

For Immediate Release
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Report Details Discrimination against People with Physical Disabilities at NYC Courthouses

Investigation exposes numerous accessibility barriers in public areas, humiliating treatment of defendants who use wheelchairs

New York, NY – March 24, 2015 – New York Lawyers for the Public Interest (NYLPI), a leading civil rights advocacy group for marginalized New Yorkers, today released a report uncovering numerous accessibility barriers for people with mobility impairments at New York City courthouses. The report found that the New York City Department of Correction (DOC) discriminates against defendants who use wheelchairs and is in violation of the Americans with Disabilities Act (ADA) by failing to provide accessible booking areas, holding pens, and restrooms. In addition, an investigation of numerous courthouses throughout the city reveals that people with mobility impairments experience countless barriers trying to access public areas such as courthouse entrances, courtroom spectator seating, and jury boxes.

“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,” said Banetta Grant, a NYLPI client. “I don’t want this to happen to other people.”

The barriers identified in NYLPI’s report lead to undignified and humiliating treatment of people with disabilities. Some defendants in wheelchairs have reported being carried down several flights of stairs to be booked and processed at the Manhattan Criminal Court (MCC)’s central booking area. Defendants in the DOC’s custody have been held in the MCC holding pens without access to wheelchair-accessible bathrooms. Ms. Grant uses a wheelchair and was forced to urinate on herself after she was denied an accessible bathroom while being held in the MCC holding pen for approximately ten to twelve hours. She had to wear diapers at subsequent court appearances because the DOC denied her request for an accessible bathroom. She was accommodated only after NYLPI and New York City Council Member Rory Lancman wrote letters to the DOC to demand accessible bathrooms.

“Access to justice is a fundamental right, yet people with limited mobility face egregious barriers like being carried to a booking area or waiting hours in a DOC-controlled holding pen with no access to a bathroom,” said Navin Pant, Senior Staff Attorney in the Disability Justice Program, NYLPI. “The Department of Correction can no longer ignore these violations of basic human rights; justice demands that DOC-controlled areas of courthouses immediately be made accessible to wheelchair users.”

In response to NYLPI and Council Member Lancman’s advocacy, the DOC opened a new holding pen area on the first floor of the MCC where it currently holds individuals in wheelchairs. The new holding pen area does have one accessible restroom, but there are still several concerns

about the area's accessibility. Among other problems, the new holding pen lacks a counsel visit area that would allow attorneys to speak to their clients in relative privacy. The MCC is not the only inaccessible site; defendants in DOC-controlled holding pens in other boroughs face similar access barriers and deprivation of rights.

"We must ensure our court system is accessible to all," said Council Member Rory Lancman, Chair of the Courts & Legal Services Committee. "I'll be holding a hearing to evaluate accessibility in our courthouses and introducing legislation requiring the city to conduct an annual accessibility audit."

As a public entity and recipient of federal financial assistance, the DOC is covered by Title II of the ADA and its implementing regulations, which state that the DOC cannot discriminate against people with disabilities in the provision of its services. Title II's implementing regulations specifically cover correctional facilities, including criminal court holding pens and booking/processing areas operated by the DOC, noting 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."

An investigation of the public areas of courthouses throughout the city also found a number of key concerns, including:

- **Insufficient or inaccurate signage** regarding wheelchair-accessible entrances and bathrooms;
- **Entrances and bathrooms** that are purportedly accessible but are in fact inaccessible and even dangerous; and
- **Inaccessible courtrooms**, which include inaccessible spectator seating, jury boxes, and witness boxes on elevated platforms with no lift or ramp available.

Read the full report [here](#).

About New York Lawyers for the Public Interest

New York Lawyers for the Public Interest (NYLPI) advances equality and civil rights, with a focus on health justice, disability rights and environmental justice, through the power of community lawyering and partnerships with the private bar. Through community lawyering, NYLPI puts its legal, policy and community organizing expertise at the service of New York City communities and individuals. NYLPI's partnership with the private bar strengthens its advocacy and connects community groups and nonprofits with critical legal assistance. NYLPI is the recipient of The New York Community Trust Nonprofit Excellence Awards.

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