



PRISON LAW OFFICE
General Delivery, San Quentin, CA 94964
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www.prisonlaw.com

Your Responsibility When Using this Information:

This information is not intended to be legal advice about the facts in your case, but it will give you more information about your rights and what you can do to help yourself. When we wrote this document we did our best to give you useful and accurate information, because we know that people often have difficulty obtaining legal information in prison or jail and we cannot provide specific advice everyone who requests it. Also, the laws change frequently and are subject to differing interpretations. We do not always have the resources to make changes to this material every time the law changes. If you use this information, it is your responsibility to make sure that the law has not changed and applies to your situation.

Information about the ADA (Americans with Disabilities Act) (updated August 2024)

We received your request for information or advice about the Americans with Disabilities Act (ADA). Unfortunately we are not able to write individual responses to everyone who writes to us. This letter contains some general information about the ADA for people in California state prisons and people in other types of custody. We hope you will find this information helpful.

What is the ADA?

The ADA is a federal law that prohibits discrimination against people with some types of disabilities. The ADA is in Title 42 of the United States Code (USC) beginning at section 12101. Title II of the ADA prohibits discrimination by “public entities” in the provision of all “services, programs, and activities.” The California Department of Corrections and Rehabilitation (CDCR), the Board of Parole Hearings (BPH), and county jails are public entities. Therefore, CDCR, BPH, and county jails have an obligation to make their programs, services, and activities accessible even if you have a disability, as long as you are otherwise eligible for those programs, services, and activities. Other agencies, like the Department of State Hospitals (who are responsible for state mental health facilities), also are public entities and must comply with the ADA.

Who Is Protected by the ADA?

You are protected under the ADA if you have a physical or mental impairment that substantially limits one or more major life activities, such as taking care of yourself, walking, seeing, hearing, speaking, breathing, learning, or working.

You must be “otherwise qualified” for the program, service, or activity in which you want to participate. That means that you must meet the basic eligibility requirements for the program,

service, or activity. For example, if you are in high-security housing, you are not entitled to the privileges available to people in low security facilities. However, you are “otherwise qualified” for low-security privileges if you meet the general eligibility requirements for low-security but you need reasonable modifications, removal of architectural barriers, or aids so that you can participate in the programs, services, or activities that are available to people housed in low-security facilities.

The ADA covers people in prisons, jails, and state hospitals, and people on parole, PRCS, or other supervision. The ADA also covers visitors, callers, and correspondents. For example, if you are in custody with access to phone calls, and you want to call a friend who is deaf on a TDD line, the prison, jail, or state hospital staff must allow you to do so.

For people in CDCR custody, there are on-going class action lawsuits under which CDCR is supposed to provide assistance and accommodations for people in prison and on parole who have certain types of disabilities. If you have a mobility, vision, hearing, speech, learning, or kidney disability, you are covered by the *Armstrong* case. If you have a developmental disability, you are covered by the *Clark* case. In each of those cases, CDCR agreed to adopt Remedial Plans with policies and procedures for identifying and providing accommodations for people with those types of disabilities. You should be able to find copies of the *Armstrong* and *Clark* Remedial Plans in the prison law library materials. You can also get more information on the *Armstrong* and *Clark* cases by writing to Prison Law Office, General Delivery, San Quentin, CA 94964, which is one of the law offices that is monitoring whether CDCR is complying with the Remedial Plans.

For people in county jails, there are on-going class action lawsuits against a number of sheriff's departments about the county jail's obligation to accommodate people with certain disabilities. Our office represents people in on-going class actions about ADA compliance in the following county jails: Contra Costa, Fresno, Riverside, Sacramento, San Bernardino, and Santa Clara. If you are in one of those county jails and your disability is not being accommodated, you can write to us for more information.

Can I Ask for Reasonable Accommodations Under the ADA? Can I File a Grievance or Administrative Appeal about an ADA Violation?

If you want to ask a public agency to provide a reasonable accommodation for your disability or if you think your rights under the ADA are being violated by any public agency, there are ways you can try to fix the problem. Your options will depend on what public agency is involved. The following subsections describe the options available for issues that involve (1) a CDCR prison or CDCR parole, (2) a Board of Parole Hearings (BPH) proceeding, (3) a county jail or county supervision (such as PRCS, probation, or mandatory supervision) and (4) anyone with a disability whose rights are being violated by any federal, state, or county public entity.

(1) CDCR Prison or Parole

If you are in a CDCR prison or on CDCR parole, CDCR has a procedure you can use to ask for fair treatment, reasonable accommodations, or access to CDCR services, activities, or programs. The process is governed by the *Armstrong* and *Clark* Remedial Plans and the CDCR, *1824 Desk Reference Manual*. (See 15 CCR § 3085.)

You should fill out a yellow CDCR Form 1824 Reasonable Accommodation Request (*not* a regular CDCR 602-1 Form) and submit it to the grievance office. Fill out the 1824 form and sign and date the form. You can ask staff to help you fill out the form.

Your 1824 should be screened for urgent medical or mental health issues within one day after it is received by the appeals office. Your 1824 should then be reviewed by a Reasonable Accommodation Panel (RAP) during the weekly RAP meeting. The RAP includes medical and custody staff. The RAP should provide you with a response within 30 calendar days after your 1824 was received by the appeals office.

If you do not agree with the RAP response, you can appeal by following the instructions near the bottom of the response. The instructions should tell you to file either a Form 602-HC or a Form 602-2. Any request that needs to be addressed by medical staff should go on a 602-HC, and any request that needs to be addressed by custody staff should go on a 602-2. In your 602-HC or 602-2, explain why you disagree with the RAP response and what action you are requesting; attach a copy of the RAP response. The normal 602-HC and 602-2 time limits for filing and responses apply. For more information on CDCR grievances and administrative appeals or how to file an 1824, write to Prison Law Office, General Delivery, San Quentin, CA 94964. People with internet access can view and print this information on the Resources page at www.prisonlaw.com.

(2) BPH Proceedings

The BPH makes many types of decisions about discretionary release on parole, such as life parole, elderly prisoner parole, youth offender parole, non-violent offender (Proposition 57) parole, and medical parole. You can request accommodations for your disability during your BPH proceedings and raise issues about disability discrimination by the BPH. As part of the *Armstrong* class action case, the BPH adopted a procedure and forms for such requests and complaints. You can request an accommodation using the BPH Form 1073. If you want accommodations for an upcoming hearing, a correctional counselor or Classification and Parole Representative (C&PR) should do the initial paperwork and send it to the BPH ADA Unit Coordinator for review. If your request is denied, you can immediately appeal the denial prior to the hearing by using BPH Form 1074. (*Armstrong v. Davis* (N.D. Cal. Aug. 4, 2000) No. C94-2307CW, Stipulation and Order Approving Defendant's Policies and Procedures, VIII.A and B; 15 CCR § 2251.5.) You can also get more information on the *Armstrong* BPH procedures by writing to Prison Law Office, General Delivery, San Quentin, CA 94964. People with internet access can view and print this information on the Resources page at www.prisonlaw.com.

(3) County Jail or Local Supervision

The general rules on county jail grievances are in the California Code of Regulations (CCR), title 15, § 1073. A jail's procedures for ADA requests or grievances should be discussed in the jail's orientation handbook; if you cannot find the rules or forms, ask a staff member. You can also ask probation staff or other supervision staff about how to file an ADA request or grievance. The procedures and time limits for filing and responding, and the number of levels of appeal review, may vary from county to county.

(4) Anyone with a Disability

Anyone can file an ADA complaint with the U.S. Department of Justice (USDOJ) about violations of the ADA by any part of a state or local government, such as CDCR, county jails, state hospitals, or state courts. The ADA Title II Complaint Form and information about ADA complaints is attached here. You can also get the complaint form by writing to the U.S. Department of Justice, 950 Pennsylvania Avenue NW, Civil Rights Division, Disability Rights Section, Washington, D.C. 20530 or online at www.ada.gov.

If you file a complaint, the USDOJ might refer your complaint to its [ADA Mediation Program](#) or to a federal agency that handles the types of issues your complaint raises. The USDOJ also could contact you for more information to investigate [your complaint](#). However, the USDOJ cannot investigate every complaint, and they will let you know if they are unable to mediate, refer, or investigate your issue. Even if the USDOJ does not take any formal action, your complaint may help the USDOJ identify broader issues affecting multiple people.

The USDOJ screening of your complaint could take up to three months. If you have not heard anything after three months, you write to the USDOJ or call the [ADA Information Line](#) to check your complaint's status. You can reach the ADA Information Line at 800-514-0301 (voice) or 1-833-610-1264 (TTY).

Can I File a Lawsuit if I am Not Satisfied with the Response to My Request, Grievance or Administrative Appeal?

You may be able to file a legal action in court if a public entity does not accommodate your disability needs or discriminates against you on the basis of your disability. However, in most cases, a court will not consider your issues unless you have first gone through all levels of the prison, parole, jail, or probation department grievance and appeal process; this is called "exhausting your administrative remedies." If you are seeking money damages from a state public entity, you may also have to file a government claim form with the California Department of General Services, Office of Risk and Insurance Management.

The possible types of court actions you might be able to file would depend on factors such as the types of issues you want to raise and whether you are seeking injunctive relief (an order telling the public entity to do something or stop doing something), money damages, or both. The most common types of court actions for raising disability issues are state habeas corpus petitions, federal civil rights lawsuits, and state civil lawsuits. You can get more information on each of these types of lawsuits by sending a written request to Prison Law Office, General Delivery, San Quentin, CA 94964.

(Enc: ADA complaint form)



If you believe you or someone else has experienced a civil rights violation, please tell us what happened. Before starting, you can also read the [instructions for this form](#) (page 8) and what to expect after submission.

You are not required to provide your name or contact information. If you want to remain anonymous, leave this section blank. If you choose to provide your contact information, we will only use it to respond to your submission.

1 Contact

First name

Last name

Email

Phone

Mailing address 1

Mailing address 2

City

State

Zip code

Are you now or have ever been an active duty service member?

If you're reporting on behalf of someone else, please select their status.

Yes

No



2 Primary concern

What is your primary reason for contacting the Civil Rights Division?

Select the **primary reason** that best describes your concern. Each reason lists examples of civil rights violations that may relate to your incident. In another section of this report, you will be able to describe your concern in your own words.

Note: Some primary concerns have follow-up questions. If you select one of these, we ask that you also answer the follow-up question presented below the specific primary reason.

Workplace discrimination or other employment-related problem

Examples:

- Fired, not hired, or demoted for reasons unrelated to job performance or qualifications
- Retaliated against for reporting discrimination
- Inappropriately asked to provide immigration documentation
- Denied reemployment or fired based on military service
- Denied an accommodation for a disability, including not being allowed to have a service animal **in the workplace**

Was this a public or private employer? *

- Public employer Private employer I'm not sure

How large is this employer?

- Fewer than 15 employees 15 or more employees I'm not sure

Housing discrimination or harassment

Examples:

- Denied housing, a permit, or a loan based on personal characteristics like race, sex, and/or having children under 18 years old
- Harassment by a landlord or another tenant, including sexual harassment
- Challenges with terminating a lease due to military status change
- Denied an accommodation for a disability, including not being allowed to have a service or assistance animal **in public housing**

(*) **Public employers** include organizations funded by the government like the military, post office, fire department, courthouse, DMV, or public school. This could be at the local or state level. **Private employers** are business or non-profits not funded by the government such as retail stores, banks, or restaurants.



2 Primary concern, continued

Mistreated by police, correctional staff, or inmates *(Including while in prison)*

Examples:

- Police brutality or use of excessive force, including patterns of police misconduct
- Searched and arrested under false pretenses, including racial or other discriminatory profiling
- Denied rights while arrested or incarcerated
- Denied access to safe living conditions or accommodations for a disability, language barrier, or religious practice while incarcerated

Did this happen while in custody or incarcerated?

Yes No

Discrimination at a school, educational program or service, or related to receiving education *

Examples:

- Harassment based on race, sex, national origin, disability, or religion
- Denied admission or segregated in an education program or activity
- Denied educational accommodations for a disability or language barrier

Did this happen at a public or a private school, educational program or activity?

Public school or educational program I'm not sure
 Private school or educational program

Voting rights or ability to vote affected

Examples:

- Obstacles to registering to vote, obtaining or submitting a ballot, having your ballot counted, or entering a polling place to vote
- Denied adequate voting assistance or accommodations for a disability at a polling place
- Restricted or prevented from participating in an election, including voting, becoming a candidate, or being elected for office

() Includes schools, educational programs, or educational activities, like training programs, sports teams, clubs, or other school-sponsored activities*



2 Primary concern, continued

Discriminated against in a commercial location or public place

This could include a store, restaurant, bar, hotel, place of worship, library, medical facility, bank, courthouse, government building, public park or street, as well as online.

Examples:

- A physical or online location that does not provide disability accommodations
- Denied service or entry because of a perceived personal characteristic like race, sex, or religion
- Denied an accommodation for a disability, including not being allowed to have a service animal in a commercial or public location

Place of worship or about a place of worship
Church, synagogue, temple, religious community center

Commercial or retail building
Store, restaurant, bar, hotel, theater

Healthcare facility
Hospital or clinic (including inpatient and outpatient programs), reproductive care clinic, state developmental institution, nursing home

Financial institution
Bank, credit union, loan services

Public space
Park, sidewalk, street, other public buildings (courthouse, DMV, city library)

Other
Please describe "Other reason" (in 10 words or fewer)

Something else happened

The examples above reflect some but not all of the civil rights violations that we address. Select this option if you don't see an example that applies to your situation. You will be able to tell us more later.



③ Location details

Please tell us the city, state, and name of the location where this incident took place. This ensures your report is reviewed by the right people within the Civil Rights Division.

Organization name

Examples: Name of facility, business or location, school, town or city, prison, polling place, website, etc.

Street address 1

Street address 2

City

State

④ Date

When did this happen?

It is important for us to know how recently this incident happened so we can take the appropriate action. If this happened over a period of time or is still happening, please provide the most recent date.

Date



5 Personal characteristics

Do you believe any of these personal characteristics influenced why you were treated this way?

There are federal and state laws that protect people from discrimination based on their personal characteristics. Here is a list of the most common characteristics that are legally protected. Select any that apply to your incident.

- Age
- Disability (including temporary or recovered and including HIV and drug addiction)
- Family, marital, or parental status
- Gender identity (including gender stereotypes)
- Genetic information (including family medical history)
- Immigration/citizenship status (choosing this will not share your status)
- Language
- National origin (including ancestry and ethnicity)
- Pregnancy
- Race/color
- Religion
- Sex
- Sexual orientation
- None of these apply to me
- Other reason

Please describe "Other reason" (in 10 words or fewer)



⑥ Personal Description

In your own words, describe what happened.

Please share details like:

- *Time*
- *Names of people involved including witnesses if there are any*
- *Any supporting materials (please list and describe them)*

You may attach further details as extra pages, if necessary



Instructions

The purpose of this form is to assist you in filing a report with the Civil Rights Division. You are not required to use this form; a letter with the same information is sufficient, however, please ensure you are including the same information.

Step 1: You can complete and submit this form. By completing this form, you can provide the details we need to understand what happened. You can mail a printed copy of this form via postal service to the division or you can email an electronic copy. Once we receive your report, it is immediately sent to our staff for review.

Step 2: We will review your report. Teams that specialize in handling your type of issue will review it. If it needs to be forwarded to another team or agency, we will try to connect your complaint to the right group.

Step 3: We will determine next steps and get back to you. Possible outcomes include: following up for more information, starting a mediation or investigation, directing you to another organization for further help, or informing you that we cannot help.

To mail a printed copy of the form:

U.S. Department of Justice
Civil Rights Division
950 Pennsylvania Avenue, NW
Washington, D.C. 20530-0001

To reach us by phone:

(202) 514-3847
1-855-856-1247 (toll-free)
Telephone Device for the Deaf
(TTY) (202) 514-0716

Privacy Policy

The purpose of this form is to allow the public to submit civil rights complaints to the Department of Justice, thereby allowing us to enforce over thirty civil rights statutes (<https://civilrights.justice.gov/privacy-policy#our-statutes>) within our authority. These statutes authorize us to collect this information. You should know that any information you provide through this form is voluntary, yet failure to provide some of the information might limit the Department's ability to pursue your claim. We may use this information for certain routine uses, including sharing this information under certain circumstances with:

- contractors who work with us, if they need it to perform a contract;
- a court, magistrate, or administrative tribunal, as well as opposing counsel during settlement negotiations and/or litigation;
- Members of Congress;
- Federal, state, or local law enforcement agencies.

You can find our complete Privacy Policy at <https://civilrights.justice.gov/privacy-policy>.

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless such collection displays a valid OMB control number. Public reporting burden for this collection of information is estimated to average 10 minutes per response per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. The obligation to respond to this collection is voluntary. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the U.S. Department of Justice, Civil Rights Division 950 Pennsylvania Avenue, NW., Washington, D.C. 20530-0001.