ADA does not designate a specific code or standard for evaluating accessibility to existing facilities. Title II gives government agencies a choice between the Uniform Federal Access Standards (UFAS) and the Americans with Disabilities Act Accessibility Guidelines (ADAAG) as a standard for renovations. Since the ADA specifically states that it does not override requirements of other state and local requirements, state and local access regulations must also be applied. The ADA further states that all construction or renovation undertaken after January 26, 1992 must comply fully with the Americans with Disabilities Act Accessibility Guidelines (ADAAG) dated July 26, 1991.

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With respect to existing facilities, a public entity may not make only one facility or a limited portion of facilities accessible if the result is to segregate persons with disabilities into a single setting. Also, where special programs offering different curricula or treatment techniques are available, the range of choice provided to persons with disabilities must be comparable to those offered to persons without disabilities. For support facilities, such as restrooms, drinking fountains, recreation, and similar service activities in existing facilities, sufficient numbers of accessible elements should exist that are reasonably convenient, usable in inclement weather, and appropriate to the use of a facility. Usage of facilities is also an important factor in addressing program accessibility concerns. Buildings in which an individual may spend extended periods of time should meet a higher degree of accessibility than those in which an individual spends relatively short periods of time.

Although nonstructural methods of achieving program accessibility are acceptable to a limited degree under Title II of the ADA, nonstructural solutions must not have the effect of segregating people with disabilities or compromising their dignity and independence. In choosing among various methods for achieving program access, a public entity must give priority to methods that offer programs or activities in the most integrated setting appropriate to the activities involved.

It is important to understand that whether or not a particular program or activity is "accessible" is not determined solely by achieving compliance with an architectural accessibility standard, but by considering whether the program or activity, when viewed in its entirety, is readily accessible to and usable by individuals with disabilities. However, in an assessment of program accessibility in existing facilities, facility accessibility standards such as the Americans with Disabilities Act Accessibility Guidelines (ADAAG) and the California Building Code accessibility code items must be used as a guide to understanding whether individuals with disabilities can effectively participate in the program, activity, or service.

### **2. Identification of Persons with a Disability and Disability Awareness**

To comply with the requirements of the ADA, Section 504, and State disability regulations described earlier, a correctional system must have an orderly system for identifying those inmates who are "qualified persons with a disability" and providing them with appropriate accommodations. It is important to recognize that a disability must be evaluated based on the specific impairment, or perception of an impairment, of the individual. The determination of the appropriate accommodation is also an individualized process. However, a governmental entity such as jail must also have a systematic framework for making these individualized determinations. Within the context of a large institutional setting, it is often pragmatic to identify and describe generalized categories of impairments that may be either currently exhibited by a number of participants, or that may be expected to be present in the general population. Yet it must be realized that such categorizations of disabilities can be problematic when the specific nature of a person's disability is stereotypically applied to a group of persons as a whole. One function of a detailed and consistent set of procedures and policies is to ensure that the need for accommodations is individualized and not dominated by stereotyping. It is quite common for

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correctional systems far smaller than the Los Angeles County Jail to develop comprehensive manuals of policies and procedures that greatly exceed the small amount of documentation that appears to exist for this complex jail system.

In the documents produced by the Los Angeles Sheriff's Department ("LASD"), I did not see a comprehensive manual or set of policies and procedures for identifying inmates with disabilities and determining appropriate accommodations for these individuals. This is remarkable, especially given the size of the county jail system, which processes more than 180,000 inmates each year. Developing such a set of policies will be crucial to resolving many of the problems encountered during our inspection and discussed later in this report.

One of these problems is that many jail staff appeared to have misconceptions or a lack of detailed knowledge about what the ADA and other state and federal regulations would require in the services and programs encountered within the L.A. County Jail system. In reaching this conclusion, I relied primarily on personal observations of inmate placements and various jail conditions, rather than on any particular statements made by LASD staff during the site visits. It appears LASD as whole has approached the issue of disability mostly in terms of physical and architectural parameters, or occasionally in terms of special accommodations that could be made for persons who have obvious special needs. Accordingly, staff members appeared to be generally aware of the need for disability related accommodations where an inmate used a wheelchair or other noticeable mobility aid. In contrast, most staff did not appear to have a working knowledge of the broad range of disabilities that are covered by the ADA or the range of accommodations that may be appropriate. For example, there did not appear to be an awareness that many persons with physical disabilities do not require wheelchairs, but have equally critical disability-related needs for accommodation, which the ADA requires be provided to them.

Another problem is the general lack of understanding about how programs should be accessible to persons with a wide range of disabilities, irrespective of whether persons with disabilities are actually engaged at the present time in the program. Little thought seems to have been given to how inmates could or would be accommodated within all of the programs that are offered to the general inmate population. From my observations, it appears that the requirement to accommodate specific disabilities is misunderstood, and the need to provide equal access to programs for those individuals is almost entirely unknown. This distinction is a critical one in the treatment of inmates with disabilities within the L.A. County Jail system.

The absence of accommodations for inmates with disabilities in many jail programs appears to stem in part from stereotypical beliefs about disability and the erroneous notion that persons with disabilities are unable to take part in certain activities. For example, many wheelchair users have extensive ranges of mobility and can participate fully in many programs. Given the reasonable accommodation of a wheelchair and other minor accommodations such as possibly an accessible workstation, these individuals can certainly participate in a wide range of vocational activities offered by the jail to non-disabled inmates, including computerized sign making, printing, and

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sewing. With appropriate accommodations, they also could serve as trustees in positions that do not require heavy manual labor.

Housing and classification decisions also appear to be made based on stereotypes and misconceptions. Based upon readily observable practices and a few documents relating to these policies, it appears that these determinations are made in an extremely cursory manner, relying mainly on the simplest and quickest observations by Inmate Reception Center medical staff, and later by custody staff. Those persons who use wheelchairs are deemed to have the "most serious" disabilities, and are placed in medical housing solely based on this one criteria. Indeed, if the use of a wheelchair is not validated throughout the duration of the confinement (i.e., a person leaves the wheelchair for any appreciable length of time) that person is deemed to have "stepped down" to some type of "less severe" disability. Through a practice of "declassifying" inmates with disabilities from medical housing, they are transferred to a different housing unit within Men's Central Jail, known as 6050, which is very overcrowded and lacks accessible features, such as grab bars or shower seats. There appears to be almost a "graduation" from wheelchair usage, a "graduation" that unfortunately leads to less accessible services and facilities, fewer accommodations and housing in one of the most problematic areas in the entire jail system.

In reality, many persons whose disabilities necessitate the use of a wheelchair the majority of the time can still stand or even walk a few steps without a wheelchair. In fact, such persons often benefit from short periods of physical activity. Also, a policy of providing accessible housing and accommodations only for full-time wheelchair users fails to recognize that many persons who do not rely on a wheelchair have serious physical disabilities that restrict certain types of physical activities. The lack of accommodations for the individual's disability can be extremely harmful to that person's well-being and long-term functioning. LASD's practices and policies, limited as they are, do not take these individual needs, based on real manifestations of a person's disability, into account when assigning housing, providing services, and making potential programs available to all other inmates.

### **3. Programs and Services within the L. A. County Jail System**

In its entirety, the L.A. County Jail system provides a wide variety of programs and services to inmates. The word "services" is often misunderstood in the correctional context. Even though inmates are indeed incarcerated, they are still provided with "services." These "services" generally include all of the daily activities that are required to assure humane treatment of inmates, including sanitary needs and hygiene, food service, recreation, necessary medical care, religious services, visitation, and many other similar and necessary activities. "Programs" generally refer to more specialized activities that are provided for effective incarceration and potential rehabilitation, including regular and vocational education, work experience, mental health and related treatment, and similar programs. LASD provides many programs and services to inmates. Indeed, one reference document provided by the L.A. County Jail system and entitled "Inmate Programs" was 13 pages long and included almost 100 programs and services. In

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addition, the opportunity to serve as an inmate trustee constitutes a program within the jail because of the additional privileges and benefits that trustees experience.

We encountered some of these programs and services during the three days of site visits at the four correctional facilities providing housing for inmates. During the visits, many staff expressed confusion as to why we were visiting locations and areas where inmates with disabilities were not housed or allowed to enter, such as the housing floors 3-7 of the Twin Towers, NCCF, and the Pitchess South Facility. The purpose was to see what programs and services were offered or provided to the general, non-disabled population, as a whole, and to provide a general evaluation of the location of programs and services and how they could be made equally available to inmates with disabilities. The large number of vocational and work programs located at NCCF was quite impressive, containing among other areas, extremely large and well-equipped studios for sewing, sign making, printing, and similar vocational programs. Based upon these visits, it was evident that inmates with disabilities do not have access to the programs and services provided throughout the system on an equal basis as non-disabled inmates. In fact, it appears that inmates with disabilities have no access at all to the vast majority of programs and services of the L.A. County Jail system.

In some cases, the problem may be a flat exclusion of inmates with disabilities from programs and services without an individualized determination of any needed accommodation based on the misconceptions and stereotyping discussed above. For example, it appears that inmates with disabilities cannot serve as trustees and are not offered outdoor exercise on a weekly basis, although we could not confirm a written policy on these points.

Another part of the problem is LASD's housing policies. During our visits, it was clear that inmates with physical and sensory disabilities were housed almost exclusively in the Men's Central Jail, and within that facility, these inmates were relegated to very specific locations. (The one exception is a small number of inmates who are deemed to have more serious medical conditions who are housed in the Medical Services Bureau/Correctional Treatment Center, which is located in one of the Twin Towers, although it was unclear how this was determined.) There appeared to be no secret about or alternative to this policy.

However, there is a significant disparity between the services and programs available at Men's Central Jail, versus those available to inmates in other newer and less crowded facilities such as NCCF. As one example, we visited a portion of the Hacienda La Puente School District facilities at the Men's Central Jail, which consisted of several small rooms with a limited number of computers and a small restroom (that was completely inaccessible, to be discussed later in this report). There did not appear to be any significant offices for educational staff, and there was no activity occurring during our visit. On the other hand, the Hacienda La Puente School District facilities at NCCF consisted of at least five extremely large and well-equipped classrooms and laboratories, with at least 50 computers and other equipment, and with an accessible restroom nearby. The main administrative offices for the school district were located within this area. The

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educational area was extremely active with classes being held in all areas during our visit, and it is estimated that 100 to 200 inmates were taking part in the educational activities.

Other available examples of the disparity between programs offered at both NCCF and Pitchess South Facility and those offered at Men's Central Jail are even more extreme, since none of the comprehensive vocational and work programs described previously operated at any other location than NCCF.

These observations give rise to the very important issue of segregation of inmates with disabilities. The degree of segregation of persons with disabilities that I observed throughout the L.A. County Jail system is unparalleled in my experience. I have never visited any facility, correctional or otherwise, that segregates residents with disabilities to the degree that I observed in the LA County Jail. And nowhere were the segregation policies more profound than in the context of the extreme disparity of program and service availability between disabled and non-disabled inmates. The poor conditions in Men's Central Jail, including broken plumbing, lack of any natural light and limited access to outdoor recreation, also contribute to the disparity in service access.

To summarize, it is my conclusion that inmates with disabilities, particularly those with physical disabilities housed in sections of the Men's Central Jail, are almost totally excluded from the vast majority of the approximately 100 programs provided in the L.A. County Jail system. This includes their inability to participate in meaningful educational programs, any vocational training or work/study programs, occupational/work programs, and many treatment programs. And while the lack of physical access to facilities and housing is a critical issue that will be discussed in the remainder of the report, the segregation issue is a most crucial one for many inmates with disabilities.

### **4. L. A. County Sheriff's Department ADA Self-evaluation**

As discussed in Section 1 of this report, the ADA requires that public entities prepare a self-evaluation to analyze its existing programs and policies related to persons with disabilities, and institute changes in policies for those items identified as being deficient or in non-compliance with ADA programmatic accessibility requirements. As part of the documents provided by the L.A. County Sheriff's Department, a document entitled "Program Access Report", dated 2000, was included. If that report was intended to be a part of the department's ADA self-evaluation, it is not as comprehensive as one would normally expect, given the size and complexity of the county jail system. The document is actually a summary chart prepared on a format developed by the consulting firm Access Unlimited, a firm and their format with which we are familiar. It is unclear if Access Unlimited only prepared the forms and the Sheriff's Department provided the factual data and the "yes" or "no" evaluations, or if Access Unlimited actually undertook the data collection and evaluations.

The document provides insight into how the department perceived its obligations under the ADA, as well as being a useful tool to evaluate whether those items deemed to be required by the

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ADA were implemented and are currently in practice. Interestingly, many of these individual components relate to issues raised in this report. These are listed and evaluated in the paragraphs below and denoted by italics and indenting. The italicized item numbers, descriptions, observations, and recommendations are taken verbatim from this report; the evaluations that follow are our conclusions based upon the available indications.

*6. Program, Service, & Activity: Procedures have been established that ensure a program and its services or activities (particularly those that accommodates persons with disabilities) are offered in an integrated setting (i.e., with other participants who do not have disabilities).*

*Observations: Given security and safety considerations, inmates with disabilities are integrated into the general inmate population.*

*Recommendations: Investigate and implement a procedure that ensures that each program and its services or activities are offered in as integrated a setting as possible (i.e., with other participants who do not have disabilities). This procedure should include criteria used to determine when a program component is offered in an integrated setting for variety of disabilities.*

*Department's Response of Compliance: Yes*

Our evaluation: Not compliant. As described previously, inmates with disabilities are almost totally segregated in one portion of one facility – Men's Central Jail - away from non-disabled inmates. Not only does LASD fail to provide the majority of program components in integrated settings, they are not provided to inmates with disabilities at all. Criteria and procedures to ensure integration appear to be non-existent.

*7. Program, Service, & Activity: Can a person with a disability designate a preference for participating in a program component that is not specifically for individuals with disabilities versus a program activity that is targeting individuals with disabilities.*

*Observations: None reported.*

*Recommendations: Investigate and implement a policy that acknowledges and accommodates individual preference for participating in program components that target the general public versus those that target individuals with disabilities.*

*Department's Response of Compliance: Not Applicable*

Our evaluation: This recommendation is applicable and LASD is not compliant. While it is realized that within the correctional setting, inmates cannot have distinct choices or definitive preferences for all conditions of their incarceration, it is unclear why this item is not applicable to some degree. The crucial issue is whether inmates with disabilities have an equal range of preferences as the non-disabled jail population. It is evident that they do not.

*8. Eligibility & Participation: Participants in any program component (services or activities) are not required to satisfy any physical or mental fitness performance requirements. (Note: Items 9 and 10 are similar.)*

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Observations: None reported.

Recommendations: The physical or mental fitness performance requirements may be discriminatory and arbitrary. Further evaluation is indicated.

Department's Response of Compliance: Yes

Our evaluation: Not compliant. While inmates do not specifically go through fitness performance testing, inmates are screened from the very beginning for physical abilities and are deemed to have medical issues solely because of a disabling condition. Their placement in "disabled-only" areas precludes their opportunity to take part in numerous programs and activities. There is no indication that the recommendation for further evaluations and remedies for this policy were ever implemented.

16. Eligibility & Participation: Programs or program components do not have requirements that specifically prohibit participation because of a disability.

(Note: Item 17 is similar.)

Observations: None reported.

Recommendations: The requirements that specifically prohibit participation because of a disability may be discriminatory and arbitrary. Further evaluation is indicated.

Department's Response of Compliance: Yes

Our evaluation: Not compliant. Inmates' placement in "disabled-only" areas precludes their participation in numerous programs and activities. There is no indication that the recommendation for further evaluations and remedies for this policy were implemented.

21. Policy & Procedure: The policies indicated do not have the effect of excluding qualified individuals with a disability from participating in or benefiting from any program offered, solely on the basis of disability. (Note: Items 20 & 23 are similar.)

Observations: None reported.

Recommendations: Eliminate or alter the specific policies and procedures that have the effect of excluding qualified individuals with a disability from participating in or benefiting from any program solely on the basis of disability

Department's Response of Compliance: Yes

Our evaluation: Not compliant. Inmates' placement in "disabled-only" areas has the effect of excluding qualified persons with a disability from benefiting from numerous program participation.

25. Policy & Procedure: Any change to program policy or procedures that would provide a greater level of program accessibility for persons with disabilities would not fundamentally alter a program, service, or activity.

Observations: None reported.

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*Recommendations: Since the indicated change to the specified policy or procedure would fundamentally alter a program, service or activity identify an alternative method or strategy that would result in an equal level of program accessibility for persons with disabilities. (Note: Items 26, 27, 28, 30, and 31 are similar.)*

*Department's Response of Compliance: Not Applicable*

Our evaluation: This recommendation is applicable and LASD is not compliant. The Department's response is confusing. It would appear that a "Not Applicable" response would indicate that there would be no undue administrative or financial burdens in providing a greater level of program accessibility for persons with disabilities, as statement with which we would agree. However, it was evident during the site visits that inmates with disabilities had a much lesser level of program accessibility than other inmates, and there were no indications that any alternative methods or strategies were being employed to assure equal access to programs.

To summarize, there could be many more specific examples where the Department's own internal or public documents describe necessary programmatic accessibility requirements, but in most cases, it is apparent that the Department either (1) incorrectly stated that the requirements were being met when they were not, or (2) improperly stated that the requirements did not apply to their programs, services, and activities for inmates with disabilities.

### **5. Existing Physical Accessibility Conditions and Barriers**

The L.A. County Jail facilities exhibit numerous existing physical conditions that do not comply with applicable accessibility codes and standards. In addition, the architectural barriers to accessibility due to these physical conditions preclude the degree of programmatic accessibility required by the ADA. These non-complying conditions make daily usage of the facility extremely difficult for many inmates with disabilities, and many could find it practically impossible to perform necessary daily functions and engage in basic activities under such conditions.

The conditions present at the each of the facilities visited that would pose barriers to persons with disabilities, or that were in violation of accessibility codes standards, are listed in this Section. Each of the facilities would have various and differing obligations to meet federal and state accessibility standards, primarily based upon the dates of original construction and subsequent structural modifications. Each facility's general requirements are described at the beginning of the sub-section dedicated to the particular facility. It should be noted that no records search as part of any research for this report has been undertaken at this point, and the application of past codes and standards to past construction can often be difficult to ascertain. Therefore, the applications given in this report should be considered general in nature.

It is evident that a common misconception held by many within the L.A. County Jail system is that buildings and facilities may be inaccessible to persons with disabilities if other facilities are available to serve those persons with disabilities. This blanket statement is untrue. Facilities that

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are constructed after the effective dates of the various applicable accessibility codes and standards, or that undergo any significant physical alterations after those effective dates, must comply with those codes and standards. The only exception to this requirement is "technical infeasibility", meaning that it would be structurally and practically impossible to comply with a particular accessibility-related requirement. Perceived organizational advantages, such as the clustering of persons with disabilities into specific areas or facilities, are not a valid exception to the new construction or major renovation requirements. The major purpose of these requirements is to facilitate the integration of persons with disabilities into the mainstream of everyday activities (indeed the major goal of the Americans with Disabilities Act) by assuring that newly constructed facilities are fully accessible to those persons.

It is true that the U. S. Department of Justice, in its ADA Title II Technical Assistance Manual, states that for existing facilities, not all facilities or portions of existing facilities of a public entity must be fully accessible. However, there are three critical caveats under which this concept may be utilized: (1) that the presence of any inaccessible facilities does not have the effect of segregating persons with disabilities into settings different than those provided to the general population, (2) that all programs and services of the public entity must still be provided in accessible settings, and (3) even if some facilities remain inaccessible, alternative methods of service and access to all programs must be formally implemented.

### **5.1 Men's Central Jail**

#### **5.1.1 Introduction**

The Men's Central Jail (MCJ) is a large, 5-level structure containing administrative areas, as well as housing and related services for approximately 5000 inmates in all nine security levels. The facility currently houses virtually all identified L.A. County Jail inmates deemed to be "qualified persons with a disability" due to physical or sensory impairments under the ADA, except for a few inmates housed in the Correctional Treatment Center (CTC), the medical facility for all inmates with more serious medical conditions. The disabled inmates housed at MCJ are generally classified under three "hospital" categories:

- (1) insulin-dependent diabetics and wheelchair users, housed on the 3rd floor (8000 & 8100 series of cells);
- (2) non-insulin-dependent diabetics, blind inmates, and "step down" inmates (those deemed to have "less serious" needs, see discussion on page 7), housed on the 2nd floor (7000, 7100, & 7200 series of cells); and
- (3) those inmates with disabilities deemed to require the least accommodations (crutches, walkers, and canes), and those needing disabled isolation units, housed on the 1st floor (6000 & 6050 series of cells).

#### **5.1.2 Requirements of Applicable Codes and Standards**

As a facility constructed prior to 1973 and 1992, both Section 504 of the Rehabilitation Act of 1973 and the ADA would require the degree of physical accessibility necessary to provide

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"programmatic accessibility", as described in Section 1 of this report. Unless there are alternate methods of compliance that are specifically adopted in policies and procedures of a public entity, this would generally entail compliance with the Uniform Federal Accessibility Standards, the applicable standards under Section 504. Compliance would also typically entail conformance with the ADA Accessibility Guidelines (ADAAG), the applicable standards under Title II of the ADA. The ADAAG standards would have been applicable since January 26, 1992. Even though Chapter 12 of ADAAG, covering correctional facilities, was not adopted until 1998, the basic ADAAG standards should still have been used since 1992 as applicable to any accessibility-related improvements undertaken as part of a required ADA transition plan.

Under the State Building Code, Title 24, facilities that underwent any appreciable physical modifications since 1980 should have complied with the accessibility requirements of the triennial edition of the code in effect at the time of modification. It is evident that a number of renovations have occurred in the building and grounds over the last 25 years; such construction work would have "triggered" compliance with Title 24 as well as ADAAG requirements.

As an example of how ADAAG and Title 24 "triggering" requirements provide for needed accessibility improvements, during our visit, we noticed that renovations were in process for the area off the main hallway on the first floor. This area was previously used for what we believe was a bookroom, but was being converted to a new dormitory for trustees. Under applicable accessibility regulations, at least one restroom that would serve occupants of this area, whether or not it was contained within the area being renovated or a reasonable distance away, should also be remodeled to fully comply with all accessibility requirements for restrooms.

### **5.1.3 Public Areas of the Facility**

There were a number of areas both within and adjacent to MCJ that are routinely used by visitors and the general public and that were not in compliance with applicable accessibility codes and standards. These inaccessible areas would make usage of the facility difficult if not impossible for many persons with disabilities. These included the following:

**(1) Parking:** It is our understanding that the parking garage serving MCJ is not under the control of the Sheriff's Department, but is managed by the Los Angeles County Internal Services Division. Nevertheless, there were numerous non-complying conditions present, in violation of accessibility codes and standards.

- (1) The public garage did not have the required ceiling height of 98", in violation of UFAS 4.6.6, ADAAG 4.6.5, and CBC 1130B. It is true that the upper level of the structure had sufficient heights, but signs indicated that these areas were only for staff, and there were no indications that the public could park on that level. When the garage attendant was asked where vans for the disabled could park, he stated there was no place on the site, and that one would have to park at the post office across the street.

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- (2) Even though the upper part of the garage was not available to the public, the space marked "van accessible" by the sign was non-complying, since there was no access aisle on the passenger side, in violation of UFAS 4.6.3, ADAAG 4.6.3, and CBC 1129B.4.
- (3) All six of the marked accessible parking spaces on the upper level of the garage (again, it was unclear who these spaces were intended to serve) had violations, including spaces that did not have access aisles next to the spaces, in violation of UFAS 4.6.3, ADAAG 4.6.3, and CBC 1129B.4, and missing accessible parking signs, in violation of UFAS 4.6.4, ADAAG 4.6.4, and CBC 1129B.5.
- (4) The ramp leading from the public accessible parking spaces on the main level was too steep in many places and was too long without landings, in violation of UFAS 4.8.2&4, ADAAG 4.8.2&4, and CBC 1133B.5.
- (5) Once one reached the upper level via the ramp described in (4), the accessible path of travel to the visitor's and main entries to MCJ were unmarked, and persons with disabilities would have to go past other cars and through traffic areas to reach the entries, in violation of UFAS 4.6.2, ADAAG 4.6.2, and CBC 1129B.4.3.

**(2) Public Restrooms:** The public visiting area had men's and women's restrooms located directly off the interior lobby. Both restrooms were almost totally inaccessible and unusable by persons with disabilities. It should be noted that there were additional restrooms located outside, adjacent to the visitor's entry, that were generally accessible, but non-disabled visitors would have access to interior restrooms, and the applicable codes and standards require equal treatment for persons with disabilities. The non-complying conditions in the main public restrooms included:

- (1) The toilet stalls were all extremely small, and none complied with the accessible size or layout requirements of UFAS 4.17.3, ADAAG 4.17.3, and CBC 1115B.7.1.
- (2) No toilet stalls had the required rear or side grab bars, in violation of UFAS 4.17.6, ADAAG 4.17.6, and CBC 1115B.8.
- (3) The lavatories (sinks) were improperly mounted without the required maximum height of 34" and without the required knee space of 29", in violation of UFAS 4.19.2, ADAAG 4.19.2, and CBC 1115B.2.1.2.1.
- (4) All lavatories had hot water and drain pipes below that were not insulated, as required by UFAS 4.19.4, ADAAG 4.19.4, and CBC 1115B.2.1.2.2, to protect a wheelchair user who might have reduced leg sensation from being burned.
- (5) The mirrors, soap dispensers, and paper towel dispensers in the restrooms were mounted higher than the maximum height of 40" required by CBC 1115B.9.

**(3) Public Visiting and Interview Areas:** MCJ had three main areas for visiting by family and friends and interviews with attorneys. All of these areas exhibited significant non-complying conditions that would make the visiting or interview activities difficult for persons with disabilities. These included the following conditions:

- (1) There were a total of approximately 260 visiting stations in the main visiting area. UFAS, ADAAG, and CBC would require that 5% of these stations be accessible on the



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visitor's side, meaning that a total of 13 should comply. There was only one visiting station that met the space requirements of UFAS 4.32.3&4, ADAAG 4.32.3&4, and CBC 1122B.3&4 with respect to maneuvering clearances and counter height, and all other stations had fixed stools that would preclude the effective use of the stations by persons with disabilities.

- (2) The public counter in the main visitor's lobby was 42" above the floor, higher than the maximum height of 34" allowed by UFAS 4.32.4, ADAAG 4.32.4, and CBC 1122B.4. This height would preclude usage for wheelchair users and many other persons with mobility disabilities who would need to fill out paperwork.
- (3) There were a total of nine visiting stations in the visiting area serving inmates on the three "hospital" floors. None of these met the space requirements of UFAS 4.32.3&4, ADAAG 4.32.3&4, and CBC 1122B.3&4 with respect to maneuvering clearances and counter height in this visiting room, and all stations had fixed stools that would preclude the effective use of the stations by persons with disabilities.
- (4) The doorway from the main lobby to the sally port to the attorney interview area was too narrow, providing only a 29" clear width, less than the 32" clear width required by UFAS 4.13.5, ADAAG 4.13.5, and CBC 1133B.2.2. Such a narrow width could effectively preclude an attorney with a disability from entering the attorney interview area.
- (5) There were four attorney interview areas that were accessible and provided the required maneuvering clearances and counter height on both sides. However, there was only one private attorney room in the area, and it was not accessible since it had a depth less than the 60" depth required by UFAS 4.2.3&4, and ADAAG 4.2.3&4. This depth could preclude a wheelchair user from entering the room and being able to maneuver sufficiently to use the counter.

### **5.1.4 Accessibility of Inmate Living Areas: Housing Units, Cells, Restrooms, and Showers**

At MCJ, inmates with disabilities are currently housed in three basic areas, as described in the Introduction to this Section. UFAS Section 4.1.4(9)(c) would require 5% of all housing for inmates, including dormitories (beds), group rooms, individual one- or two-person cells, and specialized cells (such as isolation or suicide-prevention cells), to be accessible. ADAAG Section 12.4.1 would require accessibility in 2% of these housing units. (It should be noted that the L. A. County Sheriff's Department describes all of these housing areas as "hospital" units, which if this designation were taken literally, would require a higher percentage of accessible rooms and cells than described above.) Both standards require that at least one room or cell serving a specific purpose must be accessible, and these would be in addition to the overall percentages described above. It should be noted that neither standard focuses on "disabled only" areas, but rather requires that all types of housing provide the appropriate percentage of accessibility, since it is assumed that inmates with disabilities would be integrated into all types of housing provided to all inmates.

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Since there are so many varied types of housing at MCJ, the simplest application of the percentage requirements, based the maximum population of approximately 5,000 inmates, would yield the requirement of somewhere between 100 (ADAAG) and 250 (UFAS) accessible "beds" (whether located in dormitories, rooms, or cells). An accessible "bed" in a dormitory, room, or cell would basically require an accessible entry at least 32" wide and at least 36" clear floor space adjacent to the side of the bed. In addition, at least one specialized room or cell of each type must meet the same accessibility requirements.

An exact breakdown of inmate rooms and types has not been provided, and while we viewed most rooms during the site visit and have a general understanding of the number present, totaling these at this point would only yield an approximation. However, it is possible to say that as far as the number of total "beds" meeting basic access requirements, it is probable that the total number provided would comply with the applicable requirements, even given the large disparity between UFAS and ADAAG requirements. However, even though it appears that MCJ has the prerequisite number of total accessible beds available, it is apparent that these are not appropriately divided among the various types of dormitories, rooms, and cells available to house all inmates at the facility. The analysis of the number of specialized rooms and cells serving a unique purpose is much more problematic, and a detailed list of each room or cell and its specific use would be needed to complete an appropriate analysis.

A more crucial analysis would involve the appropriate distribution of inmates with disabilities among the various types of housing and related service facilities available. In assigning accessible housing units, rooms, and cells, it is apparent that factors other than needs based on an inmate's disability are used to make such assignments. It is also apparent that some inmates that would require the ADA accommodation of an accessible room and the required accessible restroom and shower are denied access to one, while it is possible that other inmates without applicable disabilities are assigned to areas that would be better suited for inmates with disabilities. In addition, Department-wide, it appears that some inmates with disabilities who should appropriately be housed in a certain type of housing unit could not be placed there due to the lack of accessible facilities. The L.A. County Sheriff's Department's policy of classifying inmates with disabilities into broad, stereotypical categories of disabilities, and then segregating these inmates into various areas and types of housing, appears to be primarily responsible for this phenomenon.

In addition, applicable standards would require at least one accessible sanitary facility (restroom with accessible lavatory, toilet, and urinal if a urinal is present), as well as one accessible shower for each restroom and shower area serving the accessible dormitory, room, or cell. Generally, an accessible sanitary facility would require an accessible entry at least 32" wide, an accessible toilet with a 60" maneuvering space and side and rear grab bars, an accessible lavatory with the full 17" deep x 29" high knee space below, and an accessible urinal no more than 17" above the floor. An accessible shower would generally require an accessible entry at least 32" wide and no curb higher than 1/2", a low-height showerhead, grab bars on at least two walls, accessible controls, and

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a fixed seat. Based upon our site visit and the information provided, it is this requirement that is the most problematic with respect to the physical accessibility of housing at MCJ.

Each of these areas at MCJ where inmates with disabilities are currently housed is described in detail below:

***(1) 8000/8100 series of rooms / cells:*** insulin-dependent diabetics & wheelchair users:

The area dedicated to diabetics contained three dormitories housing from 14 to 60 inmates each and about 32 2-person cells, currently housing about 170 inmates. The area dedicated to wheelchair users consisted of approximately 8 rooms housing from eight to twelve inmates each, currently housing about 70 inmates. Entry doors were wide enough to meet the requirements of UFAS 4.13.5 and ADAAG 4.13.5, and each had enough beds that would meet the space requirements of ADAAG 12.5.2(3) as being accessible sleeping areas, since upper bunks were typically unused.

Most of the rooms that housed inmates who used wheelchairs had one toilet and lavatory combination within the room. It should be noted that many correctional plumbing fixture manufacturers provide plumbing fixtures and combination units that may contain the "international symbol of accessibility" logo or may be marketed as "ADA compliant". The reality is that many of these fixtures do not actually meet the technical requirements of UFAS, ADAAG, or CBC. The institutional and combination fixtures at MCJ generally fall into this category. The lavatories typically provided some knee clearance, but not the full 17" deep by 29" high front clearance required by UFAS 4.19.2 and ADAAG 12.5.2(2) & 4.19.2. Likewise, none of toilets provided both a 42"-long side and a 36"-long rear grab bar as required by UFAS 4.17.6 and ADAAG 12.5.2(2) & 4.17.6. It is true that ADAAG 12.4.2 allows for the removal of grab bars where security and personal safety are a concern (as might be typically a factor next to toilet in suicide or isolation cells), but there is no evidence that the toilets in these locations would constitute such a concern. During the visit, it was pointed out that many of the lavatory/toilet combination units in these rooms were scheduled for replacement, but the replacement unit viewed in one room had similar problems as described above; therefore, these replacement units should be reviewed very carefully for full compliance. In conclusion, none of the lavatories and toilets provided in these areas could be considered fully accessible or code-complying, and many inmates with disabilities would have problems attempting to use these fixtures effectively.

Most of the rooms that housed inmates who used wheelchairs had one stall shower in each room. All of these showers were deficient in the following ways: (1) each shower had a 6" high curb that would preclude entry into the shower, in violation of UFAS 4.21.7 and ADAAG 12.5.2(2) & 4.21.7; (2) showers did not have accessible control valves in the proper locations, in violation of UFAS 4.21.5 and ADAAG 12.5.2(2) 4.21.5; (3) showers did not have the proper grab bars within the shower, in violation of UFAS 4.21.4 and ADAAG 12.5.2(2) & 4.21.4; and (4) showers did not have fixed wall seats, in violation of UFAS 4.21.3 and ADAAG 12.5.2(2) and 4.21.3. These showers would be unusable by the vast majority of inmates with disabilities. The impact of these

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non-conforming features is not limited to inmates who use wheelchairs. Individuals with diabetes, for example, may have circulation problems and amputated toes that impair balance and mobility and necessitate the accessible features such as raised seats and grab bars.

On the same floor, there were two common shower rooms that appeared to be recently constructed. The showers in these rooms were generally accessible and met most requirements of UFAS 4.21 and ADAAG 12.5.2(2) and 4.21. However, it is unknown to what extent inmates are allowed to use these rooms independently.

**(2) 7000, 7100, & 7200 series of rooms & cells:** non-insulin-dependent diabetics, blind and visually impaired inmates, and "step down" inmates (those with mobility disabilities deemed to have "less serious" needs):

In order to avoid repetition, these areas were very similar to those described in subsection (1) above. The only significant differences were: (1) there were more individual cells in these areas than in the 8000/8100 series of rooms; these typically had a standard correctional lavatory/toilet combinations that were not designed to be accessible, and (2) there were no common showers that had the required accessible features.

**(3) 6000/6050 series of rooms & cells, 1st floor:** inmates using crutches, walkers, and canes, and inmates needing disabled isolation units:

Most of the inmates with disabilities who are housed in these areas are placed in one of three "triple" rooms, with each of the three 6-foot wide modules containing four bunk beds. At the time of the site visit, there were six inmates assigned to each half-room, although it is assumed that at some times there would be more, and at some times less, inmates assigned to these rooms. As the rooms were laid out at the time of the site visit, there was only about 32" to 34" clearance between beds, typically less the minimum 36" clearance required by ADAAG 12.5.2(3) and not providing any turnaround or maneuvering space required by UFAS 4.2.3 and ADAAG 4.2.3, meaning these areas could not be classified as accessible. Some of these inmates with disabilities would be required to use upper bunks, again in violation of ADA regulations; while it is possible that some inmates' disabilities might allow such usage, many inmates would have serious difficulties using these, and such usage could injure or debilitate these individuals.

Each of the rooms contained a stall shower, lavatory, toilet and urinal. There were standard, wall-mounted fixtures and not combination units. These sanitary fixtures exhibited none of the accessibility features required by UFAS 4.16, 4.18, 4.19, 4.21, & 4.23 and ADAAG 12.5.2(2), 4.16, 4.18, 4.19, 4.21, & 4.23, and it would be extremely difficult for inmates with even what might appear to be minor mobility disabilities to effectively use these fixtures. The stall showers appeared to be only about 30" wide with curbs and no grab bars, making them almost totally unusable for most inmates with disabilities, and potentially hazardous.

As previously discussed only briefly, from any objective or even reasonably subjective analysis, it is clear that these particular housing facilities contained in the 6050 section of MCJ are some

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of the worst in the entire L.A. County Jail system. From all of the housing areas visited, these were the most overcrowded, dreariest, and poorest maintained rooms or cells observed. While this inequality of treatment of inmates with disabilities is disturbing, the lack of basic accessibility and reasonable accommodations provided to the inmates, as required by the ADA, is even more disturbing. The prevalent misconception that persons with physical disabilities who do not use wheelchairs do not need accessible facilities, or that the ADA does not require fully accessible facilities for persons with such disabilities, is no more obvious than in this area. (It should be noted that the fact that inmates in this area would not need wheelchairs should also be questioned, since there appeared to be no clear rationale or medical justification for determining that these inmates should not be provided with a wheelchair. Personal observations confirmed that many of these inmates indeed demonstrated significant mobility disabilities.) It was clear that many inmates housed in this area would have extreme difficulty in performing everyday sanitary and hygienic activities in such substandard and inaccessible facilities, and serious long-term adverse effects exacerbating one's disability would likely be a common result.

In addition to the three triple rooms, there were twelve medical segregation or isolation cells located in an adjacent corridor constituting the 6000 series of cells. Each of these cells had entry doors that were wide enough and sufficient maneuvering space in the cell. Each cell had a lavatory and toilet, but none of these sanitary fixtures met the requirements of UFAS 4.16 & 4.19 and ADAAG 12.5.2(2), 4.16 & 4.19, and thus none of these could be considered an accessible cell. There was a common shower room also located along this corridor, but this shower did not have any of the required accessibility features described in UFAS 4.23 and ADAAG 12.5.2(2) & 4.23, and it was therefore inaccessible.

*(4) All other areas* where other inmates were housed had no particular features to make them accessible to inmates with disabilities. Dormitories and several rooms housing more than two inmates have entry doors that are wide enough to meet the requirements of UFAS 4.13.5, ADAAG 12.5.2(1) and 4.13.5. The dormitories, while generally appearing to be crowded, had enough beds (5%) that would most likely meet the requirements of UFAS 4.1.4(9)(c) as being accessible sleeping areas. Individual two-person cells typically did not have entry doors that were wide enough to meet the requirements of UFAS 4.13.5 and ADAAG 12.5.2(1) and 4.13.5. There were no toilet or shower facilities at any of these areas that would provide any type of accessibility that would comply with UFAS and ADAAG 4.19, 4.22, and 4.23. These conditions would preclude the ability for inmates with disabilities to be effectively housed at these areas, even though some areas might be the most appropriate place for these inmates.

### **5.1.5 Accessibility of Inmate Common Areas**

There were a number of areas within MCJ used commonly by all inmates. These areas had conditions that would constitute barriers for inmates with disabilities. Such features would be in violation of both the programmatic requirements of Title II of the ADA and the physical accessibility requirements of UFAS and ADAAG. These are described below:

**(1) Recreational Areas:** The rooftop recreational yard would allow for some physical activity, although alternate apparatus usually provided for those with physical disabilities was non-existent. It should be noted that such regular and targeted physical activity is crucial for the health and stabilizing health of many persons with disabilities, usually to a greater extent than would be required for the non-disabled population.

By going through an extremely time-consuming and circuitous route and utilizing a freight elevator, it is possible for inmates with disabilities to reach the roof-top recreational areas. However, given the length and effort required to do so, and the competing pressures for deputy time, it appears unlikely that these inmates are provided with equal access, or whether LASD has proper policies and procedures to monitor compliance and ensure equal participation for inmates with disabilities.

Sanitary facilities provided for inmates on the rooftop recreational yard were not accessible. These sanitary fixtures exhibited none of the accessibility features required by UFAS 4.16, 4.18, & 4.19 and ADAAG 12.5.2(2), 4.16, 4.18, & 4.19, and it would be extremely difficult for inmates with mobility disabilities to effectively use these fixtures. If an inmate is provided with the three hour block of roof-time that LASD interprets as required by Title 15, combined with what may be an additional 30 to 40 minutes to travel back and forth to the housing unit, this time period is too long for an inmate to go without access to a toilet.

**(2) Educational Facilities:** As described earlier, our inspection included the Hacienda La Puente School District rooms on the second floor. These areas had no particular accessible features. A small restroom did not meet any of the accessibility requirements of UFAS 4.22 and ADAAG 12.5.2(2) & 4.22, and it was so small that wheelchair users would not be able to enter to room and close the door.

**(3) Law Library:** The Law Library located in room 2700 is used continually by all pro-per inmates. The room had about twenty computers that provided access to legal references. Each of these were located on tables or counters that did not meet the space requirements of UFAS 4.32.3&4 and ADAAG 12.5.2(5) & 4.32.3&4, with respect to maneuvering clearances and knee space, and all computer stations had fixed stools that would preclude the effective use of the stations by persons with disabilities. In addition, sanitary facilities consisting of a toilet, lavatory, and urinal that served the area were not accessible and did not comply with UFAS 4.16, 4.18, & 4.19 and ADAAG 12.5.2(2), 4.16, 4.18, & 4.19. (Our inspection included an additional law library on the second floor in an area designated for extremely violent "high-power" inmates.

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This library did include one accessible computer in a security cage, but it appears unlikely that inmates with disabilities will be housed in that area.)

**(4) Inmate visiting rooms:** The visiting areas previously discussed in Section 5.1.3(2)&(3) exhibited the same types of barriers on the inmate side of the visiting windows. The main visiting area had a total of approximately 260 visiting stations. UFAS and ADAAG would require that 5% of these stations be accessible on the inmate's side, meaning that a total of 13 should comply. There were no visiting stations that met the space requirements of UFAS 4.32.3&4 and ADAAG 12.5.2(5) & 4.32.3&4 with respect to maneuvering clearances and knee space, and all stations had fixed stools that would preclude the effective use of the stations by persons with disabilities.

**(5) Transportation Facilities:** The transportation center for inmates was located at the lowest level of MCJ, and it was reported to process about 1,400 inmates per day. The area was visited only briefly, but this short visit raised a number of questions about how inmates with disabilities are provided with equal transportation services, and its operations would merit further evaluation. It appeared that some inmates with disabilities were transported in accessible vans, although none of these vans was present at the time of the visit. It was unclear how a particular inmate would be evaluated to require accessible transportation, or whether the presence of a wheelchair or other mobility device would be the sole determining factor. Evidence would indicate that there were often not enough accessible vans for inmates with disabilities to be transported in a timely manner, since it was reported that some inmates with disabilities did not wait for accessible transportation but rode regular busses on occasion. The main processing room had a white box painted on the floor, where wheelchair users were required to wait in rows for accessible transportation, a practice that is questionable when one considers the "non-labeling" requirements of Title II of the ADA.

There were a number of violations of accessibility standards in this area. Benches reportedly used by inmates using walkers or crutches did not comply with ADAAG 12.5.2(6) in that there was no proper back support. A restroom used by inmates, consisting of a toilet and lavatory, did not comply with UFAS 4.16, 4.18, & 4.19 and ADAAG 12.5.2(2), 4.16, 4.18, & 4.19.

**(6) Other:** Necessary items within common areas and inmate rooms or cells were often placed at excessive heights above the allowable reach ranges required by UFAS 4.25 and ADAAG 12.5.2(7) & 4.25, meaning that wheelchair users would not be able to reach a number of required items within these areas.

## **5.2 Twin Towers Complex**

### **5.2.1 Introduction**

This section describes four separate but interconnected facilities:

- (1) The Inmate Reception Center (IRC): a two-level intake and release center with approximately 50 holding rooms and cells, showers, medical evaluation and triage, and reception and classification functions.
- (2) The Correctional Treatment Center (CTC): a two-level medical and mental health treatment facility with approximately 35 patient rooms and numerous medical support facilities.
- (3) Tower 1: an eight-story structure with approximately 1,000 two-person cells organized in pods, housing approximately 2,000 inmates. It should be noted that inmates classified as physically disabled by the L. A. County Sheriff's Department are not housed in this facility, as advised by Jail staff during the site visit. Most of this tower is used for segregated housing for inmates with mental illness.
- (4) Tower 2: an eight-story structure with approximately 1,000 two-person cells organized in pods, housing approximately 2,000 inmates, as well as administrative offices on the 8th floor. It should be noted that inmates classified as being physically disabled by the L. A. County Sheriff's Department are not housed in this facility, as advised by Jail staff during the site visit, except for short duration inmates still being evaluated or awaiting final classification, who are housed in 231 or 232.

It should be noted that these facilities are also connected to the MCJ by a bridge located at the second floor and by a tunnel over Bauchet Street.

### **5.2.2 Requirements of Applicable Codes and Standards**

LASD has not provided a definitive time line for the design and construction of these facilities provided, and no research of these records has been undertaken at this point. A plaque at the main entry states that the complex was constructed in 1992. As a facility certainly constructed after 1973, Section 504 of the Rehabilitation Act of 1973 would require that the building be constructed to meet federal standards for new construction, which would be the 1988 edition of UFAS. Under the California Building Code, Title 24, the construction would have had to comply with the edition of the code in effect at the time of permit application. This would most likely have been the 1988 edition of the code. Under the ADA, any building constructed after January 26, 1992, would have had to comply with ADAAG requirements for new construction. Even though Chapter 12 of ADAAG, specifically covering correctional facilities, was not adopted until 1998, the basic ADAAG standards should still have been used since 1992 as applicable to the extent reasonable to do so. Another piece of evidence regarding the applicability of ADAAG to the new construction can be found in the consistency of accessibility-related design construction within many of the common or public areas. From a number of design elements present in the building that would only have been required by ADAAG (and not



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by UFAS or CBC), it is likely that ADAAG was indeed used as a basis for much of the design and construction and was therefore applicable to the construction.

It should be noted that there are no "programmatic" alternatives to full compliance with applicable accessibility requirements for new construction. Under the ADA, and unlike pre-existing buildings constructed prior to 1992, alternatives of policies and procedures in lieu of facility accessibility are not allowed. While the U.S. D.O.J. Title II Technical Assistance Manual does indeed state that not all facilities of a public entity must be fully accessible, this applies only to existing buildings. All facilities classified as "new construction" must be fully accessible in all respects and comply with all applicable accessibility requirements throughout. Another piece of evidence that indicates that the Twin Towers were considered to be new construction is that the Department's ADA Transition Plan, as will be discussed further in Section 6, does not include these facilities, which it would have been required to do if the facilities were considered to be existing construction.

As a summary of the details that will be described below, our basic evaluation of the Twin Towers complex's compliance with applicable physical accessibility requirements is that many areas were designed and constructed in violation of UFAS, ADAAG and CBC requirements. A full review of the construction drawings and records would be necessary to determine why this happened and exactly what codes and standards building officials, architects, and contractors felt applied to the construction. Evidence points to the possibility that these officials were working under an incorrect assumption that housing areas did not need to meet accessibility criteria since inmates with disabilities were planned to be housed elsewhere.

### **5.2.3 Inmate Reception Center (IRC)**

There are many holding areas, rooms, and cells, as well as the support facilities such as restrooms and showers, in this large complex that holds from 600 to 1200 inmates at any one time. Since our inspection was too brief to cover every single area, this report will focus on the more significant features.

The Department's policy is that all potential inmates with disabilities are taken directly to the medical triage area and evaluated separately from other inmates. It was impossible to evaluate how this system of programmatic accessibility would work during such a short visit. It was described how those persons who used wheelchairs would be provided this alternate entry process. However, it was unclear how those not provided with a wheelchair during an arrest would be determined to have a disability. Also, the process for such determinations for persons with other serious mobility disabilities that might not require a wheelchair as an accommodation was even more unclear. Therefore, it will be impossible to provide any reasonable evaluation of these processes as they relate to disabilities in this report. All that can be said is that there were clear indications that the potential for error by those not especially trained to make such determinations is great, and that a further, detailed evaluation of this disability assessment process should be undertaken.

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However, when evaluating the compliance of these areas with the physical accessibility requirements of the applicable codes and standards, as described above, the programmatic process is somewhat irrelevant. Since the IRC appears to be new construction as defined by these codes and standard, there is no acceptable alternative to full accessibility for these areas, irrespective of any polices (whether these policies may be appropriate or inappropriate) that may reduce the usage of the areas by persons with disabilities. These areas exhibited numerous violations of accessibility codes, including the following:

- (1) **Sanitary facilities:** Each of the larger, initial holding rooms, and most of the smaller, second-stage holding rooms, had sanitary facilities adjacent to the room or area for use by inmates awaiting processing. Most of these contained standard correctional combination fixtures, although some had a separate toilet and lavatory. None of these were accessible. The toilets lacked the appropriate side maneuvering space and had no grab bars, in violation of UFAS 4.16 and ADAAG 12.5.2(2) & 4.16, and these conditions would render the facilities unusable by most persons with disabilities, whether the person was a wheelchair user or not. The medical reception and triage areas where it was stated that wheelchair users would be processed also lacked accessible sanitary facilities.
- (2) **Showers:** There were two large, open shower rooms containing a total of approximately 100 showerheads. Neither of these was accessible. The showers lacked accessible controls and had no grab bars or fixed shower seats, in violation of UFAS 4.23 and ADAAG 4.23, and these conditions would render the showers unusable by most persons with disabilities, whether the person was a wheelchair user or not. The medical triage areas where it was stated that wheelchair users would be processed also lacked any accessible showers. It was unclear where (or if) these inmates with disabilities would be allowed to shower.
- (3) **Processing and interview counters:** There were a total of approximately 50 interview "windows" where information vital to processing was obtained from inmates. The applicable codes would require at least 5% of each type, or a total of at least 5 considering that windows served differing functions, to be accessible. None of these counters and working surfaces were accessible. They all lacked the required 27" high by 19" deep knee space and were mounted higher than 34" above the floor, in violation of UFAS 4.32.3&4 and ADAAG 12.5.2(5) & 4.32.3&4 with respect to counter height, maneuvering clearances, and knee space.
- (4) **Benches** used by inmates did not comply with ADAAG 12.5.2(6) in that none provided the proper back support.

### 5.2.4 Correctional Treatment Center (CTC)

This area was almost completely accessible, and met most of the required accessibility requirements of UFAS, ADAAG, and CBC throughout, except for a few minor discrepancies that would not significantly affect usability by persons with disabilities. This fact was quite interesting, considering the numerous code violations present in other parts of the facility. It also served as an indication that the lack of accessibility in other areas, as required by the applicable

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codes, was likely not due to inadvertent errors or omissions, but rather due to a conceptual flaw in overall project scope that misapplied programmatic alternatives as allowing an almost total disregard for accessibility in those areas.

### **5.2.5 Twin Towers**

These two high-rise buildings are considered together in this report, since the physical conditions are very similar, and since not all spaces in either building were visited. The major differences encountered were that Tower 1 contained administrative offices on the eighth floor, as well as public and employee meeting rooms and common areas on the second floor.

All common areas visited, including the public and employee common areas and the administrative offices, were almost completely accessible, and met accessibility requirements of UFAS, ADAAG, and CBC throughout, except for a few minor discrepancies that would not significantly affect usability by persons with disabilities. It was evident that these areas were designed to meet the current codes at the time of construction. The only exception noted was that in the visiting areas, attorney interview rooms were not accessible since they had a depth within the room of only 48", less than the 60" depth required by UFAS 4.2.3&4, and ADAAG 4.2.3&4. This depth could preclude a wheelchair user from entering the room and being able to maneuver sufficiently to use the counter.

Assuming that the total number of cells in the facility was approximately 2,000 (this number was not formally verified), codes and standards would yield the requirement of somewhere between 40 (ADAAG) and 100 (UFAS) accessible cells. An accessible cell would basically require an accessible entry at least 32" wide, and at least 36" clear floor space adjacent to the side of the bed. In addition, at least one specialized room or cell must meet the same accessibility requirements. For each unique type, the codes also would require at least one accessible sanitary facility (restroom with accessible lavatory, toilet, and urinal if a urinal is present), as well as one accessible shower, for each restroom and shower area serving the accessible cell.

While spatial conditions such as passageway and door widths, maneuvering clearances, and similar elements generally complied with applicable codes, the inmate areas exhibited major non-complying items that were in violation with the scope of accessibility required by the applicable codes and standards. As at other areas, staff stated on several occasions that inmates with disabilities were not housed in the facility. Since the Twin Towers appeared to be new construction as defined by these codes and standard, there is no acceptable alternative to full accessibility for these areas. The areas exhibiting violations of accessibility codes included the following:

**(1) Sanitary facilities:** All of the standard two-person cells had a toilet and lavatory within the cell. None of these sanitary fixtures met the requirements of UFAS 4.16 & 4.19 and ADAAG 12.5.2(2), 4.16 & 4.19, and thus none of these cells could be considered an accessible cell. The toilets lacked the appropriate side maneuvering space and had no grab

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bars, and these conditions would render the facilities unusable by most persons with disabilities, whether or not the person was a wheelchair user.

- (2) **Showers:** Most "pods" had common shower stalls on the inaccessible upper mezzanine level, although a few had shower stalls on the first level. All of these showers were deficient in the following ways: (1) each shower had a 6" high curb that would preclude entry into the shower, in violation of UFAS 4.21.7 and ADAAG 12.5.2(2) & 4.21.7; (2) showers did not have accessible control valves in the proper locations, in violation of UFAS 4.21.5 and ADAAG 12.5.2(2) 4.21.5; (3) showers did not have any grab bars within the shower, in violation of UFAS 4.21.4 and ADAAG 12.5.2(2) & 4.21.4; and (4) showers did not have fixed wall seats, in violation of UFAS 4.21.3 and ADAAG 12.5.2(2) and 4.21.3. These showers would be unusable by the vast majority of inmates with disabilities, whether the person was a wheelchair user or not.
- (3) **Other:** Necessary items within common areas or inmate rooms or cells were often placed at excessive heights above allowable reach ranges required by ADAAG 12.5.2(7) and 4.25, meaning that wheelchair users would not be able to reach a number of required items within these areas. None of the common area tables or working surfaces were accessible, and the applicable codes require 5% accessibility. They all lacked the required 27" high by 19" deep knee space, in violation of UFAS 4.32.3&4 and ADAAG 12.5.2(5) & 4.32.3&4. Stairs to upper levels in pods had protruding overhead objects below 80" that would be hazardous, in violation of UFAS 4.4.2 and ADAAG 4.4.2.

### **5.3 North County Correctional Facility**

#### **5.3.1 Introduction**

This large complex located near Castaic, California consisted of five basic housing "pods" housing approximately 4,000 total inmates, administrative offices, Hacienda La Puente School District educational facilities, numerous vocational training areas, a small medical/triage area, and other support facilities.

#### **5.3.2 Requirements of Applicable Codes and Standards**

There is no definitive time line for the design and construction of these facilities, and no research of the records has been undertaken at this point. A plaque inside the main administrative area states that the complex opened in March of 1990. As a facility certainly constructed after 1973, Section 504 of the Rehabilitation Act of 1973 would have required that the building be constructed to meet federal standards for new construction, which would be the 1988 edition of UFAS. Under the California Building Code, Title 24, the construction would have had to comply with the edition of the code in effect at the time of permit application. This would most likely have been the 1988 edition of the code. If indeed the assumed occupancy date is correct, the building would not have been subject to the new construction requirements of the ADA. Indications that the NCCF was not considered to be new construction under the ADA are also

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based on the fact that the Department's ADA Transition Plan, as will be discussed further in Section 6, includes these facilities, which would have been required only if the facilities were considered to be existing construction.

### **5.3.3 Accessibility Conditions and Barriers**

All common areas encountered, including the public and employee common areas and the administrative offices, were generally accessible, and met most of the required accessibility requirements of UFAS and CBC. It was evident that these public areas were generally designed to meet the current accessibility codes at the time of construction.

The only exception noted was in the visiting area, and these areas exhibited non-complying conditions that would make the visiting or interview activities difficult for persons with disabilities. There were a total of about 145 visiting stations in the main visiting area. Both UFAS and CBC would have required that 5% of these stations be accessible on the visitor's side, meaning that a total of 8 should comply. There were seven visiting stations that met the space requirements of UFAS and CBC with respect to maneuvering clearances and counter height. However, only two of these stations lacked the presence of a fixed stool, which would preclude the effective use of a station by persons with disabilities. The men's and women's public restrooms exhibited the following non-complying conditions: (1) The toilet in the accessible stall in the women's restroom had the flush valve in the wrong direction, in violation of UFAS 4.16.5, ADAAG 4.16.5, and CBC 1115B.7.1. (2) All lavatories had hot water and drain pipes below that were not insulated, as required by UFAS 4.19.4, ADAAG 4.19.4, and CBC 1115B.2.1.2.2, to protect a wheelchair user who might have reduced leg sensation from being burned. (3) The hand dryers were mounted higher than the maximum height of 40" allowed by CBC 1115B.9.

At the time of the site visit, the overall population at the facility was approximately 4,000 inmates. UFAS would have required that at least 200 housing units (dormitories, rooms, or cells) must be accessible, and the code would require that at least one of each unique type also be accessible. The code also would require at least one accessible sanitary facility (restroom with accessible lavatory, toilet, and urinal if a urinal is present), as well as one accessible shower, for each restroom and shower area serving an accessible cell.

While spatial conditions such as passageway and door widths, maneuvering clearances, and similar elements generally complied with applicable codes, the inmate areas exhibited major non-complying items that were in violation with the scope of accessibility required by the applicable codes and standards. As at other areas, staff stated on several occasions that inmates with disabilities were not housed in the facility. To the extent that NCCF was new construction as defined by the applicable codes and standard, there is no acceptable alternative to full accessibility for these areas. The areas that exhibited violations of accessibility codes included the following:

**(1) Sanitary facilities:** The standard one- or two-person cell had a toilet and lavatory within the cell. In addition, many specialized cells and common rooms contained sanitary facilities.

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None of these facilities were accessible (except one in the main hall). The toilets lacked the appropriate side maneuvering space and grab bars and the lavatories lacked the necessary knee space and other details, in violation of UFAS 4.16 & 4.19 and ADAAG 12.5.2(2), 4.16 & 4.19, and these conditions would render the sanitary facilities unusable by most persons with disabilities, whether the person was a wheelchair user or not. The medical triage areas also lacked accessible sanitary facilities. It should be noted that the inmate restroom in the main hall next to Hacienda La Puente educational classrooms was indeed generally accessible and contained a toilet with grab bars.

- (2) **Showers:** Most "pods" had commonly used shower stalls, and none of the showers were accessible. The showers had curbs, lacked accessible controls, and had no grab bars or fixed shower seats, in violation of UFAS 4.21 and ADAAG 4.21, and these conditions would render the showers unusable by most persons with disabilities.
- (3) **Other:** Necessary items within common areas or inmate rooms or cells were often placed at excessive heights above allowable reach ranges required by , meaning that wheelchair users would not be able to reach a number of required items within these areas. None of the common area tables or working surfaces was accessible, and the applicable codes require 5% accessibility. They all lacked the required 27" high by 19" deep knee space, in violation of UFAS 4.32.3&4 and ADAAG 12.5.2(5) & 4.32.3&4.

### **5.4 Peter Pitchess Detention Center, South Facility**

This facility was visited for only a brief period of time, with the main purpose being to review the programs and services offered at this facility, and with only a general review of the physical accessibility. As discussed in Section 3, there were many unique programs and work opportunities offered to inmates at this facility, but no inmates identified as having disabilities were housed at the facility and therefore allowed to participate in these programs.

As an existing facility built prior to January 26, 1992, both Section 504 of the Rehabilitation Act of 1973 and the ADA would require the degree of physical accessibility necessary to provide "programmatically accessibility", as described in Section 1 of this report.

Public areas included only the visiting building, which exhibited the following non-complying conditions:

- (1) **Public Restrooms:** The public visiting area had men's and women's restrooms located directly off the interior lobby. Both restrooms were generally inaccessible to persons with disabilities, including the following violations: (1) Doorways lacked the required strike-side clearances of 18" that would make the doors difficult or impossible to open for persons with disabilities, in violation of UFAS 4.13.6 and ADAAG 4.13.6. (2) The toilet in the accessible stall had the flush valve in the wrong direction, in violation of UFAS 4.16.5, ADAAG 4.16.5, and CBC 1115B.7.1. (3) All lavatories had hot water and drain pipes below that were not insulated, as required by UFAS 4.19.4, ADAAG 4.19.4, and CBC 1115B.2.1.2.2, to protect a wheelchair user who might have reduced leg sensation

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from being burned. (4) The mirrors were mounted higher than the maximum height of 40" allowed by CBC 1115B.9. (5) The urinal in the men's restroom was too high, in violation of UFAS 4.18.2 and ADAAG 4.18.2.

- (2) Public Visiting and Interview Areas: All of these areas exhibited significant non-complying conditions that would make the visiting or interview activities difficult for persons with disabilities. There were a total of about 100 visiting stations in the visiting area. UFAS and ADAAG would require that 5% of these stations be accessible on the visitor's side, meaning that a total of five should comply. There were no visiting stations that met the space requirements of UFAS, ADAAG, and CBC, with respect to maneuvering clearances and counter height, since all stations had fixed stools that would preclude the effective use of the stations by persons with disabilities.

A detailed discussion of the accessibility of all inmate areas would be too time-consuming and most likely inappropriate for this report. As at several other facilities, staff members were quick to point out that no inmates with disabilities were housed at the facility. In general, inmate areas exhibited numerous accessibility barriers, such as steps, slopes exceeding maximum gradients, and inaccessible toilets, lavatories, and showers. The important point to make with respect to these inaccessible features is that while in its current condition the physical layout would prohibit effective usage of the facilities by persons with many types of mobility disabilities, relatively minor, cost-effective, and well-placed physical improvements could provide a functional and complying environment for many persons with disabilities, even for many wheelchair users. These improvements could allow those who would otherwise qualify for the unique programs offered at the facility to participate where they are now excluded.

### **6. L.A. County Sheriff's Department ADA Transition Plan**

As discussed in Section 1 of this report, the ADA requires that public entities must prepare an ADA Transition Plan to describe the physical modifications that the entity will make in its facilities to provide programmatic accessibility. As part of the documents provided by the L.A. County Sheriff's Department, a document entitled "LASD - ADA Access Barrier Transition Plan", dated July 30, 1998, was included. Also, a document prepared by the L.A. County Office of Affirmative Action Compliance entitled "Departmental ADA Compliance Review", dated June, 2005, was included. The transition plan document includes a relatively detailed summary chart describing the access barriers at existing Department facilities. Based on our experience of reviewing these type of documents, it appears to be a relatively concise yet a reasonable effort to document the barriers present and to plan for their removal, even though it misses barriers in a number of locations. The major exception to this statement would be that the document contains information only for public areas, and does not consider inmate areas. While it is agreed that a review of employee areas is not required in an ADA Transition Plan, it is not agreed that areas used by inmates could be omitted from such a plan, since inmates are direct recipients of the programs and services of the Department. Such an omission would make the transition plan non-compliant and significantly deficient. As described previously in this report, an ADA Transition

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Plan would need to include those facilities constructed prior to January 26, 1992, and buildings constructed after that date would not need to be included since they would be required to meet ADAAG requirements for new construction. For the Department's plan, Men's Central Jail and NCCF are included as being existing facilities. The Twin Towers complex is not included, since it was clearly new construction. It is unclear why the entire Peter Pitchess Center was not included in the plan.

This report cannot address all of the items included in the Department's transition plan and evaluate their appropriateness and completion, although such a review could be provided if requested. However, a basic summary of such an evaluation shows that the Department has not completed the majority of the barrier removal items in nearly ten years since the issuance of the Access Barrier Transition Plan. Of a total of 37 items included in the chart for the parking garage and MCJ, only approximately 10 of these items have been effectively completed. This summary and other shortcomings are corroborated in the L .A. County Office of Affirmative Action Compliance document "Departmental ADA Compliance Review". This document states that "The Transition Plan was developed in 1998 and indicated completion dates of ranging from July, 1999 through January, 2000. During the site inspections, it was discovered that there were several areas of weakness. For instance, there was no consistency in how the Transition Plans were developed." A chart contained with the OAAC report shows that for MCJ, only 7 of 19 identified transition plan barriers had been removed, and it further identifies additional remaining barriers that were not included in the original transition plan.

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