

Accessible Justice



Ensuring Equal Access to Courthouses for
People with Disabilities



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About NYLPI

New York Lawyers for the Public Interest (NYLPI) is a nonprofit civil rights law firm whose mission is to advance equality and civil rights, with a focus on health justice, disability justice and environmental justice, through the power of community lawyering and partnerships with the private bar. Created in 1976 to address previously unmet legal needs, NYLPI combines a pro bono clearinghouse with an in-house practice that blends innovative lawyering, community organizing and advocacy.

NYLPI's Disability Justice Program is founded on the principles of equality of opportunity, dignity, and independence for people with disabilities. In partnership with individuals and community organizations, we use organizing, legislative advocacy and litigation to assert the rights of New Yorkers with disabilities to equal access to a range of programs and services, including education, health care, housing, and police protection. In addition to addressing instances of abuse and neglect within existing institutions, we advocate for individuals with disabilities to live as independently as possible in the community with the services they need. Our advocacy also encompasses the realm of communication access, specifically the rights of the Deaf community and limited English proficient individuals with disabilities to participate equally in New York City programs and services.

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Summary

Access to justice is a fundamental right. It cannot be achieved when people with disabilities are denied equal access to courts. As the U.S. Supreme Court observed in *Tennessee v. Lane*,

the “unequal treatment of disabled persons in the administration of justice has a long history.” 541 U.S. 509, 531 (2004). In enacting the Americans with Disabilities Act (ADA) in 1990, Congress recognized “that failure to accommodate persons with

“These courts are not open to everyone.” - Dustin Jones, Disability Rights Advocate

disabilities will often have the same practical effect as outright exclusion.”¹ The ADA was passed to break down barriers so that “so that all Americans, regardless of their disability or abilities, are treated fairly and decently, as coequal in all aspects of American life.”² July 2015 marks the 25th anniversary of the enactment of the ADA. As we approach this historic moment, we must take action so that New York City lives up to a core tenet behind the ADA – ensuring that people with disabilities have full and equal access to justice.

This report details NYLPI’s findings that many New Yorkers with mobility impairments encounter accessibility barriers at courthouses in New York City that are part of the New York State Unified Court System.³ These individuals’ experiences and our recent investigation of courthouses in all five boroughs paint a troubling picture: New Yorkers with physical disabilities face an array of accessibility barriers in all areas of courthouses throughout New York City, denying them meaningful access to justice in a most fundamental way, in violation of federal, state and local laws.

**“The guard didn’t say anything about going around to the front accessible entrance and he was standing right there. I didn’t know it was an option.”
- M.A., Disability Rights Advocate**

In February and March 2015, NYLPI and Dustin Jones of Disabled in Action (a community organization based in New York City) visited a number of courthouses in New York City (all part of the New York State Unified Court System) to assess their accessibility for people with mobility impairments.⁴ While not intended to be a comprehensive survey, our investigation of some of the most highly trafficked courts revealed numerous accessibility problems at every single courthouse visited.

In many instances, we found that the only way for a person who uses a wheelchair to access a space in a courthouse is through a makeshift arrangement that negatively draws attention to his or her disability. As was experienced by Dustin Jones during our visits, this may involve, for example, finding and getting the attention of a courthouse staff person to move a barrier blocking a path. It may involve waiting for the arrival of a staff person to operate a freight elevator leading to the only accessible entrance to the courthouse. It may involve disrupting an ongoing court proceeding by, for example, asking someone to move a bench in the courtroom because of the lack of cut-out seating for wheelchairs. These *ad hoc* “accommodations” stigmatize people with disabilities, making them reasonably believe they face a choice of either creating a commotion and drawing attention to themselves or not participating at all. Being in court can be an anxiety-producing experience for anyone, with or without a disability, where unfamiliar rules of formality govern and important decisions are made. For someone with a disability, a trip to a New York City courthouse can be an even more unsettling experience given the lack of independent access to many courthouse spaces and services.



NYLPI found numerous accessibility issues at every single courthouse visited.

Accessibility Issues at Courthouses

Our investigation, together with reports from clients and fellow advocates and attorneys, has identified a number of key accessibility problems at New York City courthouses:

Signage: Signs regarding accessible entrances and bathrooms that are poorly placed, and/or convey insufficient or inaccurate information;

Courthouse Entrances: Separate entrances for people with mobility impairments and purportedly accessible entrances that are in fact inaccessible;

Courtrooms: Inaccessible courtroom entrances, counsel tables, spectator seating, jury boxes and witness boxes;

Bathrooms: Overly heavy doors; small, narrow, and inaccessible stalls; faucet and soap dispensers above the reach of someone using a wheelchair;

Public Service Offices: Inaccessible entrances and routes at public service offices such as clerk's offices, help centers, and victim support services;

Holding Pens: Lack of accessible bathrooms at holding pens where criminal defendants are held in custody while awaiting court appearances; and lack of a separate area in the holding pens for counsel to visit with clients with mobility impairments;

Route to Courtroom: Lack of elevator or other means by which to bring a criminal defendant who uses a wheelchair to a courtroom from a holding pen; and

Central Booking Area: Multiple clients who use wheelchairs have reported to us that they have been carried down several flights of stairs to be booked and processed at Central Booking following an arrest.

This lack of independent access has broad reaching implications for those involved in the administration of justice. Many may be affected by inaccessible

“The jury box was not accessible. I would have had to sit right out in front where the attorney addresses jurors. I didn’t want to feel removed and out in front. I wanted to be next to my fellow jurors.” - Jean Ryan, Disability Rights Advocate

courthouses, such as jurors, criminal defendants, litigants, attorneys and court employees (e.g., judges, clerks and court reporters). The difference between an accessible courthouse and an inaccessible courthouse can mean, for example, the difference

between whether or not a person who uses a wheelchair is able to participate in jury duty, represent a client during a court proceeding, or have a job in the courthouse.

As detailed below, our recommendations include the need for a comprehensive audit of every courthouse in New York City. Based on our sample of courthouse assessments, the fixes for at least some of the problems identified in this report do not necessarily involve costly architectural changes. Rather, with proper signage and adequate training, many barriers can be remedied at little cost. In addition, under the ADA’s “program accessibility” concept, not every courthouse facility (such as a courtroom or bathroom) is required to be accessible so long as, when viewed in its entirety, the courthouse includes adequate facilities that are accessible and in the most integrated setting so that people with disabilities are not unnecessarily segregated and stigmatized.⁵

Multiple clients who use wheelchairs have reported being carried up and down several flights of stairs to be booked and processed at Manhattan Criminal Court’s central booking area.

“When I called to ask about the accessible entrance, the person on the line told me ‘You don’t need to be on the jury because you’re disabled.’ I wanted to serve as a juror.”

-Jean Ryan, Disability Rights Advocate

While barriers found in the design and layout of courtrooms, holding pens and booking areas may require architectural modifications to be eliminated, justice demands that New York City and State governments devote resources to ensuring that people with disabilities have equal access to this city’s system of justice.

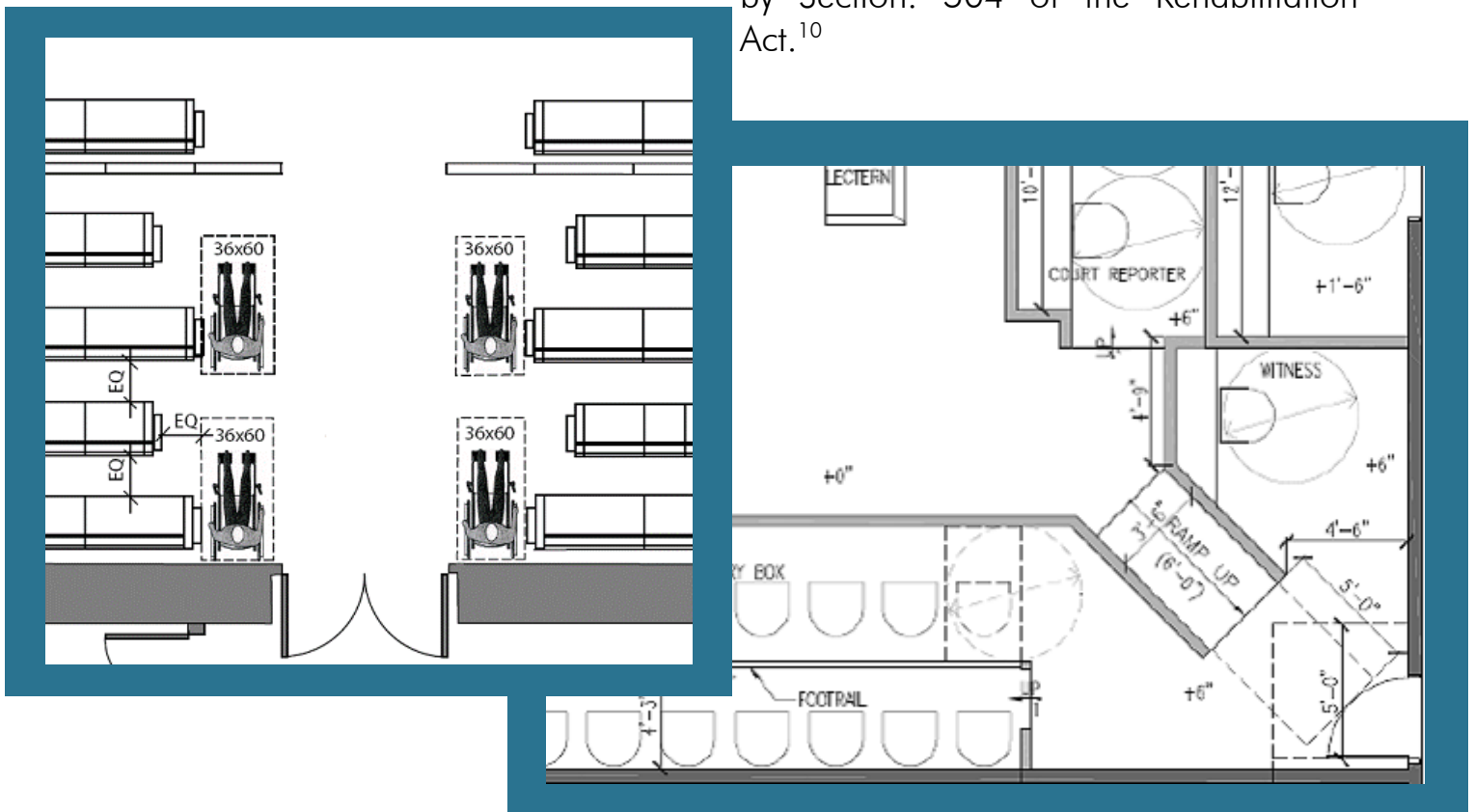
Equal access to, and full participation in, our justice system are not possible given the pervasive level of inaccessibility detailed in this report. There are an estimated 90,000 New Yorkers who use wheelchairs — and tens of thousands of others who have mobility impairments — who require access to judicial facilities and various forms of reasonable accommodations.⁶ As detailed in this report, they are being denied their basic right to access justice.

“It’s unfair and inhumane that a person in a wheelchair is not given a place to go to the bathroom in the holding pen. I was humiliated, embarrassed and felt ashamed. I don’t want this to happen to other people.” - *Banetta Grant, NYLPI client*

The Law

right under the U.S. Constitution,⁷ and federal, state and local anti-discrimination laws require full and equal access to courts. These requirements apply to people with mobility impairments who come into contact with all areas of courthouses. Everyone is protected by these regulations, from employees of the court such as judges, court reporters, or court officers, to participants in litigation such as attorneys, jurors, and defendants, to observers from the general public. These requirements govern public areas of courthouses as well as the areas of the courthouse that are not open to the public, such as holding pens.

Federal laws cover courthouses. Title II of the ADA covers state and local governments, referred to as “public entities,” and includes all programs, activities, and services provided or operated by State and local governments.⁸ As the Supreme Court held in *Tennessee v. Lane*, 541 U.S. 509, 534 (2004), the ADA covers state and local courthouses.⁹ Entities providing courthouse services, programs or operations that receive federal funding are also covered by Section. 504 of the Rehabilitation Act.¹⁰



People with disabilities who are charged with crimes benefit from additional federal protections when it comes to courthouse accessibility. Courts have held that the deprivation of a toilet to a person in jail or prison is “cruel and unusual punishment” under the Eighth Amendment of the U.S. Constitution.¹¹ The ADA’s implementing regulations specifically state that correctional facilities “shall ensure that qualified inmates or detainees with disabilities shall not, because a facility is inaccessible to or unusable by individuals with disabilities, 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 public entity.”¹²

New York State and City laws also cover courthouses. The New York State Human Rights Law generally tracks the protections guaranteed to people with disabilities by the federal anti-discrimination laws described above, in particular the ADA.¹³ The New York City Human Rights Law surpasses the protections of federal and state laws, as confirmed by Restoration Act of 2005.¹⁴ Both the New York State and City Human Rights Laws apply to courthouses as places of public accommodation.¹⁵

The United States Access Board (Access Board), a federal agency promoting equality for people with disabilities through the development of accessibility guidelines and standards, has published a report providing standards for courthouse accessibility: “Justice for All: Designing Accessible Courthouses” (Nov. 15, 2006) (Access Board Report).¹⁶ The U.S. Department of Justice encourages State and local governments to consult the Access Board Report for guidance on ways to facilitate and increase accessibility of their judicial facilities.¹⁷

Compliance with the aforementioned anti-discrimination laws benefits both the public accessing the legal system and the agencies responsible for the system’s operations. The provision of accessible services ensures a safe and secure environment for the public and employees, and also reduces the likelihood of



Anti-discrimination laws apply to courthouses.

successful lawsuits against responsible agencies for civil rights violations. Hastily made, makeshift arrangements for individuals with disabilities can result in blocked entrances or aisles, or can cause a participant in the proceeding to miss essential parts of the court proceeding. It is imperative to the effective administration of justice that courtrooms be made accessible to all individuals with mobility impairments who would come into contact with the courts. Ensuring accessibility assists with maintenance of courtroom decorum, allows individuals with disabilities to interact with the legal system without detracting from the proceedings, and allows for the operating agencies to address any safety or security concerns with structural changes rather than by excluding an individual with a disability or treating him or her as an outsider.

The Courts in NYC

In New York City, the major entities involved in the operations, activities and programs at courthouses include: (1) the Office of Court Administration (OCA), an agency of the New York State government responsible for overseeing the administrative operation of all of New York State's courts; (2) the New York City Department of Citywide Administrative Services (DCAS), a New York City governmental agency that manages and/or owns public buildings in New York City, including courthouses;¹⁸ and (3) the New York City Department of Correction (DOC). As public entities that provide or operate programs, activities, and services at courthouses, these entities are covered by the ADA.¹⁹ In addition, to the extent that OCA, DCAS and DOC receive federal funding, they would also be covered by the Rehab Act. Finally, because courthouses are public accommodations, the broad protections under the City Human Rights Law and State Human Rights Law also apply.

Findings

ACCESSIBILITY BARRIERS FOR PEOPLE IN CUSTODY AT NEW YORK CITY COURTHOUSES

As a public entity covered by federal, state and local laws, DOC is required to provide accessible facilities to people with disabilities. Despite this requirement, we have received a number of concerning reports about the inaccessibility of DOC facilities, specifically, the central booking area and holding pens at Manhattan Criminal Court at 100 Centre Street (MCC) and the holding pens at 111 Centre Street in Manhattan. Most recently, we have also heard troubling accounts of complete inaccessibility of the criminal court at 67 Targee St. in Staten Island. We were able to verify the reports about the holding pen at 100 Centre Street through our representation of clients who have been held there, and through an investigation and report from the New York City Board of Correction. As for the reports about central booking, 111 Centre Street and the Staten Island criminal court, we have not been able to personally verify inaccessibility in those areas, which are not open to the public. Indeed, the very fact that the inaccessibility of these areas is shielded from public view makes a formal, comprehensive assessment of facilities all the more critical.

Entrance to Central Booking

Multiple clients who use wheelchairs have reported to NYLPI that they have been carried up and down several flights of stairs to be booked and processed at MCC's central booking area following an arrest. This inhumane and unlawful practice is not only dangerous to the safety of the person using the wheelchair but also to the officers who are forced to carry him or her. This practice should be stopped immediately, and DOC should work with relevant entities, such as DCAS, to develop a safe and accessible route and entrance to central booking.

Holding Pens

Our clients have experienced accessibility barriers in the DOC-controlled holding pens at MCC and at 111 Centre Street. One client at MCC, Banetta Grant, even urinated on herself after being denied an accessible bathroom while being held in a holding pen for approximately ten to twelve hours waiting for her court appearance. She wore diapers at her subsequent court appearances because DOC denied her request for an accessible bathroom. The New York City Board of Correction conducted an investigation confirming the inaccessibility of MCC holding pen bathrooms.



Counsel visit areas should be accessible.

Following NYLPI's advocacy on behalf of that client, and Jim Dwyer's coverage of the situation in the New York Times,²⁰ DOC opened a new holding pen area on the first floor of MCC where it is holding individuals who use wheelchairs. Although the new holding pen area does have one accessible toilet in one of its cells, NYLPI still has several concerns about the area's accessibility based on our clients' experiences there:

Lack of signage: There is no sign in the new holding pen area indicating the existence of an accessible toilet, which is not necessarily visible to a person being detained there. Because the other holding pens at MCC do not have accessible toilets, a person might mistakenly assume that the new holding pen area also lacks one.

Lack of counsel visit area and lack of clear practices for counsel visits: The new holding pen area has no counsel visit area allowing attorneys to speak to their clients in relative privacy.²¹ When we have attempted to meet with clients in the new area, we have encountered confusion among the officers and a lack of a clear policy as to where exactly we are allowed to meet.²²

Inaccessible entrances for oversized wheelchairs: One client who uses an oversized wheelchair has reported to us that, to get to the new holding pen area, he has had to get out of his wheelchair at about four or five different entry points and hobble to make his way through because the entryway was too narrow to accommodate his wheelchair. For many people who use wheelchairs who have even less mobility than this individual, this requirement would be impossible.

We have also recently received a report that the holding pens at the courthouse at 111 Centre Street in Manhattan lack an accessible toilet. We are concerned that holding pens in other boroughs are similarly inaccessible.

Route from Holding Pen to Courtroom

We have received reports from attorneys that at the criminal court in Staten Island, defendants who use wheelchairs or otherwise cannot climb stairs because of their disability do not have access to the courtroom. There is no elevator between the holding pen on the first floor and the courtroom on the second floor. In order for a defendant to be arraigned, the entire court – the criminal defense attorney, the Assistant District Attorney, the judge, the court officers, and the court reporter – are forced to go downstairs to the police room to hold the proceedings. This practice should be stopped immediately, and DOC should work with the relevant entities, such as DCAS and OCA, to immediately develop a safe and accessible route and entrance to the courtroom, utilizing the public entrance as needed.

Banetta Grant

In November 2013, Ms. Grant was held for approximately ten hours in the 12th floor holding pen at the Manhattan Criminal Courthouse without access to a bathroom. Ms. Grant found that the bathroom in the holding pen was too small to accommodate a wheelchair and there were no grab bars to allow someone to transfer from the wheelchair to the toilet. She requested that a correction officer escort her to the accessible bathrooms in the public part of the court building, but the officer refused. She also asked that the officer assist her in using the inaccessible bathroom, but the officer again refused. As a result of not having access to a bathroom she could use, Ms. Grant urinated on herself. When she returned to Rikers Island around 10:30 p.m. that night, she was not allowed to take a shower and was only able to shower the next morning.

Ms. Grant filed a formal request seeking an accessible bathroom, but her request was denied by a grievance officer at Rikers. Left with no other recourse, Ms. Grant asked a nurse at Rikers to provide her diapers, which she wore at her subsequent court appearances. Only after NYLPI and Council Member Rory Lancman intervened by writing letters to DOC did DOC finally allow her to use an accessible public bathroom at MCC. She was escorted to the courthouse's public area by four corrections officers, who cleared out the restroom and stood guard while she used it.

Ms. Grant was deeply humiliated and injured by these experiences. She was forced to sit in her own urine while in the holding pen all day and, later, to sleep in this condition. She developed redness on her skin as a result of not being able to wash herself. Failing to make the holding pen bathroom accessible to Ms. Grant and instead forcing her to wear diapers was both inhumane and illegal. Moreover, to require a person in confinement to first solicit an officer to use an accessible bathroom, then rely upon multiple officers to transport her to a different floor to access that bathroom, and then have them watch over her while she addresses a private human need is not a dignified or equal way of providing access to a bathroom.

ACCESSIBILITY IN PUBLIC AREAS: NYLPI'S FINDINGS

The accessibility barriers discussed below were identified through visits and assessments we conducted with Dustin Jones of DIA of select courthouses, and from reports we received from clients and community partners of barriers they had experienced.

Of the approximately 30 courthouses in New York City that are a part of the New York State Unified Court System (UCS), we visited and assessed 10 in the course of preparing this report.²³

We selected these courthouses based on what we believed were the most frequently visited UCS courthouses in each borough. We generally prioritized high-volume courthouses for which the website had limited ADA information.

"The wheelchair dedicated bathroom on every floor was locked. There was no way to find out who you had to call to open it. We never were able to find out who could unlock those doors." - Dustin Jones, Disability Rights Advocate

For every courthouse we visited and assessed, we encountered accessibility barriers for people with mobility impairments. Below are the key problems that we identified.

Signage

Of the 10 courthouses we visited, all but two of them (Queens Civil Court at 89-17 Sutphin Boulevard and Bronx Supreme Court at 851 Grand Concourse Boulevard) had significant deficiencies with respect to signs indicating accessible entrances and facilities.²⁴ We frequently found poorly placed signs (e.g., signs regarding accessible entrances posted in inconspicuous locations), signs with insufficient information (e.g., not sufficiently indicating the location of accessible entrances), and signs that reflected inaccurate information (e.g., incorrectly indicating that a bathroom was accessible when it was not).

Below are two specific examples of problems regarding signage that we found:

1. At the front of the courthouse at 88-11 Sutphin Boulevard, the sign indicating the location of the accessible entrance was far away and difficult to see. The sign was pointing to a set of steps going down what appeared to be an inaccessible maintenance entrance.

2. A sign at the front entrance of the courthouse at 360 Adams Street states, "Use North Entrance," which does not open until 9:30 a.m. even though the

sign did not so indicate. The fully accessible entrance off Cadman Plaza was not mentioned on the sign, and we discovered it only after a well-meaning worker offered to carry Mr. Jones up the steps. In addition, once inside the building, a sign in the elevator bank stating that there were accessible bathrooms on the 2nd, 4th, 5th, 7th and 9th floor was not correct; not all of these floors had accessible bathrooms.



"I followed the accessible entrance sign, but it led me to steps." Dustin Jones, Disability Rights Advocate

For some courthouses, UCS's website includes information about accessibility and directs visitors to call the courthouse for accommodations.²⁵ The website should not be considered an adequate substitute for proper signage, especially given that many New Yorkers may be unable to access it. Furthermore, requiring planning in advance singles out people with disabilities and does not provide them with equal access.

Courthouse Entrances

People with and without disabilities should be able use the same courthouse entrance.²⁶ Separate entrances may be equated with unequal treatment.²⁷ Yet, at six of the ten courthouses we visited, accessible entrances were separate

from the main, non-accessible entrances. For five of these six purportedly accessible entrances, we found accessibility barriers. In one instance (the 88-11 Sutphin Boulevard), the only accessible entrance was via a freight elevator that had to be operated by a security officer. Reliance on such elevators as the only accessible entrance is problematic not only because they may be out of service but also because they do not allow for independent access to the courthouse.²⁸ Similar issues were present at the Staten Island criminal courthouse (67 Targee St.) where the path to an accessible ramp leading to the main entrance was inaccessible due to a locked gate. In order to access the building, a person would have to climb the main steps and go inside to ask a security guard to unlock the gate, something a wheelchair user could not do.

Courtrooms

Every one of the approximately 21 courtrooms we visited had an accessibility barrier. The barriers we saw included:

Inaccessible entrances: A number of courtrooms violated Access Board standards regarding entrances.²⁹ These entrances had double doors that had one door locked shut. The open door was not wide enough to allow a wheelchair to pass, which meant that a person in a wheelchair would have to seek a court officer to open the door in order to enter.

Inaccessible spectator seating: With the exception of one courtroom we visited, every courtroom failed to include cut-out seating allowing space for individuals who use wheelchairs, in violation of Access Board standards.³⁰ Practically, this means that they are forced to sit in the aisles, something we have both heard and observed during visits.

Inaccessible jury boxes and witness boxes: Multiple courtrooms had inaccessible jury boxes and witness boxes, which were on elevated platforms with no lift or ramp available to make them accessible. In addition, chairs in the jury boxes at multiple courtrooms appeared to be permanently bolted down and therefore not removable.³¹ We found most jury boxes were not designed so that a juror with a disability could be fully integrated with other jurors.³²

Bathrooms

In some courthouses, bathrooms that were marked as accessible were in fact completely inaccessible, lacking accessible stalls, toilets with grab bars, or faucets, soap and paper towel dispensers within reach of a person with a disability. In addition, a number of the purportedly accessible bathrooms had doors that were heavy and difficult to open from a wheelchair. The Access Board Report provides that doors must require no more than five pounds of

force to push or pull open, and while we were not able to measure the force, we have concerns that the doors we tried to open required more than that.³³

Public Service Offices

Several offices we visited had extremely narrow entryways such that someone in an average-size wheelchair could barely pass through. For instance, we measured the width of the entrance to the court help center at 88-11 Sutphin Boulevard at 29.5 inches, which is significantly short of the 32 inches requirement set forth in the Access Board Report.³⁴ The victim's services office at 67 Targee St. in Staten Island was on the lower level down two flights of stairs with no elevator servicing the office. Staff reported having to meet with victims with disabilities in the middle of the small public lobby on the upper floor.

Jury Service

Community members who use wheelchairs have reported multiple barriers associated with jury duty. Individuals have been inappropriately told they do not have to serve on a jury, merely because they have a disability. In addition to the above concerns about barriers to entrances and elevated jury boxes, jurors with disabilities have also encountered inaccessible deliberation room bathrooms.

"I wonder how many people with disabilities go to that courthouse and cannot open the door or wheel themselves in. We are a society that talks a lot but we need to start putting words into action."

- M.A., Disability Rights Advocate

Take Action

Individuals with disabilities face a multitude of barriers when they seek justice in New York City courts, from

architectural barriers in all areas of courthouses to ignorance and lack of training of staff and security personnel. These issues pose profound challenges to individuals with physical disabilities who are involved in or trying to access the court system.

As 2015 marks the 25th Anniversary of the Americans with Disabilities Act, New York City has an opportunity to be at the forefront of providing accessible justice to individuals with mobility impairments. It is imperative that DOC, DCAS and OCA take immediate steps to remove the physical and attitudinal barriers impeding equal access to courts.

1. Making Immediate Improvements: Remove Egregious Barriers

Inaccessibility in New York City criminal court holding pens, booking areas and courtrooms must be immediately remedied. DOC must work with relevant entities, such as DCAS and OCA, to immediately develop a safe and accessible route and entrance to courtrooms, booking areas and bathrooms for people in criminal proceedings.

2. Eliminating Structural Barriers: Create a Task Force

To establish a complete picture of the problems faced by individuals with mobility impairments in the New York City court system, all relevant city and state agencies need to coordinate a comprehensive audit and survey of every courthouse in New York City. DOC, DCAS and OCA must create an inter-agency task force to fully assess ADA compliance and develop a plan to immediately and efficiently carry out accessibility improvements. This task force must ensure that a process is established to address both barrier removal (e.g. appropriate signage posted, door pressure calibrated, door widening, etc.), as well as to ensure that all new courthouse construction and renovations comply with federal and local accessibility standards. This task force must include members of the disability community and other relevant community

stakeholders within their process. The task force must ensure that all relevant agencies collect data regarding the number of people with disabilities who interact with the court system and their actual needs.

3. Combating Ignorance and Attitudinal Barriers: Train All Staff

It is essential that all agencies responsible for courthouse management conduct regular inter-agency training of all staff. DOC, DCAS and OCA, in particular, must provide these trainings not only to new staff members, but also provide ongoing and regular training to existing staff. These trainings will include concrete information regarding each agency's obligation to provide accessible services, and will contain a cultural competency component in an effort to combat the attitudinal barriers that individuals with mobility impairments may face when they enter the New York City courts. Additionally, these trainings will provide staff with instructions and information to safely, effectively and efficiently ensure that individuals with disabilities have equal access to courthouses.

4. Opening Courthouse Doors to All: Oversight and Accountability

Individuals with mobility impairments must have access to reasonable accommodations that will allow them to meaningfully participate in the legal process. In order to achieve this goal, DOC, DCAS and OCA must each appoint and/or adequately train an ADA coordinator to provide oversight of accessibility compliance at all of New York City's courthouses. The agencies' ADA coordinators must work in tandem to ensure that all public and non-public areas of New York City courthouses are accessible to individuals with mobility impairments and that individuals with disabilities are treated with dignity and respect. This work must include ensuring that barriers are immediately removed at all courthouses, including through the posting of specific and clear directional signage. Detailed information regarding accessibility — the location of the courthouse's accessible entrance, the contact information for the ADA coordinator, and a forum to make complaints — must be listed on courthouse websites. Finally, the New York City Council should convene a joint oversight hearing on at least an annual basis to monitor the agencies' progress and ensure that projected goals are met.

References

¹ *Tennessee v. Lane*, 541 U.S. 509, 531 (2004).

² 136 CONG. REC. S9684-03 (July 13, 1990), 1990 WL 97306.

³ This report does not address any barriers at federal courthouses in New York City.

⁴ We did not include a review of barriers faced by people with other types of disabilities, such as individuals who are deaf or hard of hearing or have a visual impairment. However, over the years, we have heard numerous complaints about the failure to provide accommodations for such individuals, including the failure to provide sign language interpreters to individuals who are deaf, in particular those facing criminal charges.

⁵ 28 C.F.R. §§ 35.149-35.150.

⁶ New York City People with Disabilities: Statistics, http://www.nyc.gov/html/mopd/downloads/pdf/Statistic_Data.pdf.

⁷ *Lane*, 541 U.S. at 533-34.

⁸ 28 C.F.R. § 35.104.

⁹ The Supreme Court in *Lane* upheld the ADA's abrogation of state sovereign immunity. *Lane*, 541 U.S. at 510.

¹⁰ 29 U.S.C. § 794.

¹¹ *Wolfish v. Levi*, 439 F. Supp. 114, 157 (S.D.N.Y. 1977), *aff'd in relevant part and rev'd in part on other grounds*, 573 F.2d 118, 133, n.31 (2d Cir. 1978), *rev'd on other grounds, sub nom. Bell v. Wolfish*, 441 U.S. 520 (1979).

¹² 28 C.F.R. § 35.152(b)(1).

¹³ See *Rodal v. Anesthesia Grp. of Onondaga, P.C.*, 369 F.3d 113, n.1 (2d Cir. 2004) ("New York State disability discrimination claims are governed by the same legal standards as federal ADA claims.").

¹⁴ N.Y.C. Admin. Code § 8-130 ("The provisions of this title shall be construed liberally for the accomplishment of the uniquely broad and remedial purposes thereof, regardless of whether federal or New York State civil and human rights laws, including those laws with provisions comparably-worded to provisions of this title, have been so construed.").

¹⁵ N.Y. EXEC. LAW §§ 292(9), 8-107(4); N.Y.C. Admin. Code §§ 8-102(9), 8-107(4).

¹⁶ U.S. ACCESS BD., COURTHOUSE ACCESS ADVISORY COMM., JUSTICE FOR ALL: DESIGNING ACCESSIBLE COURTHOUSES, RECOMMENDATIONS FROM THE COURTHOUSE ACCESS ADVISORY COMMITTEE (Nov. 15, 2006), <http://www.access-board.gov/attachments/article/432/report.pdf> [hereinafter *ACCESS BOARD REPORT*].

¹⁷ 28 C.F.R. pt. 35, App. A.

¹⁸ NEW YORK CITY, DEPARTMENT OF CITYWIDE SERVICES, DCAS MANAGED PUBLIC BUILDINGS, <http://www.nyc.gov/html/dcas/html/about/buildings.shtml>.

¹⁹ 42 U.S.C. § 12132; 29 U.S.C. § 794; 35 C.F.R. §§ 35.130(b)(1)(i)-(ii) & (vii).

²⁰ Jim Dwyer, *Courthouse Serves Justice, With Indignity*, N.Y. Times, Oct. 7, 2014, at A22.

²¹ One of the minimum standards for New York City correctional facilities is that "visits between prisoners and attorneys shall be kept confidential and protected." Chapter 1 of Title 40 of the rules of the city of New York § 1-08(c)(3).

²² The counsel visit area on the 12th floor of MCC has only one accessible spot that does not have a bolted down stool blocking access to a wheelchair. However, that one accessible spot is also used by individuals without mobility impairments, and when it is in use, there is no other accessible area available for counsel visits.

²³ Below is a chart that lists the courthouses we visited:

Courthouse Location	Borough	Court(s)
88-11 Sutphin Blvd. Jamaica, NY 11435	Queens	Supreme, Civil (Jamaica) Surrogate's Court
89-17 Sutphin Blvd. Jamaica, NY 11435	Queens	Civil Court
360 Adams St. Brooklyn, NY 11201	Brooklyn	Supreme, Civil
141 Livingston St. Brooklyn, NY 11201	Brooklyn	Civil Court
60 Centre St New York, NY 10007	Manhattan	Supreme, Civil
111 Centre St New York, NY 10013	Manhattan	Supreme, Civil Supreme, Criminal Civil Court (including Housing & Small Claims)
851 Grand Concourse Bronx, NY 10451	Bronx	Supreme, Civil Civil Court Surrogate's Court
215 E. 161 st St. Bronx, NY 10451	Bronx	Criminal Court
67 Targee St. Staten Island, NY 10304	Staten Island	Criminal Court
18 Richmond Terrace Staten Island, NY 10301	Staten Island	Supreme Court

In addition to these courthouses, we attempted to visit the courthouse at 80 Centre Street in Manhattan but a security officer would not permit us to visit without telling him precisely where we were going within the courthouse.

²⁴ ACCESS BOARD REPORT, *supra* note xvi, at 24-25 (noting that “[f]ailure to provide directional signage to accessible entrances at inaccessible entrances” is a common error, and providing recommendations for best practices).

²⁵ While we did not call the courthouses as directed by the UCS website, we found the accessibility information provided on the website to be unclear or incomplete in many instances.

²⁶ ACCESS BOARD REPORT, *supra* note xvi, at 19, 23.

²⁷ *Id.* at 19 (noting that separate entrances raise security issues and may be discriminatory, and that people with disabilities “equate having to use a separate entrance with not being treated equally”).

²⁸ *Id.*

²⁹ *Id.* at 41.

³⁰ *Id.* at 47.

³¹ *Id.* at 51 (“Removable seats in wheelchair seating spaces in jury boxes should be readily available, without requiring tools.”).

³² *Id.*

³³ *Id.* at 41.

³⁴ *Id.*