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CITY JAILS AGREE TO ENHANCED PROTECTIONS FOR CIVIL RIGHTS OF DISABLED INMATES

DAVID N. KELLEY, the United States Attorney for the Southern District of New York, announced today that the NEW YORK CITY DEPARTMENT OF CORRECTION ("DOC"), which operates the New York City jails, has agreed, under the terms of a settlement agreement with the United States Government, to implement enhanced procedures to protect the civil rights of inmates with disabilities. Among other reforms, DOC has agreed to designate a full-time employee to coordinate DOC's compliance with the Americans with Disabilities Act of 1990 ("ADA") as it applies to inmates with disabilities.

Mr. Kelley explained that, under federal disability rights laws, entities such as DOC that employ 50 or more employees are required to designate at least one employee to coordinate the entity's efforts to comply with the federal disability rights laws. The settlement agreement announced today resolves an investigation commenced by the Government into allegations made by a former DOC inmate, who claimed that DOC was operating in violation of federal law by failing to designate such an employee.

Under the terms of the settlement, DOC has agreed to

create the position of Disability Rights Coordinator for Inmates and to give that employee the responsibility and authority, among other things, to process, investigate, and promptly act upon inmate complaints and/or inmate requests for reasonable accommodations; ensure that all DOC staff who interact with inmates with disabilities are provided with adequate and appropriate information and training on ADA issues; ensure that inmates with disabilities are housed in facilities that accommodate their disabilities; and ensure that all applicable DOC facilities and programs comply with federal disability rights laws. The Disability Rights Coordinator for Inmates will also serve as a resource for inmates and other DOC employees, and for representatives of federal, state, and city government agencies who have questions regarding DOC inmates with disabilities, DOC's obligations with respect to inmates with disabilities, and DOC procedures concerning ADA compliance.

In addition to designating a full-time disability rights coordinator, the agreement also obligates DOC to designate at least one civilian administrative employee who is permanently assigned to each correctional facility within DOC at which any inmate with a disability is housed to serve as the Disability Rights Facility Contact Person for that facility. The Disability Rights Facility Contact Person will act as a liaison between inmates in the facility and the Disability Rights Coordinator for Inmates, serve as an on-site resource for inmates with disabilities, and may refer

informal requests for reasonable accommodations and informal complaints about non-compliance with the ADA at the facility to the Disability Rights Coordinator for Inmates.

The agreement further requires DOC to modify existing directives, rules, policies and procedures concerning the screening and classification of inmates upon entry into the custody of DOC to ensure that, when a person with or claiming a disability is received into the custody of DOC, the Disability Rights Coordinator for Inmates is advised within 24 hours (or, if intake occurs over the weekend or on a public holiday, by the next business day) of the inmate's name, the nature of the inmate's disability, and any request for accommodation made by that inmate upon intake.

Finally, the agreement requires DOC to adopt and publish grievance procedures providing for the resolution of requests by inmates with disabilities for reasonable accommodations and complaints by inmates alleging any action that would be prohibited by the ADA.

According to the DOC website, DOC averages a daily inmate population of between 14,000 to 19,000, more than the entire prison system in any of 35 states, and admits into custody between 120,000 and 130,000 inmates annually.

Mr. KELLEY said: "The comprehensive measures required by today's settlement agreement are designed to ensure that disabled inmates in New York City's jails are afforded the civil rights

guaranteed them by federal law."

Assistant United States Attorney ANDREW W. SCHILLING is in charge of the case.

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