

**SETTLEMENT AGREEMENT**

**BETWEEN**

**THE UNITED STATES OF AMERICA**

**AND**

**ERIE COUNTY, NEW YORK**

**REGARDING**

**THE ERIE COUNTY HOLDING CENTER**

**AND**

**THE ERIE COUNTY CORRECTIONAL FACILITY**

**UNDER THE**

**AMERICANS WITH DISABILITIES ACT**

**DJ # 204-53-125**

**I. BACKGROUND**

- A. On December 14, 2010, the United States notified Erie County officials of its intent to conduct a compliance review of the Erie County Holding Center and the Erie County Correctional Facility, collectively referred to as the Erie County Jail, to determine compliance with Title II of the Americans with Disabilities Act of 1990 (ADA), 42 U.S.C. §§ 12131-12134 (Title II), and the Department's implementing regulation, 28 C.F.R. Part 35.

The review was also conducted under the authority of Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794 (Section 504), and the Department's implementing regulation, 28 C.F.R. Part 42, Subpart G.

- B. On June 21-24, 2011, representatives from the Department of Justice Civil Rights Division toured the Erie County Jail with a consultant in the field of architecture.
- C. Erie County and the Erie County Sheriff's Office have fully cooperated with this compliance review.
- D. Based on this compliance review, the Department concluded that the Erie County Jail contains architectural barriers to access for persons with disabilities and that certain programs, services, and activities are not fully accessible to persons with

disabilities in violation of the requirements of the ADA. Erie County and the Erie County Sheriff's Office deny the Department's allegations. Erie County and the Erie County Sheriff's Office agree to enter into this Settlement Agreement to resolve this matter and to avoid litigation and additional time and expense and to achieve full compliance with Section 504 and the ADA.

## **II. DEFINITIONS**

- A. The term "County" shall refer to Erie County and its employees, agents, contractors or successors, who are wholly or partially responsible for the physical plant of the Erie County Jail.
- B. The term "Sheriff" shall refer to the Erie County Sheriff's Office and its employees, agents, contractors or successors, who are wholly or partially responsible for the custody and care of inmates confined to the Erie County Jail.
- C. The term "inmate with a disability" shall refer to any inmate who meets the definition of "disability" as set forth in the ADA, 42 U.S.C. § 12102.
- D. The term "new construction" shall mean each facility or part of a facility constructed by, on behalf of, or for the use of the Erie County Jail where the construction commenced after January 26, 1992. 28 C.F.R. § 35.151(a)
- E. The term "alterations" means a change to the Erie County Jail that affects or could affect the usability of the facility or any part thereof where the alteration was commenced after January 26, 1992. 28 C.F.R. § 35.151(b).
- F. The "effective date of this Agreement" is the date of the last signature agreeing and consenting to this Agreement.

## **III. COMPLIANCE MEASURES**

- A. Architectural Issues
  - 1. Within four years of the effective date of this Agreement, the County shall complete the modifications to the Erie County Jail facility as specified in Attachment A, using Title II of the ADA (42 U.S.C. §§ 12131-12134) and the Standards set forth in the Department's implementing regulation, 28 C.F.R. Part 35. The County will retain an Independent Licensed Architect, as set forth in Section VI, to monitor compliance with the provisions of Attachment A and any other alteration, addition, or modification made by the County during the term of this Agreement.
  - 2. For new and altered facilities, the County shall provide a minimum of 3%, but no fewer than one, of the total number of cells in a facility to be

accessible, and shall provide cells with mobility features for each classification level and special housing areas. 28 C.F.R. § 35.151(k).

**B. Services, Programs, and Activities**

1. To provide access to programs, services, and activities for inmates with disabilities at the Erie County Jail, the Sheriff, consistent with his custodial role, shall:
  - a. Ensure that inmates with disabilities are not housed in designated medical areas unless they are actually receiving medical care or treatment. 28 C.F.R. § 35.152(b)(2)(ii).
  - b. Immediately provide a shower chair at the Erie County Jail to provide safe and equal access to showering for inmates with disabilities. The shower chair must be capable of being propelled by the user and pushed by an attendant, have a padded seat, a minimum load capacity of 300 pounds, removable or swing clear armrests and foot rests, wheel locks, and be designed with rust or corrosion resistant material designed for use in a shower. The Sheriff will ensure that its staff is trained to provide safe operation of the shower chair with inmates, including assisted transfer, as needed. 28 C.F.R. §§ 35.130, 35.130(b)(7).
  - c. Ensure that wheelchairs and other adaptive equipment used by inmates with disabilities at the Erie County Jail are routinely cleaned, repaired, maintained, and generally kept in safe, operable condition. In addition, the Sheriff must provide appropriate devices, as required to meet the needs of inmates with disabilities. 28 C.F.R. §§ 35.130, 35.130(b)(7)
  - d. Immediately ensure that when inmates who are deaf or have hearing loss are cuffed or restrained, they are cuffed or restrained in a manner that permits effective communication (*e.g.*, cuffing inmates in the front so they can sign) unless legitimate security concerns dictate otherwise. Similarly, the Sheriff immediately shall ensure that inmates who are blind or have low vision are cuffed or restrained in a manner that permits safe mobility for such inmates, including the use of a cane or sighted guide. 28 C.F.R. §§ 35.130, 35.160.

**IV. DISABILITIES COORDINATOR**

- A. The County and the Sheriff shall immediately designate the Executive Director of the Office for the Disabled to be the Disabilities Coordinator with responsibilities for the Erie County Jail. The County and the Sheriff shall provide the Disabilities

Coordinator with sufficient authority and resources to perform the tasks required by this Agreement, including coordinating requests for reasonable modifications from inmates with disabilities. 28 C.F.R. § 35.107(a). The Disabilities Coordinator shall maintain records of requests for auxiliary aids and services and the auxiliary aids and services provided with or without a specific inmate request.

## **V. POLICIES AND PROCEDURES**

- A. ADA Grievance Procedure: Within thirty days of the effective date of this Agreement, the Sheriff will submit its written ADA Grievance Procedure for resolving inmate ADA complaints to the United States for review and approval. 28 C.F.R. § 35.107(b). The United States shall review the draft Grievance procedure and provide its comments to the Sheriff. The Sheriff shall incorporate the United States' comments and submit the revised procedure to the United States for review and approval within ten days of receipt of the United States' comments. Within ten days of the United States' approval, the Sheriff shall adopt and implement the approved Grievance procedure.
- B. Effective Communication Policy For Individuals Who Are Deaf, Speech Impaired, Or Have Hearing Loss:
1. The Sheriff, consistent with his custodial role, shall take appropriate steps to ensure that communications with inmates with disabilities are as effective as communications with other inmates. 28 C.F.R. §§ 35.130, 35.160.
  2. Within thirty days of the effective date of this Agreement, the Sheriff will submit a draft Effective Communication Policy For Individuals Who Are Deaf, Speech Impaired, Or Have Hearing Loss to the United States for review and approval. 28 C.F.R. §§ 35.130, 35.160. The United States shall review the draft Policy and provide its comments to the Sheriff. The Sheriff shall incorporate the United States' comments and submit the revised Policy to the United States for review and approval within ten days of receipt of the United States' comments. Within forty-five days of the United States' approval, the Sheriff shall adopt and implement the approved Effective Communication Policy.
  3. The Effective Communication Policy shall provide, at a minimum, the following:
    - a. A requirement to provide appropriate auxiliary aids and services to all inmates who are deaf, have hearing loss, or have speech disabilities on an as-needed basis, twenty-four hours per day, seven days a week. 28 C.F.R. §§ 35.130, 35.160.

- b. A requirement that appropriate auxiliary aids and services, including qualified sign language interpreters, are provided in all jail services, programs, and activities, including, but not limited to: the intake process, the classification process, medical evaluations and serious medical encounters, disciplinary hearings, religious services, and other detention, rehabilitative, or educational programs, services, or activities provided to inmates. 28 C.F.R. §§ 35.130, 35.160.
- c. A requirement to provide inmates who are deaf or have hearing loss access to a Telecommunications Device for the Deaf (TDD) or Teletypewriter (TTY) and the New York Relay System, or video relay service (VRS), to make telephone calls. Telephone calls placed using a TTY take longer than telephone calls placed using standard voice telephone equipment. Accordingly, the Sheriff will allow inmates using a TTY at least three times the length of time permitted for voice communication where the jail imposes time limitations on inmates using the telephone. 28 C.F.R. §§ 35.130, 35.160.
- d. A requirement to ensure that hearing aids are replaced in a timely manner and batteries required for hearing aids are replenished and installed within 24 hours to ensure effective communication. 28 C.F.R. §§ 35.130, 35.160.
- e. Training: Within twenty days of the United States' approval of the Effective Communication Policy For Individuals Who Are Deaf, Speech Impaired, Or Have Hearing Loss, the Sheriff will train its current employees regarding the Effective Communication Policy adopted pursuant to this Agreement in order to ensure effective communication to inmates who are deaf or hard of hearing. The Sheriff will provide this training to new employees within ninety days of their start date. The Sheriff will distribute the Policy during the training and the training shall include instruction on the use of auxiliary aids and services. Training shall prescribe the steps to be taken to ensure effective communication of both routine and unplanned activities, including effective communication with inmates who are deaf or have hearing loss when such inmates are asleep. 28 C.F.R. §§ 35.130, 35.160.

C. Effective Communication Policy For Individuals Who Are Blind Or Have Low Vision:

- 1. The Sheriff, consistent with his custodial role, shall take appropriate steps to ensure that communications with inmates with disabilities are as

effective as communications with other inmates. 28 C.F.R. §§ 35.130, 35.160.

2. Within thirty days of the effective date of this Agreement, the Sheriff will submit a draft Effective Communication Policy For Individuals Who Are Blind Or Have Low Vision to the United States for review and approval. 28 C.F.R. §§ 35.130, 35.160. The United States shall review the draft Policy and provide its comments to the Sheriff. The Sheriff shall incorporate the United States' comments and submit the revised Policy to the United States for review and approval within ten days of receipt of the United States' comments. Within forty-five days of the United States' approval, the Sheriff shall adopt and implement the approved Effective Communication Policy.
3. The Effective Communication Policy shall provide, at a minimum, the following:
  - a. A requirement to provide appropriate auxiliary aids and services to all inmates who are blind or have low vision. 28 C.F.R. §§ 35.130, 35.160.
  - b. A requirement that inmates who are blind or have low vision have access to all services, programs, and activities provided to the general population, including, but not limited to, religious services, and any other detention, rehabilitative, or educational program provided to inmates. 28 C.F.R. §§ 35.130, 35.160.
  - c. Training: Within twenty days of the United States' approval of the Effective Communication Policy For Individuals Who Are Blind Or Have Low Vision, the Sheriff will train its current employees regarding the Policies adopted pursuant to this Agreement in order to ensure effective communication with inmates who are blind or have low vision. The Sheriff will provide this training to new employees within ninety days of their start date. The Sheriff will distribute the Policy during the training. The training shall prescribe the steps to be taken to ensure effective communication of both routine and atypical activities. 28 C.F.R. §§ 35.130, 35.160.
- D. Within twenty days of the United States' approval of the Grievance and the Effective Communication Policies, the Sheriff shall post in all housing areas, intake, and medical units, a notice to inmates announcing adoption and implementation of the Grievance and Effective Communication Policies and describing their requirements. The Sheriff shall amend the Inmate Handbook to describe the Grievance and Effective Communication Policy requirements.

## **VI. INDEPENDENT LICENSED ARCHITECT**

- A. Within three (3) months of the effective date of this Agreement, the County will retain an Independent Licensed Architect (ILA) knowledgeable about the architectural accessibility requirements of the ADA and Section 504. This ILA, paid by the County without regard to outcome, must be pre-approved by the United States. The ILA must act independently to certify whether remediation of the violations identified in Attachment A and any other alterations, additions, or modifications made by the County during the term of this Agreement comply with the applicable accessibility standards pursuant to 28 C.F.R. § 35.151(c) and the Appendix to 28 C.F.R. § 35.151(c).
- B. The ILA will conduct semi-annual inspections of the County's facilities in order to ensure compliance with Paragraph III. A of this Agreement. The ILA will impartially prepare written reports with photographs identifying that the violation has been remediated and will use the certification form at Attachment B. The ILA will be considered a neutral inspector for purposes of issuing certifications of compliance and will be reasonably available to the United States to discuss findings in the reports, photographs, and certifications.
- C. The United States may also, in its discretion, provide technical assistance to the ILA throughout the term of this Agreement. Upon request by the United States, the County will provide prior notice to the United States of inspections by the ILA to allow representatives of the United States to be present.
- D. The County will submit ILA certifications along with its reporting requirements as set forth in this Agreement.

## **VII. UNITED STATES MONITORING AND REPORTING REQUIREMENTS**

- A. Within six months of the effective date of this Agreement, the County will provide the United States with a written status report, including any supporting documentation, delineating all steps taken during the reporting period to comply with each substantive provision of this Agreement. Thereafter, for the duration of this Agreement, the County will send a status report every six months to:

Disability Rights Section  
Civil Rights Division  
U.S. Department of Justice  
1425 New York Ave., NW  
Washington, DC 20005  
[DJ # 204-53-125]

- B. The United States shall have full and complete access to the Erie County Jail, jail records, inmate records, and inmates, with advance written notice. The United States shall have the right to conduct confidential interviews with inmates.

## VIII. IMPLEMENTATION AND TERMINATION

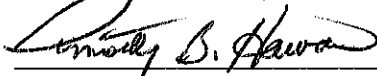
- A. The County and Sheriff shall ensure that all relevant current and future staff, including contractors, understand and implement the terms of this Agreement.
- B. The County and Sheriff shall implement all reforms necessary to effectuate the terms of this Agreement and shall revise any policy, procedure, or practice, as necessary, to effectuate the terms of this Agreement.
- C. Within three months of the Effective Date of this Agreement, the Sheriff will identify and have a standing contract with sources of qualified sign language and oral interpreters. The Sheriff shall maintain a contract for sign language interpreter providers.
- D. For all training required by this Agreement, the Erie County Sheriff's Office shall submit written reports to the United States within thirty days of any training provided pursuant to this Agreement. The written reports will document the date and time of the training; a copy of the training agendas; the names and titles of the employees who attended the training; and copies of the training sign-in sheets.
- E. The County and the Sheriff each agree that it shall not retaliate against any person that filed or may file a complaint, provided information or assistance, or participated in any other manner in an investigation or proceeding relating to this Agreement.
- F. This Agreement shall remain in effect for four (4) years from the effective date of the Agreement.
- G. The County and the Sheriff shall maintain sufficient records to document its compliance with all of the requirements of this Agreement. During the period of this Agreement, the County and the Sheriff shall maintain any and all records required by or developed under this Agreement.
- H. If the County or the Sheriff fails to implement the terms of this Agreement, the United States reserves the right to institute a civil action to enforce this Agreement and the ADA and obtain remedies for the violations. Each party will bear the costs of any attorney fees associated with this matter.
- I. This Agreement shall be binding on all successors, assignees, employees, agents (including contractors) and all those working for or on behalf of the County or the Sheriff.
- J. Each of the parties to this Agreement shall bear its own costs and expenses associated with, or arising from, its performance of obligations under this Agreement.



- K. The parties may jointly agree, in writing, to modify the terms of this Agreement.
- L. No person or entity is intended to be a third-party beneficiary of the provisions of this Settlement Agreement for purposes of any civil, criminal, or administrative action or proceeding. Accordingly, no person or entity may assert any claim or right as a beneficiary or protected class member under this Agreement. This Agreement is not intended to expand the right of any person or entity who seeks relief against the County, the Sheriff, or officials or employees of the County or the Sheriff. This Agreement may not be used as evidence of liability in any proceeding.

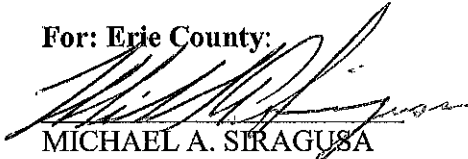
**AGREED AND CONSENTED TO:**

**For the Erie County Sheriff's Office:**



TIMOTHY J. HOWARD  
Sheriff, Erie County  
10 Delaware Avenue  
Buffalo, New York 14202

**For: Erie County:**



MICHAEL A. SIRAGUSA  
Erie County Attorney  
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Dated: December 17, 2014

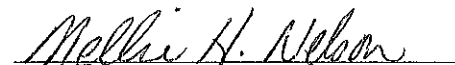
**For the United States:**

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December 23, 2014



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Disability Rights Section  
U.S. Department of Justice  
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Washington D.C. 20530  
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**Erie County Jail - ADA Barriers Report**

	<b>2010 Standards Citation</b>	<b>1991 Standards Citation</b>	<b>Violation</b>	<b>Requirement/Action Required</b>
			<b>Erie County Correctional Facility - 11581 Walden Avenue</b>	
1	211, 602.7	4.1.6(1)(b), 4.1.3(10), 4.15.2	Throughout the facility, many of the drinking fountains do not comply with the Standards.	Ensure that 50% of all drinking fountains per building (but at least 1) comply with the Standards and have a spout mounted at the front of the unit no higher than 36 inches (measured from the finished floor or ground surface to the spout outlet). Ensure that fountain controls require no more than 5 pounds of force to operate; are operable with one hand without tight grasping, pinching, or twisting of the wrist; and are front mounted or side mounted near the front edge. Additionally, provide a drinking fountain that is accessible to people who have difficulty bending or stooping. This can be accommodated by the use of a "hi-lo" fountain; by providing one fountain accessible to those who use wheelchairs and one fountain at a standard height convenient for those who have difficulty bending; by providing a fountain accessible to people who use wheelchairs and a cup dispenser; or by such other means as would achieve the required accessibility for each group of people.
2	217.3, 704.3	4.1.3(17)(b), 4.31.5(2)	Throughout the facility, none of the telephones have volume controls.	Provide a sufficient number of telephones such that 25% are hearing aid compatible and have a volume control mechanism.
3	226.1, 902	4.1.3(18), 4.32	Throughout the facility, the tables used by both detainees and visitors are not accessible to persons who use wheelchairs.	Provide a sufficient number of accessible tables so that 5% of them in each area (but no fewer than one) are available for use by people with mobility disabilities. Each accessible table must be on an accessible route, must have knee space at the table at least 27 inches high, 30 inches wide, and 17 inches deep, and must have a table top between 28 inches and 34 inches above the floor. Ensure that the tables are distributed throughout the facility.
4	217.4.8	4.1.6(1)(b), 4.1.3(17)(c)(ii)	Throughout the facility, TTY's are not provided for detainees and for the public.	Provide at least one accessible TTY for use by detainees. Adopt policies and procedures to ensure that access afforded to the TTY for detainees with disabilities is equal to the access afforded to detainees who use the standard telephone. In addition, where detainee telephone calls are time-limited, adopt policies permitting detainees with disabilities who use TTY's a longer period of time to make those calls, due to the slower nature of TTY communications compared with voice communications. In addition, provide at least one accessible public TTY with appropriate signage.
			<b>Accessible Routes - Exterior</b>	

5	206.1, 406.1, 406.2	4.1.6(1)(b), 4.1.2(1) & (2), 4.7.2	The curb ramp near the bus stop has a slope of 10.9% and the adjacent roadway to the curb ramp has a cross slope of 8.6%.	Provide a curb ramp that is at least 36 inches wide, has a maximum slope of 8.33% and a maximum cross slope of 2%. Ensure that the adjacent gutter and road surface has a cross slope of no more than 5% and are flush and free of abrupt change.
6	208, 502.4, 302	4.1.6(1)(b), 4.1.2(5), 4.6.3	A significant portion of the accessible parking spaces and access aisles have slopes or cross-slopes in excess of 2%, ranging between 3.3% and 9.8%.	Provide designated accessible parking spaces and access aisles that are flat and level, with slopes and cross-slopes not exceeding 2% in all directions.
7	206.1, 406.2	4.1.6(1)(b), 4.1.2(1) & (2), 4.7.2	At the curb ramp near the accessible public parking, the transition to the vehicular surface is abrupt and 2 1/2 inches high.	Provide a curb ramp that is at least 36 inches wide and has transitions on and off that are flush and free of abrupt changes.
<b>Non-Contact Visitation - Detainee and Visitor Side</b>				
8	226, 232.5, 305, 306, 902, 904.4.2, 904.6	4.1.6(1)(b), 4.1.3(18), 4.32.4	The visitation area is not accessible to wheelchair users on both the visitor and detainee side.	Provide a visitation or other area such that at least 5% of cubicles provide accessible clear floor space and work surfaces on both the visitor and detainee sides. Where counters are provided, provide at least one that is, on both the visitor and detainee side, at least 30 inches long and no more than 36 inches high, with knee space and clear floor space provided under the counter. Where solid partitions or security glazing separate visitors from detainees, a method to facilitate voice communication shall be provided.
9	217.2, 704.2.4	4.1.6(1)(b), 4.1.3(17)(a), 4.31.8	The telephone cord is less than 29 inches long.	Provide an accessible telephone with a cord that is at least 29 inches long on the visitor and detainee side.
<b>Video Visitation</b>				
10	226, 232.5, 902.2, 902.3	4.1.6(1)(b), 4.1.3(18), 4.32.3, 4.32.4	The video visitation station is not accessible to wheelchair users.	Provide a visitation or other area such that at least 5% of cubicles provide accessible clear floor space and work surfaces on both the visitor and detainee sides. Where counters are provided, on both the visitor and detainee side, provide at least one that is at least 30 inches long and no more than 36 inches high, with knee space and clear floor space provided under the counter. If a telephone is part of the video visitation station, provide a phone cord that is at least 29 inches long.
11	206.1, 403.5	4.1.6(1)(b), 4.1.3(2), 4.4.1	The accessible route to the video visitation station narrows to only 29 1/2 inches wide.	Provide an accessible route to each area, feature, or element described with a minimum clear width of 36 inches, except at doors and at obstructions that are less than 24 inches long, where the width may decrease to 32 inches.
<b>Visitor Waiting</b>				
12	205, 309.4	4.1.6(1)(b), 4.1.3(13), 4.27.4	The locker keys require tight grasping, tight pinching, or twisting of the wrist to operate.	Provide this element with mechanical controls that can be operated with no more than 5 pounds of force and that can be used with one hand and without tight grasping, pinching, or twisting of the wrist (lever-operated, push-type, and electronically controlled mechanisms are examples of acceptable designs).

13	204.1, 307.2	4.1.6(1)(b), 4.1.3(2), 4.4.1	The underside of a wall-hung counter is 35 1/2 inches above the floor and projects 12 inches into the circulation path.	Provide a circulation path at this location such that no objects have their leading edges protruding more than 4 inches into walks, halls, corridors, passageways, or aisles at a height between 27 inches and 80 inches above the finished floor or ground. Freestanding objects mounted on posts or pylons may overhang no more than 12 inches at a height between 27 and 80 inches above the finished floor or ground. Providing a cane-detectable barrier is an acceptable solution. A protruding object (and cane-detectable barrier) shall not reduce the clear width of an accessible route or maneuvering space.
<b>Visitor Waiting - Men's Toilet Room With Stalls</b>				
14	206.5, 213.2, 216.2, 404, 603, 604, 605, 606, 703	4.1.6(1)(b), 4.1.3(7)&(8), 4.1.3(11), 4.1.3(16)(a), 4.13.6, 4.17, 4.18,4.19.4, 4.30.4	The toilet room does not have any accessible features.	Provide an accessible toilet room such that all of the room's elements, including door, door hardware, clear floor space, water closet, urinal (if provided), compartment size and arrangement (if provided), compartment door (if provided), grab bars, lavatory, mirror, controls, and dispensers, comply with the Standards.
<b>Visitor Waiting - Women's Toilet Room With Stalls</b>				
15	206.5, 213.2, 216.2, 404, 603, 604, 606, 703	4.1.6(1)(b), 4.1.3(7)&(8), 4.1.3(11), 4.1.3(16)(a), 4.13.6, 4.17, 4.19.4, 4.30.4	The toilet room does not have any accessible features.	Provide an accessible toilet room such that all of the room's elements, including door, door hardware, clear floor space, water closet, compartment size and arrangement (if provided), compartment door (if provided), grab bars, lavatory, mirror, controls, and dispensers, comply with the Standards.
<b>Processing Transport Waiting - Single User Toilet Room</b>				
16	206.5, 213.2, 216.2, 404, 603, 604, 606, 703	4.1.6(1)(b)& (d), 4.1.3, 4.13.5, 4.13.9	The toilet room does not have any accessible features.	Provide an accessible toilet room such that all of the room's elements, including door, door hardware, clear floor space, water closet, urinal (if provided), compartment size and arrangement (if provided), compartment door (if provided), grab bars, lavatory, mirror, controls, and dispensers, comply with the Standards.
<b>Processing Transport Waiting - Female Holding</b>				
17	28 CFR § 35.151(k), 232, 807	4.1.3(7), 4.1.3(11), 4.13, 4.16, 4.19, 4.26, 4.27, 9.2.2, Figs. 28, 29, 35, 36, 37. See also UFAS § 4.1.4(9)	There are no accessible cells.	Provide accessible cells so that at least 3% minimum of the total cells are accessible and ensure that all inmates with disabilities are housed in accessible cells. To be accessible, all of the cells' elements, including door, clear floor space, water closet, grab bars, lavatory, mirror, bed, desk, controls, and dispensers, comply with the ADA Standards.

<b>Library</b>				
18	206.1, 405.8, 505.4	4.1.6(1)(b), 4.1.3(1), 4.8.5	The top of the ramp handrails is 32 1/2 inches high.	Provide handrails that are mounted such that the top is between 34 inches and 38 inches above the ramp surface.
19	206.1, 405.8, 505.10	4.1.6(1)(b), 4.1.3(1), 4.8.5	The handrail extensions over the bottom landing are not level.	Provide handrails that extend at least 12 inches beyond the top and bottom of the ramp parallel with the ground surface.
20	206.1, 405.9	4.1.6(1)(b), 4.1.3(1), 4.8.7	The ramp has no edge protection on one side.	Provide edge protection at least 2 inches high at the drop off side.
21	227.3, 904.4	4.1.6(1)(b), 7.2(1)	The checkout counter is 39 1/4 inches above the floor.	Provide a counter such that a portion at least 36 inches wide and no more than 36 inches above the finished floor.
<b>Classrooms</b>				
22	206.1, 405, 505.2	4.1.6(1)(b), 4.1.3(1), 4.8.2	In the corridor to the GED classroom, the ramp does not comply with the Standards.	Provide a ramp that is at least 36 inches wide with a slope not exceeding 8.33% and a cross slope not exceeding 2%; with level landings at least as wide as the ramp and 60 inches long at the top and bottom of the ramp; with level landings measuring at least 60 inches by 60 inches when the ramp changes direction; with no level changes in excess of 1/2 inch vertically and no level changes greater than 1/4 inch vertically unless they are beveled with a slope no greater than 50%; and with edge protection that is at least 2 inches high at the drop off sides. Provide handrails that are between 1 1/4 inches and 1 1/2 inches in diameter such that the inside handrail is continuous and both handrails have a continuous gripping surface along both sides of the ramp extending at least 12 inches beyond the top and bottom of the ramp parallel with the ground surface; the handrails do not rotate within their fittings; and both handrails are mounted with the tops between 34 inches and 38 inches above the ramp surface and at least 1 1/2 inches from the wall, with ends rounded or returned smoothly to the floor, wall, or post.
<b>Chapel</b>				
23	219, 706	4.1.6(1)(b), 4.1.3(19)(b),	There is no assistive listening system.	Provide an assistive listening system. It may be permanently installed or it may be portable.
24	206.1, 303.4, 405, 406, 410	4.1.6(1)(b), 4.1.3(1), 4.3.8	The detainee entrance to the Parole Hearing Room is through the Chapel and across the stage. The route is blocked by 6 steps.	Establish a procedure for providing access to this program or install ramps, platform lifts, or an elevator in compliance with the Standards. Any procedure shall not require lifting or carrying persons with mobility impairments or require them to traverse unnecessary or extreme distances.
<b>Recreation Yard</b>				

25	206.1, 303.4, 405, 406, 410	4.1.6(1)(b), 4.1.2(1) & (2), 4.3.8	The accessible route to the recreation yard is blocked by a 4 inch step.	Establish a procedure for providing access to this program or install ramps, platform lifts, or an elevator in compliance with the Standards. Any procedure shall not require lifting or carrying persons with mobility impairments or require them to traverse unnecessary or extreme distances.
<b>Medical Care Unit</b>				
26	206.5, 213.2, 213.3.6, 404, 603, 608	4.1.6(1)(b), 4.1.3(11)	The shower room does not have any accessible features.	Provide a transfer shower that is exactly 36 inches wide and 36 inches deep with a 48 inch long and 36 inch wide clear floor space alongside the shower opening, and an L-shaped shower seat mounted on the wall opposite the controls and extending the full depth of the stall; OR a shower that is at least 30 inches deep and 60 inches wide with no curb or threshold and with a 36 inch deep and 60 inch wide clear floor space at the shower opening. Ensure that the shower has grab bars, controls, a shower spray unit, and a seat, curb, and enclosure, if provided, that comply fully with the Standards.
27	206.5, 213.2, 216.2, 404, 603, 604, 606, 703	4.1.6(1)(b), 4.1.3(11)	The toilet facilities do not have accessible features.	Provide an accessible toilet room such that all of the room's elements, including door, door hardware, clear floor space, water closet, urinal (if provided), compartment size and arrangement (if provided), compartment door (if provided), grab bars, lavatory, mirror, controls, and dispensers, comply with the Standards.
28	28 CFR § 35.151(k), 232, 807	4.1.3(7), 4.1.3(11), 4.13, 4.16, 4.19, 4.26, 4.27, 9.2.2, Figs. 28, 29, 35, 36, 37. See also UFAS § 4.1.4(9)	There are no accessible cells.	Provide accessible cells so that at least 3% minimum of the total cells are accessible and ensure that all inmates with disabilities are housed in accessible cells. To be accessible, all of the cells' elements, including door, clear floor space, water closet, grab bars, lavatory, mirror, bed, desk, controls, and dispensers, comply with the ADA Standards.
<b>Negative Pressure Cells</b>				
29	28 CFR § 35.151(k), 232, 807	4.1.3(7), 4.1.3(11), 4.13, 4.16, 4.19, 4.26, 4.27, 9.2.2, Figs. 28, 29, 35, 36, 37. See also UFAS § 4.1.4(9)	There are no accessible cells.	Provide accessible cells so that at least 3% minimum of the total cells are accessible and ensure that all detainees with disabilities are housed in accessible cells. To be accessible, all of the cells' elements, including door, clear floor space, water closet, grab bars, lavatory, mirror, bed, desk, controls, and dispensers, comply with the ADA Standards.

<b>Psychiatric Unit</b>				
30	28 CFR § 35.151(k), 232, 807	4.1.3(7), 4.1.3(11), 4.13, 4.16, 4.19, 4.26, 4.27, 9.2.2, Figs. 28, 29, 35, 36, 37. See also UFAS § 4.1.4(9)	There are no accessible cells.	Provide accessible cells so that at least 3% minimum of the total cells are accessible and ensure that all detainees with disabilities are housed in accessible cells. To be accessible, all of the cells' elements, including door, clear floor space, water closet, grab bars, lavatory, mirror, bed, desk, controls, and dispensers, comply with the ADA Standards.
31	206.5, 213.2, 213.3.6, 404, 603, 608	4.1.6(1)(b), 4.1.3(7)&(8)& (11), 4.13.9	There is no accessible shower.	Provide a transfer shower that is exactly 36 inches wide and 36 inches deep with a 48 inch long and 36 inch wide clear floor space alongside the shower opening, and an L-shaped shower seat mounted on the wall opposite the controls and extending the full depth of the stall; OR a shower that is at least 30 inches deep and 60 inches wide with no curb or threshold and with a 36 inch deep and 60 inch wide clear floor space at the shower opening. Ensure that the shower has grab bars, controls, a shower spray unit, and a seat, curb, and enclosure, if provided, that comply fully with the Standards.
<b>Kilo Unit - Male Dormitory (Alteration)</b>				
32	206.1, 303.4	4.1.6(1)(b), 4.1.3(1), 4.3.8	The accessible route to the recreation yard is blocked by 5 steps.	Establish a procedure for providing access to this program or install ramps, platform lifts, or an elevator in compliance with the Standards. Any procedure shall not require lifting or carrying persons with mobility impairments or require them to traverse unnecessary or extreme distances.
33	205, 309.3	4.1.6(1)(b), 4.1.3(13), 4.27.3	The mail slot is not accessible because it is mounted 57 inches above the floor.	Provide this element in a location where there is a compliant 30 inch by 48 inch clear floor space and the operable parts are within 48 inches of the floor.
34	206.5, 213.2, 216.2, 404, 603, 604, 606, 703	4.1.6(1)(b), 4.1.3(11),	The toilet room does not have any accessible features.	Provide an accessible toilet room such that all of the room's elements, including door, door hardware, clear floor space, water closet, urinal (if provided), compartment size and arrangement (if provided), compartment door (if provided), grab bars, lavatory, mirror, controls, and dispensers, comply with the Standards.



35	206.5, 213.2, 213.3.6, 404, 603, 608	4.1.6(1)(b), 4.1.3(11),	The shower room does not have any accessible features.	Provide a transfer shower that is exactly 36 inches wide and 36 inches deep with a 48 inch long and 36 inch wide clear floor space alongside the shower opening, and an L-shaped shower seat mounted on the wall opposite the controls and extending the full depth of the stall; OR a shower that is at least 30 inches deep and 60 inches wide with no curb or threshold and with a 36 inch deep and 60 inch wide clear floor space at the shower opening. Ensure that the shower has grab bars, controls, a shower spray unit, and a seat, curb, and enclosure, if provided, that comply fully with the Standards.
<b>Juliette Unit - Female Dormitory (Alteration)</b>				
36	232, 807.2.3	4.1.6(1)(b), 232.3, 4.1.3	There are not a sufficient number of accessible beds.	Provide access to 5% of the beds, such that the sides of these beds are on an accessible route and there is a 30 inch by 48 inch clear floor space parallel to the side of the beds.
37	206.1, 303.4	4.1.6(1)(b), 4.1.3(1), 4.3.8	The accessible route to the recreation yard is blocked by 5 steps.	Establish a procedure for providing access to this program or install ramps, platform lifts, or an elevator in compliance with the Standards. Any procedure shall not require lifting or carrying persons with mobility impairments or require them to traverse unnecessary or extreme distances.
38	205, 309.3	4.1.6(1)(b), 4.1.3(13), 4.27.3	The mail slot is not accessible because it is mounted 52 inches above the floor.	Provide this element in a location where there is a compliant 30 inch by 48 inch clear floor space and the operable parts are within 48 inches of the floor.
39	206.5, 213.2, 216.2, 404, 603, 604, 606, 703	4.1.6(1)(b), 4.1.3(11),	The toilet room with stalls does not have any accessible features.	Provide an accessible toilet room such that all of the room's elements, including door, door hardware, clear floor space, water closet, compartment size and arrangement (if provided), compartment door (if provided), grab bars, lavatory, mirror, controls, and dispensers, comply with the Standards.
40	206.5, 213.2, 213.3.6, 404, 603, 608	4.1.6(1)(b), 4.1.3(11),	The shower room does not have any accessible features.	Provide a transfer shower that is exactly 36 inches wide and 36 inches deep with a 48 inch long and 36 inch wide clear floor space alongside the shower opening, and an L-shaped shower seat mounted on the wall opposite the controls and extending the full depth of the stall; OR a shower that is at least 30 inches deep and 60 inches wide with no curb or threshold and with a 36 inch deep and 60 inch wide clear floor space at the shower opening. Ensure that the shower has grab bars, controls, a shower spray unit, and a seat, curb, and enclosure, if provided, that comply fully with the Standards.
<b>Kitchen - Inmate Single User Toilet Room</b>				

41	206.5, 213.2, 216.2, 404, 603, 604, 606, 703	4.1.6(1)(b), 4.1.3(11), 4.13, 4.16, 4.18, 4.19, 4.26, 4.27, 4.30	The toilet room does not have any accessible features.	Provide an accessible toilet room such that all of the room's elements, including door, door hardware, clear floor space, water closet, urinal (if provided), compartment size and arrangement (if provided), compartment door (if provided), grab bars, lavatory, mirror, controls, and dispensers, comply with the Standards.
<b>Cell Blocks - Male and Female</b>				
42	28 CFR § 35.151(k), 232, 807	4.1.3(7), 4.1.3(11), 4.13, 4.16, 4.19, 4.26, 4.27, 9.2.2, Figs. 28, 29, 35, 36, 37. See also UFAS § 4.1.4(9)	There are no accessible cells.	For new and altered facilities, the County shall provide a minimum of 3%, but no fewer than one, of the total number of cells in a facility to be accessible, and shall provide cells with mobility features for each classification level and special housing area. Ensure that all detainees with disabilities are housed in accessible cells. To be accessible, all of the cells' elements, including door, clear floor space, water closet, grab bars, lavatory, mirror, bed, desk, controls, and dispensers, comply with the ADA Standards.
43	206.5, 213.2, 216.2, 404, 603, 604, 606, 703	4.1.6(1)(b), 4.1.3(11),	The toilets in the cell block bathrooms do not have accessible features.	In designated accessible housing units, provide an accessible toilet room such that all of the room's elements, including door, door hardware, clear floor space, water closet, urinal (if provided), compartment size and arrangement (if provided), compartment door (if provided), grab bars, lavatory, mirror, controls, and dispensers, comply with the Standards.
44	206.5, 213.2, 213.3.6, 404, 603, 608	4.1.6(1)(b), 4.1.3(11),	The showers do not have any accessible features.	In designated accessible housing units, provide a transfer shower that is exactly 36 inches wide and 36 inches deep with a 48 inch long and 36 inch wide clear floor space alongside the shower opening, and an L-shaped shower seat mounted on the wall opposite the controls and extending the full depth of the stall; OR a shower that is at least 30 inches deep and 60 inches wide with no curb or threshold and with a 36 inch deep and 60 inch wide clear floor space at the shower opening. Ensure that the shower has grab bars, controls, a shower spray unit, and a seat, curb, and enclosure, if provided, that comply fully with the Standards.
45	206.1, 303.4	4.1.6(1)(b), 4.1.2(1) & (2), 4.3.8	The accessible routes to the recreation yards are blocked by steps.	Establish a procedure for providing access to this program or install ramps, platform lifts, or an elevator in compliance with the Standards. Any procedure shall not require lifting or carrying persons with mobility impairments or require them to traverse unnecessary or extreme distances.

46	226.1, 902.2	4.1.6(1)(b), 4.1.3(18), 4.32	Throughout the cell blocks, the tables used by detainees are not accessible to persons who use wheelchairs.	In designated accessible housing units, provide a sufficient number of accessible tables so that 5% of them in each area (but no fewer than one) are available for use by people with mobility disabilities. Each accessible table must be on an accessible route, must have knee space at the table at least 27 inches high, 30 inches wide, and 17 inches deep, and must have a table top between 28 inches and 34 inches above the floor. Ensure that the tables are distributed throughout the facility.
			<b>Erie County Correctional Facility - 1999 Housing Expansion (new construction)</b>	
			<b>Constant Observation</b>	
47	206.5, 213.2, 213.3.6, 404, 603, 608	4.1.3(11)	The shower does not have any accessible features.	Provide a transfer shower that is exactly 36 inches wide and 36 inches deep with a 48 inch long and 36 inch wide clear floor space alongside the shower opening, and an L-shaped shower seat mounted on the wall opposite the controls and extending the full depth of the stall; OR a shower that is at least 30 inches deep and 60 inches wide with no curb or threshold and with a 36 inch deep and 60 inch wide clear floor space at the shower opening. Ensure that the shower has grab bars, controls, a shower spray unit, and a seat, curb, and enclosure, if provided, that comply fully with the Standards.
48	28 CFR § 35.151(k), 232, 807	4.1.3(7), 4.1.3(11), 4.13, 4.16, 4.19, 4.26, 4.27, 9.2.2, Figs. 28, 29, 35, 36, 37. See also UFAS § 4.1.4(9)	There are no accessible cells.	Provide accessible cells so that at least 3% minimum of the total cells are accessible and ensure that all detainees with disabilities are housed in accessible cells. To be accessible, all of the cells' elements, including door, clear floor space, water closet, grab bars, lavatory, mirror, bed, desk, controls, and dispensers, comply with the ADA Standards.
			<b>R Dormitory - General Population</b>	
49	213.2, 606.2	4.1.3(11), 4.19.3	The lavatory knee and toe space is 12 inches deep.	Provide a lavatory with knee and toe space that complies with the Standards. The knee and toe space shall be at least 30 inches wide and shall extend 17 to 19 inches under the lavatory. The knee and toe space may be wider than the lavatory.
50	213.2, 603.3	4.1.3(11), 4.19.6	The reflective surface of the mirror is mounted 55 inches above the floor.	Provide a mirror with the bottom edge of its reflecting surface no more than 40 inches above the finished floor.
51	213.2, 604.8.1.1	4.1.3(11), 4.17.3	The toilet stall is 50 inches wide.	Provide a toilet compartment that is at least 60 inches wide.

52	206.5, 213.2, 213.3.6, 404, 603, 608	4.1.3(11),	The shower room does not have any accessible features.	Provide a transfer shower that is exactly 36 inches wide and 36 inches deep with a 48 inch long and 36 inch wide clear floor space alongside the shower opening, and an L-shaped shower seat mounted on the wall opposite the controls and extending the full depth of the stall; OR a shower that is at least 30 inches deep and 60 inches wide with no curb or threshold and with a 36 inch deep and 60 inch wide clear floor space at the shower opening. Ensure that the shower has grab bars, controls, a shower spray unit, and a seat, curb, and enclosure, if provided, that comply fully with the Standards.
53	206.1, 303.4	4.1.6(1)(b), 4.1.2(1) & (2), 4.3.8	The accessible route to the yard is blocked by a 7 1/2 inch step.	Establish a procedure for providing access to this program or install ramps, platform lifts, or an elevator in compliance with the Standards. Any procedure shall not require lifting or carrying persons with mobility impairments or require them to traverse unnecessary or extreme distances.
<b>L Dormitory - General Population</b>				
54	232, 807.2.3	4.1.6(1)(b), 232.3, 4.1.3	There are not a sufficient number of accessible beds.	Provide access to 5% of the beds, such that the sides of these beds are on an accessible route and there is a 30 inch by 48 inch clear floor space parallel to the side of the beds.
55	213.2, 603.3	4.1.3(11), 4.19.6	The reflective surface of the mirror is mounted 55 inches above the floor.	Provide a mirror with the bottom edge of its reflecting surface no more than 40 inches above the finished floor.
56	206.5, 213.2, 213.3.6, 404, 603, 608	4.1.3(11),	The shower room does not have any accessible features.	Provide a transfer shower that is exactly 36 inches wide and 36 inches deep with a 48 inch long and 36 inch wide clear floor space alongside the shower opening, and an L-shaped shower seat mounted on the wall opposite the controls and extending the full depth of the stall; OR a shower that is at least 30 inches deep and 60 inches wide with no curb or threshold and with a 36 inch deep and 60 inch wide clear floor space at the shower opening. Ensure that the shower has grab bars, controls, a shower spray unit, and a seat, curb, and enclosure, if provided, that comply fully with the Standards.
<b>Erie County Holding Center - 10 &amp; 40 Delaware Ave</b>				
<b>General</b>				

57	211, 602.7	4.1.6(1)(b), 4.1.3(10), 4.15.2	Many of the drinking fountains throughout the facility do not comply with the Standards.	Ensure that 50% of all drinking fountains per building (but at least 1) comply with the Standards and have a spout mounted at the front of the unit no higher than 36 inches (measured from the finished floor or ground surface to the spout outlet). Ensure that fountain controls require no more than 5 pounds of force to operate; are operable with one hand without tight grasping, pinching, or twisting of the wrist; and are front mounted or side mounted near the front edge. Additionally, provide a drinking fountain that is accessible to people who have difficulty bending or stooping. This can be accommodated by the use of a "hi-lo" fountain; by providing one fountain accessible to those who use wheelchairs and one fountain at a standard height convenient for those who have difficulty bending; by providing a fountain accessible to people who use wheelchairs and a cup dispenser; or by such other means as would achieve the required accessibility for each group of people.
58	217.3, 704.3	4.1.3(17)(b), 4.31.5(2)	None of the telephones throughout the facility have volume controls.	Provide a sufficient number of telephones such that 25% are hearing aid compatible and have a volume control mechanisms.
59	226.1, 902.2	4.1.3(18), 4.32	Throughout the facility, the tables used by both detainees and visitors are not accessible to persons who use wheelchairs.	Provide a sufficient number of accessible tables so that 5% of them in each area (but no fewer than one) are available for use by people with mobility disabilities. Each accessible table must be on an accessible route, must have knee space at the table at least 27 inches high, 30 inches wide, and 17 inches deep, and must have a table top between 28 inches and 34 inches above the floor. Ensure that the tables are distributed throughout the facility.
60	217.4.8	4.1.6(1)(b), 4.1.3(17)(c)(ii)	Throughout the facility, TTY's are not provided for detainees and for the public.	Provide at least one accessible TTY for use by detainees. Adopt policies and procedures to ensure that access afforded to the TTY for detainees with disabilities is equal to the access afforded to detainees who use the standard telephone. In addition, where detainee telephone calls are time-limited, adopt policies permitting detainees with disabilities who use TTY's a longer period of time to make those calls, due to the slower nature of TTY communications compared with voice communications. In addition, provide at least one accessible public TTY with appropriate signage.
<b>Lobby</b>				
61	217.2, 704.2.2	4.1.6(1)(b), 4.1.3(17)(a), 4.31.3	The highest control on the telephone is 59 inches above the floor.	Provide an accessible telephone with a clear floor space of at least 30 inches by 48 inches with the highest operable part of the telephone mounted no more than 48 inches above the floor; that is hearing aid compatible and has a volume control mechanism; with a cord of at least 29 inches long from the telephone to the handset; and with a shelf and electrical outlet. Also, provide a volume control mechanism on 25% of the other telephones in the bank.

62	205, 309.4	4.1.6(1)(b), 4.1.3(13), 4.27.4	The locker keys require tight grasping, tight pinching, or twisting of the wrist to operate.	Provide this element with mechanical controls, that can be operated with no more than 5 pounds of force and that can be used with one hand and without tight grasping, pinching, or twisting of the wrist (lever-operated, push-type, and electronically controlled mechanisms are examples of acceptable designs).
<b>Lobby - Women's Room</b>				
63	206.5, 213.2, 216.2, 404, 603, 604, 606, 703	4.1.6(1)(b)&(d), 4.1.3, 4.13.5, 4.13.9	The toilet room does not have any accessible features.	Provide an accessible toilet room such that all of the room's elements, including door, door hardware, clear floor space, water closet, compartment size and arrangement (if provided), compartment door (if provided), grab bars, lavatory, mirror, controls, and dispensers, comply with the Standards.
<b>Lobby - Men's Room</b>				
64	206.5, 213.2, 216.2, 404, 603, 604, 606, 703	4.1.6(1)(b)&(d), 4.1.3, 4.13.5, 4.13.9	The toilet room does not have any accessible features.	Provide an accessible toilet room such that all of the room's elements, including door, door hardware, clear floor space, water closet, urinal (if provided), compartment size and arrangement (if provided), compartment door (if provided), grab bars, lavatory, mirror, controls, and dispensers, comply with the Standards.
<b>Visitation - Attorney Conference Room</b>				
65	206.5, 404, 904.2	4.1.6(1)(b)&(d), 4.1.3(7)&(8)& (18), 4.13.5, 4.13.6, 4.13.9, 4.32.3	The room is not accessible to a person who uses a wheelchair.	Provide an accessible room such that all of the room's elements, including door, door hardware, clear floor space, desk (if provided) and arrangement comply with the Standards.
<b>Intake Holding Cells #1 and #3</b>				
66	206.5, 213.2, 216.2, 404, 603, 604, 606, 703	4.1.6(1)(b)&(d), 4.1.3, 4.13.5, 4.13.9	The toilet rooms do not have any accessible features.	Provide an accessible toilet room such that all of the room's elements, including door, door hardware, clear floor space, water closet, urinal (if provided), compartment size and arrangement (if provided), compartment door (if provided), grab bars, lavatory, mirror, controls, and dispensers, comply with the Standards.
<b>Intake Isolation 3</b>				
67	206.5, 213.2, 216.2, 404, 603, 604, 606, 703	4.1.6(1)(b)&(d), 4.1.3, 4.13.5, 4.13.9	The toilet room does not have any accessible features.	Provide an accessible toilet room such that all of the room's elements, including door, door hardware, clear floor space, water closet, urinal (if provided), compartment size and arrangement (if provided), compartment door (if provided), grab bars, lavatory, mirror, controls, and dispensers, comply with the Standards.
<b>Intake Female Shower/Change</b>				

68	206.5, 404.2.3	4.1.6(1)(b)&(d), 4.1.3(7)&(8), 4.13.5	The clear opening of the shower space doorway is 31 inches.	Provide a doorway that has a minimum 32 inch clear opening width.
69	213.3.7, 305, 308, 603.4	4.1.6(1)(b), 4.1.3(13), 4.27.3	The clothes hook is 76 inches above the floor.	Provide a clothes hook between 15 and 48 inches high accompanied by clear floor space of 30 by 48 inches.
70	206.5, 213.2, 213.3.6, 404, 603, 608	4.1.6(1)(b), 4.1.3(11),	The shower room does not have any accessible features.	Provide a transfer shower that is exactly 36 inches wide and 36 inches deep with a 48 inch long and 36 inch wide clear floor space alongside the shower opening, and an L-shaped shower seat mounted on the wall opposite the controls and extending the full depth of the stall; OR a shower that is at least 30 inches deep and 60 inches wide with no curb or threshold and with a 36 inch deep and 60 inch wide clear floor space at the shower opening. Ensure that the shower has grab bars, controls, a shower spray unit, and a seat, curb, and enclosure, if provided, that comply fully with the Standards.
<b>Intake Male Shower/Change</b>				
71	206.5, 404.2.3	4.1.6(1)(b)&(d), 4.1.3(7)&(8), 4.13.5	The clear opening of the shower space doorway is 31 inches.	Provide a doorway that has a minimum 32 inch clear opening width.
72	213.3.7, 305, 308, 603.4	4.1.6(1)(b), 4.1.3(13), 4.27.3	The clothes hook is 76 inches above the floor.	Provide a clothes hook between 15 and 48 inches high accompanied by clear floor space of 30 by 48 inches.
73	206.5, 213.2, 213.3.6, 404, 603, 608	4.1.6(1)(b), 4.1.3(11),	The shower room does not have any accessible features.	Provide a transfer shower that is exactly 36 inches wide and 36 inches deep with a 48 inch long and 36 inch wide clear floor space alongside the shower opening, and an L-shaped shower seat mounted on the wall opposite the controls and extending the full depth of the stall; OR a shower that is at least 30 inches deep and 60 inches wide with no curb or threshold and with a 36 inch deep and 60 inch wide clear floor space at the shower opening. Ensure that the shower has grab bars, controls, a shower spray unit, and a seat, curb, and enclosure, if provided, that comply fully with the Standards.
<b>Court Holding Area #3</b>				
74	206.5, 213.2, 216.2, 404, 603, 604, 606, 703	4.1.6(1)(b)&(d), 4.1.3, 4.13.5, 4.13.9	The toilet room does not have any accessible features.	Provide an accessible toilet room such that all of the room's elements, including door, door hardware, clear floor space, water closet, urinal (if provided), compartment size and arrangement (if provided), compartment door (if provided), grab bars, lavatory, mirror, controls, and dispensers, comply with the Standards.
<b>Kitchen Area - Inmate Toilet</b>				

75	206.5, 213.2, 216.2, 404, 603, 604, 606, 703	4.1.6(1)(b)&(d), 4.1.3, 4.13.5, 4.13.9	The toilet room is not accessible.	Provide an accessible toilet room such that all of the room's elements, including door, door hardware, clear floor space, water closet, urinal (if provided), compartment size and arrangement (if provided), compartment door (if provided), grab bars, lavatory, mirror, controls, and dispensers, comply with the Standards.
<b>Medical Dayroom Shower - Male</b>				
76	206.5, 213.2, 213.3.6, 404, 603, 608	4.1.3(11)	The shower room does not have any accessible features.	Provide a transfer shower that is exactly 36 inches wide and 36 inches deep with a 48 inch long and 36 inch wide clear floor space alongside the shower opening, and an L-shaped shower seat mounted on the wall opposite the controls and extending the full depth of the stall; OR a shower that is at least 30 inches deep and 60 inches wide with no curb or threshold and with a 36 inch deep and 60 inch wide clear floor space at the shower opening. Ensure that the shower has grab bars, controls, a shower spray unit, and a seat, curb, and enclosure, if provided, that comply fully with the Standards.
<b>Medical</b>				
77	28 CFR § 35.151(k), 232, 807	4.1.3(7), 4.1.3(11), 4.13, 4.16, 4.19, 4.26, 4.27, 9.2.2, Figs. 28, 29, 35, 36, 37. See also UFAS § 4.1.4(9)	There are no accessible cells.	Provide accessible cells so that at least 3% minimum of the total cells are accessible and ensure that all inmates with disabilities are housed in accessible cells. To be accessible, all of the cells' elements, including door, clear floor space, water closet, grab bars, lavatory, mirror, bed, desk, controls, and dispensers, comply with the ADA Standards.
<b>Rooftop Recreation Yard</b>				
78	206.1, 303.4	4.1.6(1)(b), 4.1.3(1), 4.3.8	The accessible route to the recreation yard is blocked by one step.	Establish a procedure for providing access to this program or install ramps, platform lifts, or an elevator in compliance with the Standards. Any procedure shall not require lifting or carrying persons with mobility impairments or require them to traverse unnecessary or extreme distances.
<b>Sixth Floor Outdoor Recreation Yard (alteration)</b>				
79	206.1, 403.3, 405.8, 505	4.1.6(1)(b), 4.1.3(1), 4.3.7	The accessible route to the sixth floor recreation yard has a ramp at the door that rises more than 6 inches and has a slope that is significantly steeper than 8.33%. No handrails are provided.	Provide a ramp that is at least 36 inches wide with a slope not exceeding 8.33%; with level landings at least as wide as the ramp and 60 inches long at the top and bottom of the ramp. Provide handrails that are between 1¼ inches and 1½ inches in diameter such that the inside handrail is continuous and both handrails have a continuous gripping surface along both sides of the ramp extending at least 12 inches beyond the top and bottom of the ramp parallel with the ground surface.



80	206.5, 404.2.5	4.1.6(3)(d)(ii)	The threshold on the exterior side of the door is 2 1/2 inches high.	Provide a door that has a threshold not exceeding 1/2 inch in height and, if it is greater than 1/4 inch in height, beveled with a slope no greater than 50%.
<b>Short Block</b>				
81	28 CFR § 35.151(k), 232, 807	4.1.3(7), 4.1.3(11), 4.1.3, 4.1.6, 4.1.9, 4.2.6, 4.2.7, 9.2.2, Figs. 28, 29, 35, 36, 37. See also UFAS § 4.1.4(9)	There are no accessible cells.	Provide accessible cells so that at least 3% minimum of the total cells are accessible and ensure that all detainees with disabilities are housed in accessible cells. To be accessible, all of the cells' elements, including door, clear floor space, water closet, grab bars, lavatory, mirror, bed, desk, controls, and dispensers, comply with the ADA Standards.
82	226.1, 902.2	4.1.6(1)(b), 4.1.3(18), 4.32	None of the tables in the detainee day space provides clear floor space that is at least 30 inches wide and 19 inches deep.	Provide a sufficient number of accessible tables so that 5% of them (but no fewer than one) are available for use by people with mobility disabilities. Each accessible table must be on an accessible route, must have knee space at the table at least 27 inches high, 30 inches wide, and 17 inches deep, and must have a table top between 28 inches and 34 inches above the floor. Ensure that the tables are distributed throughout the facility.
83	206.5, 213.2, 213.3.6, 404, 603, 608	4.1.6(1)(b), 4.1.3(11),	The shower room does not have any accessible features.	Provide a transfer shower that is exactly 36 inches wide and 36 inches deep with a 48 inch long and 36 inch wide clear floor space alongside the shower opening, and an L-shaped shower seat mounted on the wall opposite the controls and extending the full depth of the stall; OR a shower that is at least 30 inches deep and 60 inches wide with no curb or threshold and with a 36 inch deep and 60 inch wide clear floor space at the shower opening. Ensure that the shower has grab bars, controls, a shower spray unit, and a seat, curb, and enclosure, if provided, that comply fully with the Standards.
<b>Alpha - Dayroom - Female</b>				
84	213.2, 604.5.1	4.1.6(1)(b), 4.1.3(11), 4.16.4	The front end of the grab bar on the sidewall is only 47 1/2 inches from the rear face of the toilet/lavatory fixture.	Provide a side grab bar that is at least 42 inches in overall length, with the far end mounted at least 54 inches from the rear wall and the closer end 12 inches or less from the rear wall.

85	213.2, 608.4, 608.5	4.1.6(1)(b), 4.1.3(11),	The controls in the roll-in shower are on the opposite wall from the seat and does not comply with the Standards.	Provide a transfer shower that is exactly 36 inches wide and 36 inches deep with a 48 inch long and 36 inch wide clear floor space alongside the shower opening, and an L-shaped shower seat mounted on the wall opposite the controls and extending the full depth of the stall; OR a shower that is at least 30 inches deep and 60 inches wide with no curb or threshold and with a 36 inch deep and 60 inch wide clear floor space at the shower opening. Ensure that the shower has grab bars, controls, a shower spray unit, and a seat, curb, and enclosure, if provided, that comply fully with the Standards.
<b>Delta North Cell Block - Mental Health</b>				
86	217.2, 704.2.1	4.1.6(1)(b), 4.1.3(13), 4.31.2	The clear floor space at the telephone is only 25 inches wide.	Provide an accessible telephone with a clear floor space of at least 30 inches by 48 inches that allows either a forward or a parallel approach by a person using a wheelchair such that bases, enclosures, and fixed seats do not impede approaches to the telephone.
87	205, 309.3	4.1.6(1)(b), 4.1.3(13), 4.27.3	The countertop is 37 inches high and the controls are 17 inches from the front edge. Therefore, the sink faucet is out of reach.	Provide this element in a location where there is a compliant 30 inch by 48 inch clear floor space and that the operable parts are within 48 inches of the floor. If a forward approach is required, the clear floor space may extend under an obstruction with a maximum depth of 25 inches. If the obstruction is 20 inches to 25 inches deep, the operable parts must be mounted within 44 inches of the floor. If a side approach is possible, the operable parts may be obstructed for a maximum height of 34 inches and for a maximum depth of 24 inches. When this obstruction is deeper than 10 inches the operable parts must be within 46 inches of the floor.
88	226.1, 902.2	4.1.6(1)(b), 4.1.3(18), 4.32	None of the tables provides clear floor space that is at least 30 inches wide and 19 inches deep.	Provide a sufficient number of accessible tables so that 5% of them (but no fewer than one) are available for use by people with mobility disabilities. Each accessible table must be on an accessible route, must have knee space at the table at least 27 inches high, 30 inches wide, and 17 inches deep, and must have a table top between 28 inches and 34 inches above the floor. Ensure that the tables are distributed throughout the facility.
89	206.5, 213.2, 213.3.6, 404, 603, 608	4.1.6(1)(b), 4.1.3(11),	The shower room does not have any accessible features.	Provide a transfer shower that is exactly 36 inches wide and 36 inches deep with a 48 inch long and 36 inch wide clear floor space alongside the shower opening, and an L-shaped shower seat mounted on the wall opposite the controls and extending the full depth of the stall; OR a shower that is at least 30 inches deep and 60 inches wide with no curb or threshold and with a 36 inch deep and 60 inch wide clear floor space at the shower opening. Ensure that the shower has grab bars, controls, a shower spray unit, and a seat, curb, and enclosure, if provided, that comply fully with the Standards.

90	28 CFR § 35.151(k), 232, 807	4.1.3(7), 4.1.3(11), 4.13, 4.16, 4.19, 4.26, 4.27, 9.2.2, Figs. 28, 29, 35, 36, 37. See also UFAS § 4.1.4(9)	There are no accessible cells.	Provide accessible cells so that at least 3% minimum of the total cells are accessible and ensure that all detainees with disabilities are housed in accessible cells. To be accessible, all of the cells' elements, including door, clear floor space, water closet, grab bars, lavatory, mirror, bed, desk, controls, and dispensers, comply with the ADA Standards.
<b>Delta Mental Health - Male</b>				
91	206.5, 213.2, 213.3.6, 404, 603, 608	4.1.6(1)(b), 4.1.3(11)	The shower room does not have any accessible features.	Provide a transfer shower that is exactly 36 inches wide and 36 inches deep with a 48 inch long and 36 inch wide clear floor space alongside the shower opening, and an L-shaped shower seat mounted on the wall opposite the controls and extending the full depth of the stall; OR a shower that is at least 30 inches deep and 60 inches wide with no curb or threshold and with a 36 inch deep and 60 inch wide clear floor space at the shower opening. Ensure that the shower has grab bars, controls, a shower spray unit, and a seat, curb, and enclosure, if provided, that comply fully with the Standards.
<b>Delta Constant Observation - Female</b>				
92	213.2, 604.5.1	4.1.6(1)(b), 4.1.3(11), 4.16.4	The side grab bar is only 24 inches long. The front end is only about 30 inches from the rear face of the toilet/lavatory fixture.	Provide a side grab bar that is at least 42 inches in overall length, with the far end mounted at least 54 inches from the rear wall and the closer end 12 inches or less from the rear wall.
93	213.3.6, 608.2.2	4.1.6(1)(b), 4.1.3(11), 4.21.2	The clear floor space at the shower is blocked by the toilet.	Provide a shower that is at least 30 inches deep and 60 inches wide with no curb or threshold and with a 36 inch deep and 60 inch wide clear floor space at the shower opening.
<b>Gulf East (keeplock) - Disciplinary</b>				
94	205, 309.3	4.1.6(1)(b), 4.1.3(13), 4.27.3	The countertop is 36 inches tall and the controls are about 17 inches from the front edge. Therefore, the sink faucet is out of reach.	Provide this element in a location where there is a compliant 30 inch by 48 inch clear floor space and that the operable parts are within 48 inches of the floor. If a forward approach is required, the clear floor space may extend under an obstruction with a maximum depth of 25 inches. If the obstruction is 20 inches to 25 inches deep, the operable parts must be mounted within 44 inches of the floor. If a side approach is possible, the operable parts may be obstructed for a maximum height of 34 inches and for a maximum depth of 24 inches. When this obstruction is deeper than 10 inches the operable parts must be within 46 inches of the floor.

95	205, 309.3	4.1.6(1)(b), 4.1.3(13), 4.27.4	The faucets on the hand washing sink requires tight grasping, tight pinching, or twisting of the wrist to operate.	Provide this element with mechanical controls, that can be operated with no more than 5 pounds of force and that can be used with one hand and without tight grasping, pinching, or twisting of the wrist (lever-operated, push-type, and electronically controlled mechanisms are examples of acceptable designs).
96	206.5, 213.2, 213.3.6, 404, 603, 608	4.1.6(1)(b), 4.1.3(11),	The shower room does not have any accessible features.	Provide a transfer shower that is exactly 36 inches wide and 36 inches deep with a 48 inch long and 36 inch wide clear floor space alongside the shower opening, and an L-shaped shower seat mounted on the wall opposite the controls and extending the full depth of the stall; OR a shower that is at least 30 inches deep and 60 inches wide with no curb or threshold and with a 36 inch deep and 60 inch wide clear floor space at the shower opening. Ensure that the shower has grab bars, controls, a shower spray unit, and a seat, curb, and enclosure, if provided, that comply fully with the Standards. Alternatively, provide access to an accessible shower.
<b>Cell 30 - Disciplinary</b>				
97	28 CFR § 35.151(k), 232, 807	4.1.3(7), 4.1.3(11), 4.13, 4.16, 4.19, 4.26, 4.27, 9.2.2, Figs. 28, 29, 35, 36, 37. See also UFAS § 4.1.4(9)	There are no accessible cells.	Provide accessible cells so that at least 3% minimum of the total cells are accessible and ensure that all inmates with disabilities are housed in accessible cells. To be accessible, all of the cells' elements, including door, clear floor space, water closet, grab bars, lavatory, mirror, bed, desk, controls, and dispensers, comply with the ADA Standards.
<b>Echo Dorm. (Trustee Housing)</b>				
98	226.1, 902.2	4.1.6(1)(b), 4.1.3(18), 4.32	None of the tables provides clear floor space that is at least 30 inches wide and 19 inches deep.	Provide sufficient accessible tables so that 5% of them (but no fewer than one) are available for use by people with mobility disabilities. Each accessible table must be on an accessible route, must have knee space at the table at least 27 inches high, 30 inches wide, and 17 inches deep, and must have a table top between 28 inches and 34 inches above the floor. Ensure that the tables are distributed throughout the facility.
<b>Echo Dorm (Trustee housing) Bathroom (alteration)</b>				
99	213.2, 604.5.1	4.1.6(1)(b), 4.1.3(11), 4.17.6	The front end of the side grab bar is only 48 inches from the rear wall.	Provide a side grab bar that is at least 40 inches in overall length, with the far end mounted at least 52 inches from the rear wall and the closer end 12 inches or less from the rear wall; mounted 33 to 36 inches above the finished floor; with a diameter between 1¼ and 1½ inches; with 1½ inches between the grab bar and the wall; and at least 1½ inches between the grab bar and any object beside or below it and at least 12 inches between the grab bar and any object above it.

100	213.2, 604.8.1.5	4.1.6(1)(b), 4.1.3(11), 4.17.6	The rear grab bar is only 24 inches long.	Provide a 36-inch grab bar behind the toilet that extends at least 12 inches to each side of the toilet centerline; mounted 33 to 36 inches above the finished floor; with a diameter between 1¼ and 1½ inches; with 1½ inches between the grab bar and the wall; and at least 1½ inches between the grab bar and any object beside or below it and at least 12 inches between the grab bar and any object above it.
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## ATTACHMENT B

### Certification of ADA Compliance

I, [insert name], in my capacity as an Independent Licensed Architect, retained by Erie County and approved by the United States, pursuant to Paragraph VI of the Settlement Agreement executed between the United States and Erie County and the Erie County Sherriff's Department on \_\_\_\_\_, 2014, hereby certify, to the best of my knowledge, information, and belief, that the following element identified below is in compliance with the physical accessibility requirements of the 2010 ADA Standards for Accessible Design, 28 C.F.R. § 35.104 ("2010 Standards") and the terms of the Settlement Agreement executed between the United States and Erie County and the Erie County Sheriffs' Department.

**Element Identified referenced in the *Erie County Jail ADA Barriers Report, Attachment A* to the Settlement Agreement:**

**Description of Element:**

**Location of Element:**

\_\_\_\_\_  
Printed Name of Independent Licensed Architect

\_\_\_\_\_  
Signature of Independent Licensed Architect

\_\_\_\_\_  
Date