

Second Monitoring Report on Disability Practices in the Sacramento County Jails

Mays v. County of Sacramento
Case No. 18-02081

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I. Introduction

The Americans with Disabilities Act (ADA) was enacted to eliminate the “persistent discrimination” and “unjustified segregation and exclusion of persons with disabilities.” Statement by the President of the United States, 1990 U.S.C.C.A.N. 601. It applies equally to people behind bars. In fact, experts have found that when carceral facilities fail to accommodate disabilities, they abandon incarcerated people with disabilities to “diminished and needlessly difficult lives.” *See Armstrong v. Newsom*, Case No. 4:94-cv-02307 (N.D. Cal), Doc. 3446 at 4. Incarcerated people with disabilities consequently “face harsher . . . conditions, and thus greater punishment, than their peers.” *Id.*

That is the case at Sacramento County Jail. In 2015, Disability Rights California documented serious and pervasive violations of the ADA at Main Jail (MJ) and Rio Cosumnes Correctional Center (RCCC). Doc. 1-1 at 14-19. The following year, the Sacramento County Sheriff’s Office retained Sabot Consulting to conduct a comprehensive evaluation of its compliance with the ADA. The consulting firm issued a nearly-500 page report with devastating findings. Among other things, it determined that the intake process was “wholly inadequate to identify disabled inmates.” Doc. 1-5 at 10. Moreover, incarcerated people with disabilities were “being systematically housed without the necessary devices,” and did “not have equal access to education, vocation, self-help programs or jobs.” *Id.* It also found that there was “no comprehensive networked ADA tracking system to identify disabled inmates,” “no ADA training provided” to staff, and not “a single ADA compliant inmate cell shower, bathroom, or living unit.” *Id.* at 11-13.

Plaintiffs brought suit in 2018 to remedy these dangerous conditions and a remedial plan soon followed. *See* Doc. 85-1. The plan covered many areas of concern, including medical care, mental health care, and solitary confinement practices. As relevant here, it included dozens of provisions related to ensuring compliance with the ADA. *See id.* at 20-32. Those provisions are the subject of this report. As detailed below, the Jail’s disability program is lacking across the board, and some of the core issues identified in the 2015 consultant report remain unchanged.

Despite an unambiguous provision of the *Mays* consent decree requiring that the County develop and fully implement a plan “to address Jail physical plant deficiencies that result in access barriers for class members with disabilities” by January 2022, *see* Consent Decree III.Q.1, the Jails remain dangerously inaccessible. People with wheelchairs and walkers cannot fit that equipment into their cells, leading to falls and injuries. Showers are so inaccessible that people forgo showers for days or weeks or, in one case, for more than a year. And there are not nearly enough recreation and visiting spaces for people with mobility disabilities. The County’s minimal progress on remedying these deficiencies comes at the expense of people with disabilities who are often unable to meet their basic needs or participate in the life of the Jail.

The County’s shortcomings are not limited to the physical features of the two jail facilities. It has also failed to develop functional systems to identify and accommodate people with disabilities. At present, the County cannot reliably identify or quantify the number of people with

disabilities in its custody. Many people simply fall through the cracks. One man's experience being denied accommodations, effective communication, and other disability-related supports highlights many of these problems.

This person first came to our attention because other class members recognized that he was struggling and suggested that we speak with him. When we sent him a letter asking questions about his experience at the Jail, it became clear that he had limited ability to communicate in writing. Where we asked whether he had signed his name to a document without understanding why he needed to sign, he simply wrote his name. Where we asked whether anyone explained the rules of the Jail to him at booking, he wrote "[his name] I'm jail sad deaf." Where we asked questions about reading documents and forms, he wrote only "Sacramento Jail." These and other answers confirmed that written communication with him was not effective communication, so we spoke to him with the assistance of sign language interpreters. We learned that although he needed sign language interpretation to communicate, he had not been provided that during his lengthy stay at the Jail. This despite the Jail being well aware of his needs: medical records repeatedly note that sign language interpretation is "indicated" for him and he told us that he asked for an interpreter on multiple occasions. Yet, he was not provided an interpreter at any of his intakes or medical appointments, and he unknowingly "declined" urgent care at least one time. His day-to-day life was also greatly impacted as he was not in any programming. In addition to these failures of effective communication, the Jail had not comprehensively evaluated this class member for an intellectual disability. It was only after Plaintiffs' counsel raised all of these concerns—twice—that the Jail took corrective action. *See* Plaintiffs' Email re Class Member (April 4, 2025), County Response (April 10, 2025), Plaintiffs' Follow Up Letter re Class Member (April 19, 2025), County Response (April 24, 2025).

While the County has indicated willingness to work collaboratively to come into compliance with the disability provisions of the *Mays* Consent Decree, substantial effort and resources will be required to address the deficiencies detailed in this report.

II. Methodology

This report is based on class member interviews, staff interviews, tours of both facilities, and a review of records, data, and other information produced by the County.

In January 2025, Plaintiffs' counsel requested a set of documents from the County. *See* ADA Tour Document Request (January 7, 2025). Requests to the Sacramento Sheriff's Office (SSO) included lists of planned architectural modifications, information about class members with disabilities, orientation materials, ADA assessment forms, grievance and accommodation request logs, training materials, and all relevant policies, procedures, and operations orders. *See id.* at 1-3. Requests to Adult Correctional Health (ACH) and Adult Correctional Mental Health (ACMH) included intake screening forms, disability rosters, training materials and logs, and all relevant policies and procedures. *Id.* at 3-4. Throughout late January and early February, Plaintiffs' counsel carefully reviewed the production and worked with County counsel to clarify and supplement the materials as needed.

From February 4-6, 2025, Plaintiffs' counsel conducted a monitoring tour of both the Main Jail and RCCC. Counsel spent two days at Main Jail, beginning with a tour of the intake area, several housing units, the medical wing, and recreation areas. This was followed by interviews of class members with disabilities. Finally, counsel conducted an informal interview with the compliance team and medical personnel. Counsel then spent the third day at RCCC, again beginning with a tour of the intake space, housing units, the medical unit, and recreation areas, and concluding with interviews of class members with disabilities. After the tour, Plaintiffs' counsel corresponded frequently with County counsel on topics ranging from requests for disability accommodations for individual class members to requests for additional documentation.

In April and May 2025, Plaintiffs' counsel requested a second set of documents, interviewed additional class members, and conducted several staff interviews. The follow-up document request included additional ADA-related policies and plans, rosters for people in medical and mental health units, and out-of-cell logs for people in medical units. The staff interviews were with the ADA Compliance Sergeant at the Main Jail, the Assistant Medical Director, the Health Services Administrator, the ACH Quality Improvement Director, and a representative from the Department of General Services.

Throughout this process, County counsel and the compliance teams facilitated interviews with class members, responded helpfully to document requests, and were forthcoming in interviews.

III. Findings¹

In this section, each provision from the consent decree is summarized and then assessed. The exact language of each provision is included in Attachment A.

A. Policies and Procedures

Consent Decree III.A.1-4. The consent decree requires that no person with a disability be excluded, because of that disability, from participation in the services, programs, or activities of the Jail. Consent Decree III.A.1. It further prohibits discrimination on the basis of disability and requires the County to provide reasonable accommodations or modifications where necessary. *Id.* To further these requirements, the County must revise its operations orders to establish standard and consistent procedures for the Jail to ensure compliance with the ADA and remedial provisions. *Id.* at III.A.2. The County was required, within 12 months of court approval of the settlement, to revise policies, procedures, and orientation materials in accordance with the

¹ Class members are identified by number rather than by name. The first class member mentioned in the report is identified as "Class Member 1," the second one mentioned in the report is identified as "Class Member 2," and so on. When a previously-mentioned class member is referenced again in a subsequent part of the report, the same identification number is used.

remedial provisions. *Id.* at III.A.3. Finally, all staff must receive training on compliance with the ADA and related disability laws. *Id.* at III.A.4.

III.A.1-4 Assessment: Partial Compliance. The core conclusion of this report is that the Jail does exclude people from programs, services, and activities on the basis of disability. It fails to provide reasonable accommodations that are required by law and by the *Mays* Consent Decree. Its operations orders, policies, and procedures are lacking in some respects, as detailed below, but more importantly, are not consistently followed. Further discussion of these broad provisions can be found in the following sections.

Consent Decree III.A.1	Partial Compliance
Consent Decree III.A.2	Partial Compliance
Consent Decree III.A.3	Partial Compliance
Consent Decree III.A.4	Partial Compliance

B. ADA Tracking System

Consent Decree III.B.1-2. The consent decree requires the implementation of a comprehensive system to identify and track incarcerated people with disabilities. *See* Consent Decree III.B.1. This tracking system must account for “[a]ll types of disabilities, including but not limited to, psychiatric, intellectual, developmental, learning, sensory, mobility, or other physical disabilities, and special health care needs.” *Id.* at III.B.2. It must track accommodation needs, effective communication needs, healthcare appliances, assistive devices, durable medical equipment, and *Armstrong* disability classification. *Id.* at III.B.2.

III.B.1-2 Assessment: Partial Compliance. Before the February 2025 monitoring tour, Plaintiffs’ counsel requested a current list of class members along with their disabilities, accommodations, assistive devices, and effective communication needs. *See* ADA Tour Document Request at 1-2 (January 7, 2025). The County’s most recent status report states that ATIMS “identifies all areas outlined as required in the Remedial Plan.” Doc. 188 at 28. But the spreadsheets produced to Plaintiffs suggest otherwise. They make clear that although a tracking system exists, it does not collect all the required information and often includes incorrect or confusing information:

RCCC – County produced a spreadsheet titled “RCCC ADA List”

- The spreadsheet provided to Plaintiffs’ counsel for RCCC did not track *Armstrong* class members as required by the consent decree. *See* Consent Decree III.B.2.e. After being informed of this omission, the County sent a second spreadsheet. However, the second spreadsheet merely listed *Armstrong* class members without including their specific disability classifications. *Contra* Consent Decree II.B.2.e (requiring tracking system to identify “applicable disability classification” for each *Armstrong* class member).

- The spreadsheet omits important disability and accommodation information. For instance, the entry for Class Member 1 says “physical/mobility impairment” but does not indicate whether any accommodations were provided for that disability. The entry for Class Member 2 says “deaf, mute,” but again does not say anything about the accommodations needed or provided to that incarcerated person.
- Information is documented in the wrong places or is unclear, making it unnecessarily difficult to track and use the collected information. For instance, the disability column for Class Member 3 says “hearing aid” and only mentions that this person is deaf in the effective communication column. To take another example, the equipment column for Class Member 4 says “jail issued,” but it is not clear *what* is jail issued—the person’s cane, hearing aid, inserts, or orthopedic footwear. Class Member 5, meanwhile, is documented as having hearing aids in the disability (rather than equipment) column and his actual disability is not documented.

Main Jail – County produced two spreadsheets titled “Class Members with a Disability AND an Accommodation Need” and “ADA Tracking Spreadsheet-MJ”

- The spreadsheets provided to Plaintiffs’ counsel did not include effective communication needs as required by the consent decree. See Consent Decree III.B.1 and III.B.2.c. After being informed of this omission, the County reported that it tracks effective communication needs in ATIMS, but did not yet have a system to include that information in its tracking spreadsheets. The County further reported that it would soon begin including this information in its tracking spreadsheets.
- The “ADA Category” appears to contain incorrect information. For instance, Class Members 6 and 7 are listed as “Chrono/Non ADA” despite having wheelchairs. See ADA Tracking Spreadsheet-MJ.
- The spreadsheets track whether someone is an *Armstrong* class member, but do not list the person’s actual *Armstrong* disability classification. See ADA Tracking Spreadsheet-MJ; *contra* Consent Decree II.B.2.e (requiring tracking system to identify “applicable disability classification” for each *Armstrong* class member). It is also wrong at times. For example, Class Member 8 has a “no” in that column even though he was previously an *Armstrong* class member with a DPV code—meaning CDCR determined he has a vision impairment.
- The two spreadsheets provided for Main Jail are inconsistent. For example, Class Member 9 is listed as having a wheelchair in the spreadsheet titled “Class Members with a Disability AND an Accommodation Need” while the same class member is listed as having a walker in the spreadsheet titled “ADA Tracking Spreadsheet-MJ.”

Plaintiffs’ counsel’s March 2021 monitoring report described a “rudimentary [ADA] tracking system through Excel” that is the “product of *ad hoc*, disjointed efforts by staff who have

not been provided the necessary resources or direction,” and different ADA tracking charts at the two jail facilities that are “similar but not connected.” Doc. 143-1 at 6. As described above, there has been little progress in the intervening years.

The County has explained that it now utilizes ATIMS to track information. Whether drawn from ATIMS or not, the existing tracking systems fail both in identifying people with disabilities and in accurately and comprehensively tracking their needs and accommodations.² Better and more structured organization of disability and accommodation information is essential to tracking individual needs, conducting adequate quality assurance reporting and review, maintaining adequate assistive device/accommodation inventory, and facilitating coordination across the facilities. Without a well-functioning tracking system, the Jail cannot consistently and correctly provide disability accommodations to those who require them.³

An ineffective tracking system means that individuals will fall through the cracks now, and that the Jail cannot properly plan for the future. Without clear information about the number of people with disabilities, the nature of those disabilities, and accommodation/assistive device needs across the population, the Jail cannot assess the sufficiency of its housing accommodations and device inventory, and it cannot make plans for necessary physical plant modifications. Other jail systems in the state have made notable progress transitioning from *ad hoc* ADA tracking systems to effective systems with real-time updates across a single platform used by health care, custody, and program staff, and with functionality to demonstrate proof of practice.

Consent Decree III.B.3. The tracking system must be readily available to custody, medical, mental health, and other staff at the jail who need such information to ensure appropriate accommodations and program access for prisoners with disabilities.

III.B.3 Assessment: Partial Compliance. To identify class members’ needs, including, for example, whether a particular class member needs effective communication of announcements, an accessible shower, or an escort to the accessible entry to the outdoor recreation yard, staff must log into a tracking system and search an individual’s name and disability needs. This individualized search does not allow staff to see, at a unit-wide level, whether any class members in the unit have disabilities. Based on our interviews with compliance staff and class members, it is not clear that staff are even doing those individualized searches to determine people’s disability needs. Moreover, even if staff are regularly reviewing disability information in the

² The County provided additional spreadsheets in April 2025 following staff interviews; these supplemental spreadsheets have similar problems.

³ Upon receipt of this draft report, the County reported that it has improved its tracking of the population’s disability and accommodation information. Specifically, it reported that its compliance team has starting using a new tracking system, and that the Main Jail’s and RCCC’s tracking systems are now identical. Additionally, the County reported that custody and medical staff are working closely with the Jail’s compliance team to improve identification and tracking of class members’ disability needs. Plaintiffs’ counsel will assess these developments during the next monitoring cycle.

existing tracking systems, the problems detailed above mean that staff will not have accurate or complete information. This is a major issue: deputies must know the disability needs of people in their units because they are on the front line of meeting those needs. Disability information must therefore be communicated to all deputies, including those covering shifts in housing units with which they and health care staff are not familiar, on a routine and easy-to-access basis.

Consent Decree III.B.1	Partial Compliance
Consent Decree III.B.2	Partial Compliance
Consent Decree III.B.3	Partial Compliance

C. ADA Coordinator

Consent Decree III.C.1. The County shall have a dedicated ADA Coordinator at each facility.

III.C.1 Assessment: Substantial Compliance. The County has a compliance sergeant at each facility who serves as an ADA Coordinator.

Consent Decree III.C.2. The ADA Coordinator position shall be dedicated to coordinating efforts to comply with and carry out ADA-related requirements and policies, shall have sufficient command authority to carry out such duties, and shall work with the executive management team regarding ADA-related compliance, training, and program needs.

III.C.2 Assessment: Substantial Compliance. There is an ADA Coordinator at each facility who is primarily dedicated to coordinating efforts to comply with and carry out ADA-related requirements and policies. Although each jail facility has an ADA Coordinator, and therefore is rated substantially compliant with this provision, those ADA Coordinators have not been successful thus far at implementing system-wide changes to bring the Jail into compliance with the Remedial Plan, as indicated by the widespread noncompliance documented throughout this report. Plaintiffs' counsel looks forward to working together with the ADA Coordinators and the Compliance Teams to create more effective systems for the identification and tracking of people with disabilities, ensure the provision of reasonable accommodations and appropriate assistive equipment, and house people in safe and appropriate placements.

Consent Decree III.C.3. The County shall clearly enumerate, in consultation with Plaintiffs' counsel, the job duties and training requirements for the ADA Coordinator position and for ADA Deputies assigned to support the ADA Coordinator position.

III.C.3 Assessment: Partial Compliance. As the County recognized in its status report to the Court, training requirements have not yet been finalized. Doc. 188 at 29. Training requirements are crucial—without the requisite training, even the most well-meaning and enthusiastic ADA Coordinators and ADA Deputies cannot effectively do their jobs.

Consent Decree III.C.4. The County shall ensure that ADA Coordinators and ADA Deputies possess requisite training to implement and ensure compliance with the Jail's disability program and services, including operation of the ADA Tracking System.

III.C.4 Assessment: Partial Compliance. The Main Jail Compliance Sergeant shadowed the previous compliance sergeant approximately 1-2 times/week for a couple of months before taking over the position. He attended a national ADA symposium in May 2025, although we understand that the substance of that symposium is not specific to correctional settings or the remedial plan in this case. Other members of the compliance team receive informal on-the-job training from their predecessors. The lack of formal training coupled with the frequent turnover in the ADA Coordinator position poses an obstacle to establishing a system to ensure compliance with the ADA and disability-related provisions of the remedial plan.

Meeting the disability needs of the incarcerated population is complex and multifaceted. The ADA requires an individualized analysis of people's disability needs and their access to programs and services. Consequently, the ADA Coordinators and ADA Deputies require a sophisticated understanding of disabilities to ensure that people's legal rights are met notwithstanding the security and operational needs of the facility. The people in these positions need to understand how and when to modify standard practices to meet individual disability needs. They must also have training, and appropriate authority, to constructively coordinate with health care staff to ensure that all disability-related needs are timely identified and accommodated.

Consent Decree III.C.1	Substantial Compliance
Consent Decree III.C.2	Substantial Compliance
Consent Decree III.C.3	Partial Compliance
Consent Decree III.C.4	Partial Compliance

D. Screening for Disability and Disability-Related Needs

Consent Decree III.D.1-2. The County is required to screen incarcerated people to identify their housing, classification, effective communication, and other disability-related accommodation needs. See Consent Decree III.D.1. The medical intake screening, in particular, should consider the individual's self-identification of a disability, documentation of a disability in the individual's health record, staff observation of a disability, and third-party requests for a disability evaluation. *Id.* at III.D.2.

III.D.1-2 Assessment: Partial Compliance. The County has not completed any intake audits for the last several quarters, but the most recent audit (for Q1 of the 2024/2025 fiscal year) shows that one out of every three people does not receive an ADA assessment; one out of four does not have proper documentation of medical disabilities; and one out of four does not have proper documentation of assistive devices and durable medical equipment. See Doc. 188 at 31.

While there has been improvement in these areas, the County's implementation does not yet support the "substantial compliance" rating they gave themselves. *See id.* Moreover, the current iteration of the audit tool undercounts screening failures because it relies entirely on chart reviews and does not include any in-person follow-up with incarcerated people. This means that the audit only captures failures at intake if those failures are later identified by medical staff. It will not find the people whose disability-related needs are never identified and documented in a chart. Plaintiffs' counsel was pleased to learn that the County is open to conducting in-person follow-ups. We look forward to reviewing future audits.

At this time, however, there are significant problems with screening even beyond those captured by the most recent audit. Plaintiffs' counsel spoke with several class members who had significant disability-related needs that were not adequately identified or addressed during screening. Class Member 8 was an *Armstrong* class member with a DPV code, meaning CDCR determined he has a vision impairment. Because he is nearly blind, he requires a host of accommodations: a white cane to help him navigate, dark shades to protect his eyes from harsh lighting, an electronic magnifier to help him read, a dark pen or pencil so he can see what he writes, and assistance with submitting verbal grievances and forms. None of these needs were identified during screening. As a result, the class member was placed on an upper tier without a white cane or any other accommodation to ensure his safety. It was only after advocacy by Plaintiffs' counsel that he received some of the accommodations he required. This is particularly troubling because this class member's disability needs should have been evident from the *Armstrong* notification process in addition to the intake screening.

Another Class Member 5 was identified as having a hearing disability, but then received no disability accommodations. This class member used hearing aids in the community and, during his intake process, told the nurse that he was having difficulty hearing her because he did not have his hearing aids with him. The intake nurse apparently indicated in the intake screening form that he has a hearing disability, but did not refer to him for a medical appointment so that he could receive hearing aids or provide him with an interim accommodation. The class member received no follow up from either medical or custody staff about his disability.

These examples are not isolated incidents but indicative of a deeper problem with the screening process. The process does not consistently identify people with disabilities. And when important information is discovered through the screening process, it does not receive proper follow up.

The initial screening and documentation process must be improved. The County should also consider implementing a "check in" process whereby ADA compliance staff check in with class members soon after intake to ensure that accommodation needs are not missed. Plaintiffs' counsel understood the Jail to already have a "ADA 30 Day Review Form" and requested all such completed forms from a six-month period. *See* ADA Tour Document Request at 2 (January 7, 2025). The Jail produced a blank "ADA 30 Day Review Form" along with a note stating that "none of these sections [that Plaintiffs' cited to support the request] indicate a need for a 30-day review form." No completed 30-day forms were provided. The Jail did provide a set of general "ADA

assessment forms,” but it is unclear whether these are *ad hoc* assessments or something more systemic. Plaintiffs’ counsel recommends that the Jail use the 30-day form to conduct check ins with each person who has a disability.

Consent Decree III.D.1	Partial Compliance
Consent Decree III.D.2	Partial Compliance

E. Orientation

Consent Decree III.E.1-3. It is crucial that all incarcerated people are informed of their rights under the ADA. *See* Consent Decree III.E.1. During orientation, they must be informed about available accommodations, *id.* at III.E.1.a, the process for requesting reasonable accommodations, *id.* at III.E.1.b, the role of the ADA coordinators and how to contact them, *id.* at III.E.1.c, the grievance process and how to get help completing it, *id.* at III.E.1.d, and how to access health care services, *id.* at III.E.1.e. To ensure everyone has this information, people with disabilities must receive—in an accessible format—the jail rulebook, orientation handbook, and a verbal orientation about the rules. *Id.* at III.E.2. And when necessary for effective communication of the information, the County must use alternative formats like large print, video presentation, and verbal communication. *Id.* at III.E.3.

III.E.1-3 Assessment: Partial Compliance. Deaf class members are not being provided effective communication of their rights during orientation. Indeed, Class Member 3, who is deaf and required sign language interpretation, was not provided an interpreter at *any* of his four intakes.

Similar problems impact class members with visual disabilities. The County reports that verbal and written communication of orientation materials is “presented by compliance officers upon request.” Doc. 188 at 32. But making this information available in verbal or recorded media only “upon request” risks excluding those who do not know they can make such a request or those who feel uncomfortable doing so. For example, Class Member 8 has a visual disability, and reported that he did not receive any information about the ADA or how to request accommodations during orientation. To avoid this scenario, the handbook should be provided in large print or verbal format to everyone identified during intake as requiring such an accommodation. In fact, that is what SSO Policy 503 requires: “Incarcerated persons who cannot read, are visually impaired, or have intellectual, psychiatric, or other disabilities impacting understanding/communication, or limited reading skills shall have the materials read to them by a staff member or presented to them using audible recorded media.” SSO Policy 503 at 3. That the protocol set out in the County’s status report deviates from the protocol in policy suggests that the policy is not being followed, and that staff are not appropriately trained.

The orientation video provided to Plaintiffs’ counsel does not include an ADA section *at all*. Moreover, in the parts of the video describing kites (at 2:10) and grievances (at 2:25), there is no mention that incarcerated people can use kites and grievances to request disability accommodations or raise other ADA-related issues. Later in the video, incarcerated people are

told (at 3:20) that they must be in a “position of safety” when officers enter their area to address an altercation. However, that position requires people to lie down on their stomach with their hands to the side—the video does not explain what people should do if they have disabilities that prevent them from getting in that position.

Not only is the content of the orientation video inadequate, but so is its transmission. In post-tour communication, the County acknowledged that “during some periods over the past year the close captioning [on the orientation video] has been malfunctioning.” Individual Response re Class Member 3 at 2 (April 10, 2025). If deaf and hard-of-hearing people were booked during those periods, they would not have been able to access the information in the orientation video. The County further acknowledged that its current practices “may not encompass those inmates who have ADA limitations, i.e., blindness or intellectual disabilities.” *Id.* at 2-3. This problem is amenable to a solution and should be addressed immediately.

Consent Decree III.E.4. An ADA notice should be prominently posted in all housing units, the booking/intake areas, the medical/mental health/dental areas, and at all public entrances.

III.E.4 Assessment: Substantial Compliance. An ADA notice is posted in various areas of the Main Jail and RCCC.

Consent Decree III.E.1	Partial Compliance
Consent Decree III.E.2	Partial Compliance
Consent Decree III.E.3	Partial Compliance
Consent Decree III.E.4	Substantial Compliance

F. Health Care Appliances, Assistive Devices, Durable Medical Equipment

Consent Decree III.F.1. The County must have a written policy governing the provision, repair, and replacement of health care appliances (HCA), assistive devices (AD), and durable medical equipment (DME).

III.F.1 Assessment: Partial Compliance. The County points to two relevant policies to support its rating of “substantial compliance” with this requirement. *See* Doc. 188 at 33. ACH Policy 06-07 is currently undergoing revisions so we do not address it here. While SSO Policy 710 is mostly in good shape, there remains a previously raised concern that an incorrect standard is being used to determine the need for HCA, AD, and DME (together, “assistive equipment”). The policy explains that a “physician or dentist determines” whether “an adaptive device is clinically appropriate.” That is not the correct inquiry under the ADA. The ADA defines disability as “[a] physical or mental impairment that substantially limits one or more of the major life activities.” 28 C.F.R. § 35.108(a)(1)(i). Examples of “major life activities” include, but are not limited to: “Caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, sitting, reaching, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, writing, communicating, interacting with others, and working.” 28 C.F.R. § 35.108(c)(1). The crucial question is therefore whether assistive equipment allows an individual whose impairment

limits a major life activity to have equal access to programs, services, or activities, *see* 28 C.F.R. § 35.130, not whether the equipment is “clinically appropriate.”

The standard set out in SSO Policy 710 is much too narrow. For example, a pen that produces thick lines may be a reasonable accommodation that allows a low-vision person to fill out forms and paperwork on their own even if medical staff do not deem it “clinically appropriate.” To take another example, consider a person with knee problems who can ambulate with a cane, but can only move very slowly and with pain. Even if it is not “clinically appropriate” to give that person a wheelchair, it may still be required under the ADA if it will help that person to meaningfully access programs, services, and activities without unnecessary pain or hardship. The need for an accommodation is not based on medical treatment and necessity. For communication accommodations in particular, an incarcerated person’s personal preference should generally be granted unless the request is unreasonable, poses a specific security risk that is documented, or would be medically harmful. *See* 28 CFR § 35.160(b)(2) (“In determining what types of auxiliary aids and services are necessary, a public entity shall give primary consideration to the requests of individuals with disabilities.”). The policy of both SSO and ACH/ACMH should be revised and implemented to properly focus on meaningful access, not “clinical appropriateness” or “medical necessity.”

Consent Decree III.F.2. The County must conduct individualized assessments by medical staff to determine equipment needs and then provide the equipment in a timely manner.

III.F.2 Assessment: Partial Compliance. We found examples of disability assessments that did not accurately assess the need for HCA, AD, and DME. To take one example, Plaintiffs’ counsel spoke with Class Member 10, who suffered a spinal cord injury and has limited dexterity in his hands, making it difficult for him to grip small items like utensils, toothbrushes, and pencils. His lack of manual dexterity impacts multiple activities of daily living, including eating, completing hygiene tasks, and writing. Not only did the individual assessment (if one was completed) fail to recognize the need for an assistive device, but one was not provided even after the class member submitted *six requests*. He needed a foam grip—which cost no more than a couple of dollars—that he could attach to small items to increase their circumference and make them easier to grip. It was only after Plaintiffs’ counsel advocated for this assistive device that he received it. This same problem was identified in the 2021 ADA report, after which SSO leadership confirmed that it had been addressed. *See* Doc. 143-1 at 12-13. Yet with staff turnover and lack of appropriate policy and training, the issue appears to have arisen anew.

Even when class members describe their needs during assessments, they are not provided that equipment in a timely manner. For instance, Class Member 5—who, as described above, used hearing aids in the community and told a nurse at intake that he did not have his hearing aids with him—was not provided hearing aids or any other accommodations. As a result, he reported that he could not hear announcements or many of the things that SSO communicated to him. Class Member 8, whose disability required specialty care, had been at the jail approximately five months without a referral at which time Plaintiffs’ counsel requested one. The County is still very far from the “substantial compliance” rating they gave themselves.

Consent Decree III.F.3. Prisoners who have personal HCA, AD, and DME at booking must be allowed to retain their equipment unless there is an individualized determination that it would create a safety or security risk. If personal equipment is removed, the County shall provide equivalent jail-issued equipment unless it poses a risk of bodily harm or threatens security—that determination shall be documented, involve supervisory review, and be based on an individualized assessment. Following such a determination, the ADA coordinator must consult with medical staff to determine an appropriate alternative accommodation.

III.F.3 Assessment: Non-Compliance. Plaintiffs’ counsel requested a log of all assistive devices that were removed in the preceding six months. The County responded, in January 2025, that “none [were] removed by custody.” However, Plaintiffs’ counsel spoke with several class members—including Class Member 8 and Class Member 11—who had their assistive devices removed. Class Member 8 was not permitted to keep his assistive device with him when he arrived at the Jail in September 2024. After Plaintiffs’ counsel raised this issue to the Jail, SSO allowed the assistive device and obtained it for the incarcerated individual. SSO explained that the compliance team had not been contacted to vet the device and that what likely happened was that the US Marshalls had attempted to give the device to the property deputies, who refused it. *See* Email from Lieutenant Milligan to Aaron Fischer (October 15, 2024). SSO stated that it would “send a reminder in-house to make sure deputies, especially intake and property, forward these requests and assistive devices to the compliance team.” *Id.* Until Plaintiffs’ counsel can assess whether those reminders suffice to resolve the problem, this provision remains in non-compliance. Moving forward, the County should focus on training and proof of practice to achieve compliance.

Consent Decree III.F.4. The County shall implement a policy governing the release of incarcerated people who need assistive devices. Pursuant to this policy, it shall ensure that personal devices are returned before release; that incarcerated people who use a cane, crutch, or walker (jail-issued or otherwise) are released with the device; and that incarcerated people who need a wheelchair have one upon release.

III.F.4 Assessment: Non-Compliance. When Plaintiffs’ counsel requested a tracking log of assistive devices that were provided at release, the County response was: “We do not keep track of assistive devices provided at release.” If the County does not keep track of this information, there is no evidence that it is releasing people with their personal devices; that others with canes, crutches, and walkers are released with those mobility devices; or that people who need wheelchairs have them upon release. The County points to several policies and procedures to urge a finding of “substantial compliance,” *see* Doc. 188 at 34-35, but requirements on a page do not automatically translate to action. There must be proof of practice. Other county jail systems in the state maintain logs of different kinds that serve to demonstrate compliance and support efforts to track and ensure adequate inventory of assistive devices. Critically, all assistive devices should be logged if taken from an incarcerated person and then again when returned (whether during the detention or at the time of transfer/release).

Consent Decree III.F.1	Partial Compliance
Consent Decree III.F.2	Partial Compliance
Consent Decree III.F.3	Non-Compliance
Consent Decree III.F.4	Non-Compliance

G. Housing Placements

Consent Decree III.G.1-2. The County must house people with disabilities in facilities that accommodate their disabilities. Consent Decree III.G.1. This requires implementing a housing assignment system that includes individualized assessments and considers, among other things, each individual's need for ground floor housing, a lower bunk, grab bars, accessible toilets, no stairs, and level terrain. *Id.* at III.G.2.

III.G.1-2 Assessment: Non-Compliance. The County rated itself in partial compliance with provision III.G.1 and justified that rating with a single sentence: "SSO and ACH provide appropriate housing to the fullest extent possible with the structural limitations of the current facilities." Doc. 188 at 35. Plaintiffs' counsel understands that there are serious structural limitations and there is evidence that the County is making good faith efforts to address housing accessibility needs within those limitations. Still, class members continue to live in inaccessible housing, including Class Member 12 who had not showered for over a year, and many people who risk falling every day because their walkers and wheelchairs do not fit in their cells. The Jail will remain non-compliant until there are adequate housing options to meet the accessibility needs of people with disabilities.

Inaccessible showers. Class Member 12 is in a wheelchair and reported not showering in over a year because the showers in his pod did not have grab bars. He explained that while there was an accessible shower in a different pod, the people housed in that pod would be forced to lock down if he asked to use their shower. As a result, he did not ask and instead cleaned himself with wipes. Class Member 13 explained that he routinely went days or weeks without showering because there were no grab bars in his shower area and officers would not always take him to an accessible shower when he asked. Class Member 14, who used a walker, reported difficulty navigating the several-inch ledge at the threshold of the showers in his pod. He explained that another incarcerated person walks him to the shower and stands nearby to ensure that he safely gets in and out of the shower. He was also forced to bring his walker into the shower because no shower chair or bench was available and the shower had no grab bars. To be clear, the availability of a walker does *not* provide for a safe and accessible shower for a person with a mobility disability. Class Member 15 explained that she had fallen numerous times getting in and out of the shower in her pod; as a result, she completely stopped showering. Indeed, the County acknowledged that she told her provider that she had fallen a number of times and that she told a nurse that she feared falling in the shower. Class Member 16, who has a prosthetic leg, reported that he had difficulty using an inaccessible shower before another incarcerated person—not custody staff—told him that there was a more accessible shower in another housing unit. Some of these problems do not require new construction; the County can and should start eliminating shower ledges and adding grab bars now.

Inaccessible cells. Several class members reported that they could not fit their wheelchairs and walkers in their cells. Class Member 15, who uses a wheelchair, explained that when she reached the threshold of her cell, she had to stand, fold her wheelchair up, push it through the cell door, and then unfold it once inside the cell. She could also barely use her wheelchair inside the cell because it was so narrow—she was forced to navigate by holding onto the desk, the walls, and the bed. Class Member 17 reported substantially the same experience and said that he had fallen several times because of how difficult it was to get his wheelchair through the cell door. Class Members 18 and 19, both of whom used walkers, explained that they too must take dangerous steps to enter their cells: they stop at the threshold, turn their walkers sideways, and then shuffle into their cells. Class Member 18 has fallen several times and Class Member 19 almost falls over every time he enters or exits his cell. Some cells are also inaccessible to class members because they lack grab bars. Class Member 20, who uses a wheelchair, explained that he was moved to a cell without grab bars and so could not use the bathroom; the County confirmed that he was briefly moved to a room without grab bars. The class member reported that he pushed the emergency button repeatedly, but he was stranded in the cell for hours before staff moved him to a new cell.

Inaccessible housing assignments. Separate from inaccessible cells and inaccessible showers, some class members are housed in completely inappropriate placements. Class Member 8, who has a vision disability and needed a “white cane” to navigate safely, was living on an upper tier. This is an example of a clear denial of accessible housing and necessary assistive device.

Inaccessible recreation yards. These out-of-cell spaces remain inaccessible for people with mobility disabilities at the Main Jail. Accessing the recreation yard requires climbing and then descending a number of steps. Although there is one recreation yard that can be accessed by elevator, the path to the recreation yard is long and requires a staff escort. As a result of the location of the yard and the staffing needs associated with escorting people to and from it, people with mobility disabilities have far less frequent access to the yard than people without disabilities. Class Member 16 reported having no access to outdoor recreation for more than a week; he reported asking staff and being told he could not go outside because he was using crutches. Following advocacy by Plaintiffs’ counsel, the County acknowledged that it had not met its obligation to offer outdoor recreation and that it would address the deficiency. See CC Inquiry Response_Class Member 16 (May 16, 2025).

Inaccessible visiting rooms. The visiting rooms on most of the floors require class members to ascend and descend a number of stairs, which makes those rooms inaccessible to many people with upper tier restrictions. One visiting room on the second floor does not require a person to climb stairs, but that room is in use so often that every person who needs to use it cannot do so. And even that room is not fully accessible to people with disabilities. It has limited space and no grab bars, so people who use wheelchairs cannot safely turn their wheelchairs around in the room and people who have limited mobility but do not use wheelchairs cannot safely sit down and then stand up again. Indeed, the County has recognized that there is only one

attorney visit booth and two social visit booths at Main Jail that can be accessed without using stairs, and that social and attorney visits “continue to overwhelm” those spaces. Doc. 188 at 36.

The experience of Class Member 21 underscores the need to urgently remediate these accessibility deficiencies. He was originally housed on 2E due to a mobility issue for which required crutches. After remaining on 2E for several weeks, he was moved to general housing on the upper floors at Main Jail, where accessibility features are generally non-existent. He was made to have a family visit in his housing unit area, with staff instructing him to navigate the stairs to the visiting area. He made it up the stairs and had his visit, but when navigating the stairs afterwards he had a serious fall, causing further injury that put him in a wheelchair and caused nerve damage. After class counsel inquired about this class member and the incident, SSO leadership issued a corrective action memorandum to staff stating that staff should never instruct an incarcerated person with a mobility issue or a lower tier chrono to use the stairs for any reason. Staff were directed that people with mobility issues should only attend visits in the 2 East visiting booth (which does not require navigating stairs). The memorandum directed that where such persons have a scheduled visit that would require them to use stairs, the visit must be canceled. Physical plant remediation to ensure safe and meaningful access to programs, services, and activities must be completed.

Until the longstanding physical plant deficiencies at the Jail are remedied, the County cannot achieve compliance with provisions III.G.1 and III.G.2 of the remedial plan. The physical plant modifications that have been completed or are in progress—an accessible shower on 2E100, a handful of ADA-compliant showers and cells in the Acute Psychiatric Unit and Suicidal Inmate Temporary Housing Unit, the RCCC intake unit, etc.—are not sufficient. More than seven years ago, a more fulsome “Jail Accessibility Update and Plan” was completed. The plan recommended improvements to remedy inaccessible cells, showers, recreation yards, holding areas, program areas, and visitation areas in Main Jail. The County contracted with a design consultant to develop design packages in response to the plan, but these packages are almost completely unfunded and were put on hold as the County considered building a new Jail Intake and Health Services Facility (IHSF). After approval for the IHSF was rescinded by the Board of Supervisors on February 27, 2025, the County began revisiting the Main Jail design packages. That is, seven years later we are back in substantially the same position. Moreover, the Department of General Services (DGS) explained that once a design package is approved and receives funding (something that is itself a ways away), it will take six to eight years to complete the work.

As these projects are at least a decade away from completion, the County must prioritize the most urgent and impactful projects, make other physical plant adaptations in the meantime, and consider greater use of RCCC if accessibility modifications there are more feasible. But these efforts appear to be stalled. First, the County has not yet completed a comprehensive analysis of the ADA needs of the Jail population. Without a better understanding of the number of people with disabilities and the nature of those disabilities, the Jail cannot make informed decisions about which interim physical plant modifications are most urgent and should be prioritized. Second, DGS confirmed that it can evaluate and implement accessibility measures that do not require construction (such as adding grab bars and shower modifications) while the construction

projects are on hold or in progress. We are aware of some examples of such efforts, including an accessible ADA unit that was activated at RCCC. Further remediation projects must move forward expeditiously

Consent Decree III.G.3-4. Class members with disabilities must be housed consistent with their security classification and should only be housed in a medical housing unit if there is a clinical determination for treatment; they should not automatically be placed there simply because they have HCA/AD/DME. *See* Consent Decree III.G.3. Class members with disabilities should not be placed in any location that does not offer the same or equivalent programs, services, or activities as the places where they would be housed absent a disability. *Id.* at III.G.4.

III.G.3-4 Assessment: Non-Compliance. The Jail is housing some class members in medical units not because their medical conditions require it, but because there is no available accessible housing. For example, Class Member 15 could not fit her wheelchair by her bed and was therefore unable to safely transfer from her wheelchair to her bed. She reported falling repeatedly, and the County acknowledged that she told her provider that she had repeatedly fallen, so Plaintiffs' counsel urgently requested an evaluation and transfer. Ultimately, she was moved to a medical unit because there was no other wheelchair accessible housing for women at the Main Jail.

This is consistent with the County's self-report that housing decisions are made within the constraints of "the structural limitations of the current facilities." Doc. 188 at 36. But, again, the structural limitations do not lower the legal threshold for compliance. Staff working to provide safe and accessible housing are set up to fail in too many cases. That is, even if people with disabilities are inappropriately housed in medical units because the structural limitations of the facility mean that there is no other safe housing for them, that is still a problem because people in those units do not receive the same or equivalent programs, services, or activities as those in other housing units. As Class Member 20 put it, when he was housed in a medical unit he would do nothing except sit in a cell all day. The Jail's out-of-cell logs for the medical unit confirm as much. To be sure, some class members housed in medical units are appropriately not offered out-of-cell time because their medical conditions prevent them from leaving their cells. Class Member 22, for instance, had little out of cell time because he was physically unable to access it. Other class members, like Class Member 15, are housed in medical units because they have a disability and the County does not have other accessible housing for that class member. Class members in that second group, who are housed in medical units because of their disabilities, are entitled to equally access jail programs, services, and activities, including out-of-cell time. They must be offered the amount of out-of-cell time that they would be offered in another unit if they did not have a disability. The County has acknowledged that its out-of-cell logs do not currently distinguish between these two groups. Specifically, the County's logs do not indicate whether a class member was offered less than the required out-of-cell time because of direction from medical staff, or whether the SSO failed to provide out-of-cell time that the class member was entitled to. The County is working on a tracking solution to this issue, and Plaintiffs' counsel is hopeful that this solution will allow the County to document whether it is compliant with this provision.

Consent Decree III.G.1	Non-Compliance
Consent Decree III.G.2	Non-Compliance
Consent Decree III.G.3	Non-Compliance
Consent Decree III.G.4	Non-Compliance

H. Access to Programs, Services, and Activities

Consent Decree III.H.1-2. The County must ensure that class members with disabilities (including those in specialized medical and mental health units) have equal access to programs, services, and activities that are available to similarly situated prisoners without disabilities. *See* Consent Decree III.H.1. This includes access to educational, vocational, reentry, and substance abuse programs, *id.* at III.H.1.a, work assignments, *id.* at III.H.1.b, dayroom and other out-of-cell time, *id.* at III.H.1., outdoor recreation and exercise equipment, *id.* at III.H.1.d, showers, *id.* at III.H.1.e, telephones, *id.* at III.H.1.f, reading materials, *id.* at III.H.1.g, social visits, *id.* at III.H.1.h, attorney visits, *id.* at III.H.1.i, religious services, *id.* at III.H.1.j, and medical, mental health, and dental services and treatment, *id.* at III.H.1.k. Relatedly, the County must provide reasonable accommodations and modifications as necessary to ensure that people with disabilities have equal access. *Id.* at III.H.2.

III.H.1-2 Assessment: Partial Compliance. As discussed in the previous section, class members with disabilities do not have equal access to outdoor recreation, social visits, attorney visits, or showers. *See supra* Section III.G. And the significant problems that people with wheelchairs and walkers have with simply getting in and out of their cells, *see supra* Section III.G, means that they also lack equal access to out-of-cell time and other things that must take place outside their cells—like using the telephone and attending religious services.

Consent Decree III.H.3. The County must develop and implement written policies for staff to provide appropriate assistance to prisoners with psychiatric, developmental, or cognitive disabilities.

III.H.3 Assessment: Partial Compliance. The County deemed itself in substantial compliance with this provision based on SSO Policy 602 and general references to other policies and procedures. *See* Doc. 188 at 38. But SSO Policy 602 does not include specific procedures for people with psychiatric, developmental, or cognitive disabilities—it says only that the Jail Commander should establish written procedures related to some of these topics.

ACH Policies 06-02, 06-05, and 06-06 do describe procedures for those with psychiatric, developmental, and cognitive disabilities. However, class members with such disabilities are not actually being provided appropriate assistance. We recently reported that people with disabilities are not accommodated during the Jail disciplinary process. *See* Doc. 211-1 (Fourth Restrictive Housing Report) at 23. And both medical experts and Plaintiffs’ counsel have repeatedly reported

that custody staff fail to respond to requests for assistance made via in-cell intercom, including requests from people with psychiatric and other disabilities. *See id.* at 11.

Consent Decree III.H.4. The County must implement a written policy for staff to provide appropriate assistance to class members with disabilities in reading or scribing documents.

III.H.4 Assessment: Non-Compliance. The County rated itself in substantial compliance with this provision by reference to SSO Policy 602. As with the previous provision, the referenced policy does not set out any actual policies or procedures regarding assistance for class members with reading or scribing disabilities. In any case, there is no documented proof of practice to demonstrate compliance and people with disabilities appear to be falling through the cracks. Class Member 8 reported that he was told to write a grievance even though he had a vision disability and had difficulty independently doing so.⁴ Class Member 20, who has difficulty using his hands, could not write forms, kites, and grievances on his own relied on his cellmates to help him because he received no assistance from staff.

Consent Decree III.H.5. The County must provide equal access to library, recreational, and educational reading material for class members with disabilities, including easy reading and large print books for individuals who require such accommodations.

III.H.5 Assessment: Non-Compliance. The County rated itself in substantial compliance with this provision, but said nothing about providing easy reading or large print books. It said only that “SSO provides equal access to reading materials, including the purchase of keep-on-person magnifiers.” Doc. 188 at 39. Requiring people with disabilities to purchase accommodations is not providing equal access. In fact, requiring payment effectively denies accommodations to indigent people and violates the ADA. *See* 28 C.F.R. § 35.130 (f) (“A public entity may not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the costs of measures, such as the provision of auxiliary aids or program accessibility, that are required to provide that individual or group with the nondiscriminatory treatment required by the Act or this part”).⁵

Consent Decree III.H.6. The County must ensure equitable inmate worker opportunities for class members with disabilities including by (a) ensuring clear job duty statements; (b)

⁴ The County reported that this class member had submitted Health Service Requests. Some people with vision disabilities rely on others, including other incarcerated people, to write documents. Others can write if provided the proper accommodations. Class Member 8 could write with the help of an electronic magnifier and a dark colored pencil or pen—two things Plaintiffs’ counsel advocated for. At other times, Class Member 8’s vision disability paired with the harsh lighting at the Jail caused him serious pain, during which time he needed the opportunity to submit verbal grievances.

⁵ Upon receipt of this draft report, the County reported that it would provide magnifiers free of charge, but that there is no written policy governing this change. Plaintiffs’ counsel will evaluate the implementation of this new procedure during the next monitoring period.

ensuring medical staff conduct individualized assessments to identify restrictions and limitations and to prevent improper exclusion; and (c) providing reasonable accommodations to enable prisoners with disabilities to participate in inmate worker opportunities.

III.H.6 Assessment: Partial Compliance. Before the February 2025 monitoring tour, Plaintiffs’ counsel requested the inmate-worker roster and asked that the County identify people on the roster with disabilities. See ADA Tour Document Request at 2 (January 7, 2025). The Jail provided the rosters, but was unable to say whether any of the workers had disabilities because “ATIMS reports do not provide inmate workers with a disability or type of disability.” After receiving a draft of this report, the County shared a list of POD and Trustee workers with disabilities. Plaintiffs’ counsel is pleased that people with disabilities are given the opportunity to work, but the County’s initial inability to identify workers with disabilities is concerning. Moreover, when asked, the Assistant Medical Director stated that individual assessments are not reliably completed when a person with disabilities applies for or is selected for a job. This raises further concerns that people with disabilities are either being improperly excluded from inmate worker opportunities or are not receiving reasonable accommodations in the position.

Proactive efforts and procedures in other county jail systems have proven successful in this area in recent years. A key component is structured collaboration between custody, program, and health care staff, to identify people with disabilities who are otherwise eligible and wanting to work, to evaluate them on an individualized basis for relevant work restrictions and accommodation needs, and to provide equitable inmate worker opportunities. This requirement extends from physical disabilities to mental health disabilities to intellectual disabilities.

Consent Decree III.H.1	Partial Compliance
Consent Decree III.H.2	Partial Compliance
Consent Decree III.H.3	Partial Compliance
Consent Decree III.H.4	Non-Compliance
Consent Decree III.H.5	Non-Compliance
Consent Decree III.H.6	Partial Compliance

I. Effective Communication

Consent Decree III.I.1. The County must assess everyone for effective communication needs and then take steps to provide effective communication based on individual needs.

III.I.1 Assessment: Partial Compliance. While SSO Policy 602 is consistent with this provision of the consent decree, the SSO does not routinely ensure effective communication with class members who have disabilities. Take, for instance, Class Member 23 who is hard of hearing and was approved for hearing aids. While he was waiting for his hearing aids to arrive—a period of several months—he was unable to clearly hear announcements over the intercom and resorted to relying on people in his dayroom to alert him when his name was mentioned. At no point was he given written announcements, personal announcements, or some other method of

effective communication. The consequences were serious: he reported missing visits because he could not hear the announcements. Class Member 4 reported a substantially similar experience. He too had significant hearing loss and when his hearing aids stopped working, he was unable to hear announcements in his unit and did not receive written or personal announcements from custody staff. Just like the other class member, he also relied on other people in his unit to alert him when his name was called or when announcements relevant to him were made.

ACH has implemented Policies 06-03 (Effective Communication) and 06-04 (Interpretation Services), but class counsel has raised concerns about the implementation of these requirements. Class Member 3, who is deaf and has limited ability to communicate in writing, was not provided a sign language interpreter at any of his four intakes. He was not provided a sign language interpreter for consequential medical encounters and decisions. Medical and custody staff routinely used gestures and wrote him notes that he did not fully understand. The lack of effective communication meant he also did not sign up for any programming or fully understand how to use his tablet.

The County has taken some steps to comply with this provision—notably, the intake forms now include questions about effective communication and some training materials about effective communication have been developed. But the County does not keep any logs to show which staff members have been trained on effective communication and, as explained in Section III.B, the only way for custody staff at Main Jail to find out the effective communication needs for people in their housing units is to individually look up each person in ATIMS. These systemic problems, the absence of proof of practice, and concerning reports from class members mean that the County remains in partial compliance.

Consent Decree III.I.2. Jail and healthcare policies must include comprehensive guidance about the provision of effective communication.

III.I.2 Assessment: Substantial Compliance. SSO Policy 602 and ACH Policy 06-03 provide adequate guidance about the provision of effective communication. However, as described in the preceding section, the policies have not translated to practice, including through identification, provision of effective communication, proof of practice, and quality assurance.

Consent Decree III.I.3. A higher standard of effective communication must be provided at due process events and clinical encounters. In addition, the method used to achieve effective communication at such encounters and how the staff member determined that the class member understood the encounters must all be documented.

III.I.3 Assessment: Non-Compliance. The County reports that SSO and ACH are “work[ing] on documentation to demonstrate proof of practice.” Doc. 188 at 41. Without this documentation, Plaintiffs’ counsel is unable to fully assess this requirement. However, class member interviews reveal deficiencies to warrant a finding of non-compliance.

Class Member 3, who is deaf, has an intellectual disability, and cannot communicate effectively in writing was not provided a sign language interpreter at any of his medical appointments. Medical notes show that just a few months ago, he was seen urgently for a dental evaluation. At that appointment, the provider noted that he “used pencil and paper to communicate.” The note goes on to say: “asked if [class member] needed to see a dentist. he gestured no. asked him to sign refusal form. he signed no.” The provider also memorialized that the class member “refuses recommended dental treatment today after all risk, benefit, and alternatives has been presented,” that he “understands that the consequences of refusing dental treatment can lead to a permanent delay in health care, eventual worsening of pain, infection, and ultimately death,” and that he “still chooses to have no treatment rendered.” But given this person’s limited ability to understand written notes, the most likely reality is that he did not knowingly refuse urgent dental treatment. And this is not an isolated incident. The medical records for this class member are filled with entries stating that providers are communicating with him via “writing materials.” This is exceptionally concerning. Class members should not be signing anything—let alone a refusal of treatment—without receiving effective communication about what it is they are being asked to sign.

Concerning failures of effective communication also exist during other critical encounters. For instance, one class member was disciplined and had privileges removed despite having mental illness that was so significant and untreated that she was unable to follow basic conversations. See Doc. 211-1 (Fourth Restrictive Housing Report) at 23.

Consent Decree III.I.4-5. Effective auxiliary aids and services must be provided when simple written or oral communication is not effective. This may include bilingual aides, SLIs, readers, sound amplification devices, captioned television/video text displays, Videophones and other telecommunication devices for deaf persons (TDDs), audiotaped texts, Braille materials, large print materials, writing materials, and signage. See Consent Decree III.I.4. In determining which aid to provide, the County shall give primary consideration to the request of the class member. *Id.* at III.I.5.

III.I.4-5 Assessment: Partial Compliance. The County explained that VRS, VRI, and TDD SLI are available at the Jail. See Doc. 188 at 41. However, as discussed above, it does not appear that these services are regularly being provided to those who require them. Moreover, the County did not explain whether readers, audiotaped texts, braille materials, or large print materials are provided. It further acknowledges that “[v]ideo visitation is in process.” *Id.* Until that process is complete, additional auxiliary aids are made available, and there is proof of practice to show that aids are consistently provided when needed, these provisions remain in partial compliance.⁶

⁶ Following Plaintiffs’ monitoring tour, the County reports that it now has an inventory of large print materials, and that efforts have been made to ensure staff are informed about the availability of the VRI tablet, and that readers are provided to those who request them. Plaintiffs’ counsel is pleased to learn about these developments and will review them during the next monitoring tour.

Consent Decree III.I.6. Education providers must ensure effective communication for class members participating in education programs, including by providing necessary assistive equipment and taking steps to accommodate learning strategies for those with special needs and disabilities.

III.I.6 Assessment: Partial Compliance. The County provided no information about educational programs at Main Jail. *See* Doc. 188 at 41. As for RCCC, the County noted that it works with the Elk Grove Unified School District (EGUSD) to provide accommodations and that SSO is “awaiting a response from EGUSD for their practices/policies on this subject.” *Id.* The County further reports that it offers three educational programs via secure tablets; it is unclear whether these programs have text-to-speech capabilities.

Consent Decree III.I.7. Staff must assist class members who are unable to complete necessary paperwork (e.g., related to health care, due process, Jail processes) on their own with reading and/or writing help.

III.I.7 Assessment: Partial Compliance. The County rated itself in substantial compliance with this provision on the basis that SSO Policy 602 “was updated to address this provision.” Doc. 188 at 42. But that policy is not consistently followed in practice. For example, Class Member 8 reported that he did not receive any help navigating the grievance system even though he has a vision disability and has difficulty writing a grievance on his own. His tablet had been improperly confiscated and even though the related disciplinary charge was dropped after a hearing, he was told that he had to file a grievance to get his tablet back. After Plaintiffs’ counsel raised this issue with the County, the class member was given his tablet and the deputies assigned to his housing unit were “reminded” to help people with disabilities access the grievance process. *See* Email Attachment from County Counsel (Feb. 19, 2025). Class Member 20, who has difficulty using his hands, could not write forms, kites, and grievances on his own, and relied on his cellmates to help him. It was only after Plaintiffs’ counsel raised this with the County that an ADA flag was added to his dashboard to alert custody staff of the need to help him fill out forms, kites, and grievances. *See* Email Attachment from County Counsel (Feb. 19, 2025). Moreover, we heard repeatedly from many different class members that deputies routinely ignore the emergency buttons, such that class members cannot use those buttons to request assistance. *See also* Doc. 211-1 (Fourth Restrictive Housing Report) at 11.

Consent Decree III.I.8. The County must allow class members who are illiterate, non-English speaking, or otherwise unable to submit written sick call requests to verbally request care. Such requests shall be documented by the staff member who receives the request and transmitted to a qualified mental health or medical professional.

III.I.8 Assessment: Partial Compliance. The County rates itself in substantial compliance with this provision because SSO Policy 602 “was updated to address this provision.” Doc. 188 at 42. To demonstrate compliance, there must be proof of practice—specifically, documentation

that staff members are in fact assisting these individuals with disabilities with submitting sick call requests/and or verbal requests for health care.

Consent Decree III.I.9. The County must post and disseminate notices, policies, job announcements, and other written material in alternative formats.

III.I.9 Assessment: Not Evaluated.

Consent Decree III.I.1	Partial Compliance
Consent Decree III.I.2	Substantial Compliance
Consent Decree III.I.3	Non-Compliance
Consent Decree III.I.4	Partial Compliance
Consent Decree III.I.5	Partial Compliance
Consent Decree III.I.6	Partial Compliance
Consent Decree III.I.7	Partial Compliance
Consent Decree III.I.8	Partial Compliance
Consent Decree III.I.9	Not Evaluated

J. Effective Communication and Access for Individuals with Hearing Impairments

Consent Decree III.J.1. The County shall develop and implement a policy for newly arrived and newly identified class members with hearing disabilities to determine each person’s preferred method of communication.

III.J.1 Assessment: Substantial Compliance. The County states that this policy is in SSO Policy 602. *See* Doc. 188 at 42. That policy includes only general statements about the need to “assess all individuals . . . for effective communication needs.” SSO Policy 602 at 4. However, ACH policies provide some additional details. For instance, ACH Policy 06-03 notes that “newly arrived and newly identified patients with hearing disabilities shall be asked their preferred method of communication.” ACH Policy 06-03 at 4. And ACH Policy 06-04 describes different methods of communication available to staff, including translation and SLI services. As described above, however, people are not being provided effective communication in practice. Implementation of the policy with documented proof of practice will be necessary moving forward.

Consent Decree III.J.2. SLIs must be provided during intake, due process and health care encounters, and jail programming when it is the person’s primary or only means of effective communication. *See* Consent Decree III.J.2. To ensure the availability of SLIs, the County must maintain a contract with interpreter services. *See id.* at III.J.2.a. There are only two exceptions to the SLI requirement. *See id.* at III.J.2. The first is when the class member waives it—in that scenario, the County must document the method of communication of the waiver and the method staff used to determine that the waiver was knowing and freely given. *See id.* at III.J.2.e. The second exception is when delay would pose a safety or security risk. *See id.* at III.J.2. In case of either exception, jail staff must use the most effective form of communication available. *See*

id. at III.J.2.c. Lip reading should not be the sole method of effective communication unless the class member has no other means of communication. *See id.* at III.J.2.b. The County must maintain a log of all SLI uses as well as all instances when it was *not* used for a class member with an identified need for SLI services. *See id.* at III.J.2.d.

III.J.2 Assessment: Partial Compliance. Before the February 2025 monitoring tour, Plaintiffs’ counsel requested SLI logs for a two-year period. *See* ADA Tour Document Request at 2 (January 7, 2025). The County replied that “Main Jail has not utilized the SLI’s in the last 24 months.” *See* Email Attachment from County Counsel (January 29, 2025). However, the County’s most recent status report noted that since July 2024 there had been 28 video calls at Main Jail utilizing an SLI through Language Line, a service that provides sign language interpretation through a conference call line. *See* Doc. 188 at 43; *see also* ACH Policy 06-04 (describing Language Line). As for RCCC, the County’s status report said nothing about SLI, but the document request showed three uses of “American Sign Language VRI,” from a single date in 2024. These productions suggest that SLIs are occasionally being used via Language Line (at Main Jail) and via VRI (at RCCC), but that they are not provided as often as required. *See supra* III.I.

As far as Plaintiffs’ counsel is aware, the other requirement—that the County log all instances when SLI was *not* used for a person with an identified need for such services—is not being implemented at all. For instance, Class Member 3 did not receive SLI during intake, medical appointments, or custody encounters over the course of a year, and yet no log describing those instances was provided. The lack of proper documentation not only means that the County is out of compliance with provision III.J.2.d, but it also makes it impossible to assess the County’s compliance with the other provisions. That is, if there is no log of SLI waivers, then there is no way to assess whether waivers are knowing or how often staff are deciding not to use SLI for safety/security reasons. The County is, at best, in partial compliance with this provision.

Consent Decree III.J.3. The County must effectively communicate the content of the Inmate Handbook and other materials providing information on jail rules and procedures to all prisoners who are deaf or hard of hearing. For deaf or hard of hearing prisoners that do not communicate effectively with written language, staff may meet this obligation by providing in-person or video SLI signing the contents of the Inmate Handbook.

III.J.3 Assessment: Partial Compliance. The County rated itself in substantial compliance with this provision despite acknowledging that “there is no video with an SLI signing the contents” and that instead assistance would be provided by staff “with the use of the VRI or by reading information needed.” Doc. 188 at 44. Assistance with the VRI may well comply with the provision (though the SLI logs discussed above suggest this is not actually happening) but “reading information,” *see* Doc. 188 at 44, to a deaf or hard of hearing person is not effective. The County should either create a video SLI presentation or ensure effective communication through sign language interpretation or other preferred method for every person who needs it to understand the Inmate Handbook.

Consent Decree III.J.4. The County must make videophones available for deaf and hard of hearing class members. The videophones shall either be able to make free calls through Video-Relay Services (VRS) or directly to another videophone.

III.J.4 Assessment: Not Evaluated.

Consent Decree III.J.5-6. Class members who use any kind of telecommunication relay service instead of a telephone must receive equal access to the service as non-disabled class members are afforded for regular telephone usage. *See* Consent Decree III.J.5. Equal access will require providing deaf and hard of hearing class members with additional time to account for the fact that signed and typed conversations take longer than spoken conversations. *Id.* at III.J.6. The County must document the time that each class member uses and has access to such equipment. *Id.*

III.J.5-6 Assessment: Not Evaluated.

Consent Decree II.J.7. Class members who require an SLI as their primary method of communication shall be provided an SLI for education, vocational, or religious programs and services.

III.J.7 Assessment: Non-Compliance. The County rated itself in substantial compliance with this provision based on SSO Policy 602 which states that SLIs must be provided. *See* Doc. 188 at 45. However, the SLI logs provided to Plaintiffs' counsel, *see supra* Section III.J.2, indicate that SLIs are not being provided for education, vocational, or religious programming. Moreover, in another part of the County's status report, it stated that Elk Grove Unified School District (EGUSD) is an education provider, and that SSO is "awaiting a response from EGUSD for their practices/policies" about effective communication. Doc. 188 at 41.

Consent Decree III.J.8. Public announcements in housing units with individuals who are deaf or hard of hearing shall be delivered on the public address system (if applicable) and by flicking the unit lights on and off several times to alert class members that an announcement is coming. This includes announcements regarding visiting, meals, recreation release and recall, count, lock-up, and unlock. Announcements may be effectively communicated via written messages on a chalkboard or by personal notification, as consistent with individual need. These procedures shall be communicated to people during the orientation process and also shall be incorporated into relevant policies and post orders.

III.J.8 Assessment: Partial Compliance. SSO Policies 400.13 and 602.3 require announcements to be delivered on the public address system and by flicking unit lights on and off. Moreover, the County has stated that officers are told if class members in their unit need special accommodations for verbal announcements and that Main Jail officers will go to the door to alert class member who are deaf or hard of hearing if they need to come out. *See* Doc. 188 at 45. However, the SSO reported during an interview that a deputy in a housing unit does not typically know which of the people in the unit have a hearing disability and which people do not.

This is consistent with reports from deaf/hard-of-hearing class members who explained that they did not receive personal announcements. *See supra* Section III.I.1.

Consent Decree III.J.1	Substantial Compliance
Consent Decree III.J.2	Partial Compliance
Consent Decree III.J.3	Partial Compliance
Consent Decree III.J.4	Not Evaluated
Consent Decree III.J.5	Not Evaluated
Consent Decree III.J.6	Not Evaluated
Consent Decree III.J.7	Non-Compliance
Consent Decree III.J.8	Partial Compliance

K. Disability-Related Grievance Process

Consent Decree III.K.1. The County must implement a grievance system for people with disabilities to report any disability-based discrimination or violation of the ADA, the Remedial Plan, or Jail ADA-related policy, and shall provide a prompt response and equitable resolution in each case.

III.K.1 Assessment: Partial Compliance. During the February 2025 monitoring tour, Plaintiffs' counsel asked custody staff how incarcerated people can report disability-related discrimination or request accommodations. The compliance team and custody staff explained that people could call compliance, submit grievances, or submit kites. The Inmate Handbook provides the same instructions. *See* Inmate Handbook at 6. Unfortunately, once staff learns about these issues, they are not providing prompt responses. The County itself acknowledges as much. *See* Doc. 188 at 46.

Even worse, some grievances and kites receive no response at all. Class members 10 and 13 reported that they filed kites or grievances, but never heard back. Class Member 10, who had limited dexterity in his hands and could not grip utensils, a toothbrush, or a pencil submitted around six kites to request a piece of foam that he could attach to small items that would make it easier to grip them. He did not receive a response to any of his kites and did not receive that small piece of foam until Plaintiffs' counsel followed up on his behalf.

The failure to consistently respond to disability-related requests is reflected in the spreadsheets shared with Plaintiffs' counsel. The County shared one spreadsheet tracking disability-related requests handled primarily by ACH and two other spreadsheets tracking disability-related grievances at RCCC and Main Jail. The custody spreadsheets almost certainly fail to capture the majority of grievances: The Main Jail spreadsheet catalogs only 11 requests over the course of an entire year while the RCCC spreadsheet catalogs 20 requests in a one-year period. In light of Plaintiffs' counsel's interviews with class members who reported filing multiple grievances, it is inconceivable that there were only 11 and 20 disability-related requests in that timeframe. That custody is not tracking disability-related grievances is consistent with class

member reports that grievance responses are delayed or non-existent. For example, Class Member 13 submitted a Correctional Services Message Request on October 25, 2024 explaining that he fell using his walker and needed a wheelchair. He checked the “ADA related” box, but this request does not show up on any of the tracking spreadsheets.

Plaintiffs’ counsel also have substantial concerns about the resolution of disability-related grievances. Because there is no training about how to evaluate ADA-related grievances or which standards to consult, *see infra* Section III.P, the incorrect “clinically appropriate” standard may be applied in lieu of the correct reasonable accommodation standard, *see supra* III.F. This has real consequences. For example, Class Members 24 and 25 were denied lower bunks after a medical review; both later received lower bunks after Plaintiffs’ counsel requested application of the correct reasonable accommodation standard.⁷

Consent Decree III.K.2. The County must make grievance procedures available and accessible to all class members. *See* Consent Decree III.K.2. This includes making reasonable efforts to ensure all class members are aware of the disability grievance procedures and that accommodations and staff assistance is available. *Id.* at III.k.2.a. The County must also ensure that class members with disabilities have meaningful access to grievance forms including through provision of staff assistance and large print materials. *Id.* at III.k.2.b.

III.K.2 Assessment: Partial Compliance. The Inmate Handbook notes that people who “need help completing the kite” can ask any custody or medical staff member for help. *See* Inmate Handbook at 6. But because people with vision and learning disabilities may not be able to read that note or learn that information in a more accessible way, *see supra* Section III.E, many are unaware that staff assistance is available. Moreover, several class members reported not receiving staff assistance with grievances despite desperately needing it. Class Member 8 with a vision disability was told to fill out a grievance to get his tablet with no consideration for his disability needs; it was only after Plaintiffs’ counsel raised this issue with the County that deputies assigned to his housing unit were “reminded” to help him access the grievance process. *See* Email Attachment from County Counsel (Feb. 19, 2025); *see also supra* Section III.I (describing failure to help class members with grip-related disability fill out grievances until Plaintiffs’ counsel intervened).

Consent Decree III.K.3. The County must develop and implement an ADA grievance process that includes a reasonable timeline for responses and an expedited process for urgent ADA grievances. *See* Consent Decree III.K.3.a. It must also provide interim accommodations pending review of grievances and appeals. *Id.* Class members with communication needs must be interviewed and helped where necessary to ensure meaningful access. *Id.* at III.K.3.b. Each time the County denies a reasonable accommodation request, it must document both the denial and the reason for denial. *Id.* at III.K.3.c. The County must also provide a written copy of the

⁷ Upon receipt of this draft report, the County reports that it has updated its grievance logging and tracking system since the time of Plaintiffs’ counsel tour. We will evaluate the effectiveness of this updated system during subsequent monitoring tours.

grievance or appeal response to the class member; this should include the resolution, basis for denial (if applicable), and the process for appeal. *Id.* at III.K.3.d. The completed grievance responses must be effectively communicated to class members with disabilities.

III.K.3 Assessment: Partial Compliance. As discussed above, grievance responses are not provided on a reasonable timeline in practice, and denials are not consistently documented (at least on the custody side). Moreover, interim accommodations are not routinely provided while longer-term accommodations are in progress. For instance, Class Members 4 and 23 reported receiving no interim accommodations while waiting for their hearing aids to arrive: no one provided them individual or written announcements such that they missed important information conveyed to their peers in the housing unit. Even if ACH ordered the required hearing aids and eventually provided them, interim accommodations must be provided—such as accommodations for effective communication with respect to announcements—pending delivery of the hearing aids.

Consent Decree III.K.4: The submission, processing, and responses for disability-related grievances and complaints shall be tracked.

III.K.4 Assessment: Partial Compliance. While some disability-related issues are being tracked, many are not. As discussed above, the spreadsheets provided to Plaintiffs’ counsel appear to be dramatically underinclusive. The Main Jail tracker shows only eleven disability-related issues and the RCCC tracker shows a mere twenty. The ACH tracker is more comprehensive, but with fewer than 100 entries even that tracker does not capture all disability-related requests for a population of approximately 3,000 people. A spot check confirms this. Class Member 13 submitted two grievances (one about shower access and one about a wheelchair) that show up nowhere on any of the three spreadsheets. Class Member 26 submitted two grievances about his wheelchair flipping over during transport that are stamped “resolved” by the Jail—meaning they were addressed—but neither grievance shows up on the tracking spreadsheets. The tracking system must accurately and consistently capture disability-related grievances and complaints before a finding of substantial compliance.

Consent Decree III.K.1	Partial Compliance
Consent Decree III.K.2.	Partial Compliance
Consent Decree III.K.3	Partial Compliance
Consent Decree III.K.4	Partial Compliance

L. Alarms/Emergencies

Consent Decree III.L.1-3. The County must ensure that all written policies regarding alarms and emergencies contain mandatory provisions to accommodate class members with disabilities. *See* Consent Decree III.L.1. The policies must include information about communicating effectively with class members who have disabilities that may present barriers to communication during emergencies or alarms. *Id.* at III.L.3. The policies must also state the

expectations for staff and must be communicated to staff, incorporated into operations orders, and communicated to class members with disabilities using effective communication. *Id.* at III.L.2.

III.L.1-3 Assessment: Partial Compliance. SSO Policy 400.13 governs the treatment of people with disabilities during emergencies. Unfortunately, the policy is insufficiently specific. It states that “all reasonable steps” will be taken to effectively communicate during emergencies and that there will be “appropriate handling” of incarcerated people with mobility-related disabilities. But there is no explanation of what those “reasonable steps” are or what “appropriate handling” entails. Plaintiffs’ counsel requested related operations orders, but did not receive any, suggesting that additional detail is not provided elsewhere. Without clear directives, staff will not know how to ensure people with disabilities are informed of emergencies and provided necessary assistance.

Consent Decree III.L.4. The County must offer, but shall not require, individuals who have disabilities visible markers to identify their disability needs (e.g., identification vests). The County shall maintain a list, posted in such a way to be readily available to Jail staff in each unit, of class members with disabilities that may require accommodations during an alarm or emergency.

III.L.4 Assessment: Partial Compliance. The County has offered identification vests to people with disabilities. Doc. 188 at 49. It also reports that all people with disabilities who may require accommodations during an alarm or emergency “are tracked on the ADA tracking system and logged in ATIMS.” Doc. 188 at 49. The County therefore urges a finding of substantial compliance, but entering this information into the tracking system is not the same as disseminating it in such a way as to be readily available to jail staff—instead of requiring staff to log on to a tracking system when an alarm sounds the Jail should have a list of people who need assistance close at hand. (Other county jail systems in the state distribute hard copy accommodation lists, organized by housing unit, on a daily basis that includes alarm- and emergency-related accommodation needs for individuals.) Moreover, because the current electronic tracking system does not capture all people with disabilities or accurately describe their disabilities, *see supra* Section III.B, it would be unhelpful even if staff did review it during an emergency.

Consent Decree III.L.5. The County must install visual alarms appropriate for individuals who are deaf or hard of hearing.

III.L.5 Assessment: Not Evaluated.

Consent Decree III.L.6. All housing units must post notices for emergency and fire exit routes.

III.L.6 Assessment: Not Evaluated.

Consent Decree III.L.1	Partial Compliance
Consent Decree III.L.2	Partial Compliance

Consent Decree III.L.3	Partial Compliance
Consent Decree III.L.4	Partial Compliance
Consent Decree III.L.5	Not Evaluated
Consent Decree III.L.6	Not Evaluated

M. Searches, Restraints, and Extractions

Consent Decree III.M.1. The County’s written policies must ensure that class members with mobility impairments, including those with prosthetics, receive reasonable accommodations with respect to (1) pat searches and unclothed body searches; (2) application of restraints devices, including Pro-Strait Chair; and (3) cell extractions.

III.M.1 Assessment: Partial Compliance. The County states they are in substantial compliance with this provision because of revisions to SSO Policy 521. Doc. 188 at 50. But the only relevant sentence in SSO Policy 521 is: “The Sheriff’s Office will take all reasonable steps to accommodate persons with disabilities.” SSO Policy 512 uses similarly general language directing staff to accommodate people with disabilities during pat downs and strip searches. SSO Policy 511, regarding the use of restraints, is somewhat different in that it actually explains what types of accommodations are appropriate for people who communicate with sign language, hand gestures, or written notes: “Accommodations may include handcuffing in front or removing handcuffs during communications, as consistent with individualized security considerations.” SSO Policy 511 at 5-6. While this is a good start, even this policy does not detail restraint-related accommodations for people with other types of disabilities such as mobility impairments and prosthetics. Finally, Plaintiffs’ counsel requested the policy governing accommodations for people with disabilities during cell extractions. The County pointed us to the entire custody policy manual, but Plaintiffs’ counsel was unable to find any policy covering this issue. Until all of these policies are revised to include information about how to determine the need for accommodations and what those accommodations should look like, the County is in partial compliance.

Consent Decree III.M.1	Partial Compliance
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N. Transportation

Consent Decree III.N.1. The County must provide reasonable accommodations for class members with disabilities when they are in transit, including during transport to court or outside health care services.

III.N.1 Assessment: Partial Compliance. The County is not safely transporting people with disabilities. During the February 2025 monitoring tour, Class Members 10 and 26 with wheelchairs reported that officers did not know how to operate the lift or secure their wheelchairs in the van—as a result, all three were injured. After Plaintiffs’ counsel and the medical experts raised this issue, the County created a training video for deputies. This is a good

step. Until all deputies with transport duties are trained and begin to regularly transport people safely and with all necessary accommodations, the County is in partial compliance.

Consent Decree III.N.2. Prescribed HCAs/ADs/DME, including canes, for prisoners with disabilities shall be available to the prisoner at all times during the transport process, including in temporary holding cells, consistent with procedures outlined in Part VII.

III.N.2 Assessment: Not Evaluated.

Consent Decree III.N.3. The County shall use accessible vehicles to transport class members in wheelchairs and other class members whose disabilities necessitate special transportation, including by maintaining a sufficient number of accessible vehicles.

III.N.3 Assessment: Not Evaluated. Plaintiffs' counsel understands from staff interviews that there were an insufficient number of accessible vehicles and, in light of that recognition, the Jail recently obtained additional accessible transport vehicles. Plaintiffs' counsel will evaluate the sufficiency of those new vehicles during the next round of monitoring.

Consent Decree III.N.4. Class members with mobility impairments shall be provided assistance onto transport vehicles.

III.N.4 Assessment: Not Evaluated.

Consent Decree III.N.1	Partial Compliance
Consent Decree III.N.2	Not Evaluated
Consent Decree III.N.3	Not Evaluated
Consent Decree III.N.4	Not Evaluated

O. Prisoners with Intellectual Disabilities

Consent Decree III.O.1. The County shall, in consultation with Plaintiffs' counsel, develop and implement a comprehensive written policy and procedure regarding class members with an Intellectual Disability, including: (a) Screening for Intellectual Disabilities; (b) Identification of prisoners' adaptive support needs and adaptive functioning deficits; and (c) Monitoring, management, and accommodations for class members with Intellectual Disabilities.

III.O.1 Assessment: Not Evaluated. Plaintiffs' counsel did not comprehensively evaluate compliance with this provision. However, in the course of our monitoring, we interviewed Class Member 3 whose intellectual disability needs were not being met. Class Member 3 spent nearly a year at the Jail before Plaintiffs' counsel spoke with him and urged the Jail to evaluate him for an intellectual disability; it was only at that point that the Jail determined he had an intellectual disability requiring accommodations and adaptive supports. Plaintiffs' counsel will fully evaluate this provision in the next monitoring period.

Consent Decree III.O.2. A multidisciplinary team that includes appropriate health care staff will monitor and ensure appropriate care for class members with an intellectual disability. The multidisciplinary team will develop an individualized plan for each class member with an intellectual disability, which addresses: (1) safety, vulnerability, and victimization concerns, (2) adaptive support needs, (3) programming, housing, and accommodation needs. The multidisciplinary team's plan will be regularly reviewed and updated as needed.

III.O.2 Assessment: Not Evaluated.

Consent Decree III.O.3. Class members with an intellectual disability assigned to a work/industry position will be provided additional supervision and training as necessary to help them meet the requirements of the assignment.

III.O.3 Assessment: Not Evaluated.

Consent Decree III.O.1	Not Evaluated
Consent Decree III.O.2	Not Evaluated
Consent Decree III.O.3	Not Evaluated

P. ADA Training, Accountability, and Quality Assurance

Consent Decree III.P.1. The County must ensure all staff receive ADA training appropriate for their position. This includes training on disability awareness including the use and purpose of accommodations and modifications. The training shall take the form of formal lesson plans or virtual training provided by certified or otherwise qualified ADA trainers.

III.P.1 Assessment: Partial Compliance. The County reports that ADA and effective communication trainings have been developed and that those trainings are mandatory for all ACH staff. See Doc. 188 at 53. However, when asked, the Assistant Medical Director stated that she had not received any ADA-specific training. The County also reports that deputies are POST certified and that involves some training related to people with disabilities. It further reports that all deputies are assigned consent decree training, but does not specify what that training entails and acknowledges that the existing training is not provided by a qualified ADA trainer. See Doc. 188 at 53. It appears that some deputies attend a national ADA symposium, but that symposium is not specific to correctional settings or the remedial plan in this case. Finally, when asked for training logs, the County responded that it did not keep any (except a handful of certificates for the national symposium). Until the trainings are conducted by qualified ADA trainers and training logs reflect that all staff have been trained, the County is in partial compliance.

Consent Decree III.P.2. ADA instructors shall have appropriate ADA training and subject matter expertise necessary to effectively provide ADA training to staff.

III.P.2 Assessment: Partial Compliance. The County's status report states that all compliance team members are provided with "advanced, formal ADA training," but does not

provide information about what training and subject matter expertise the ADA instructors possess. Doc. 188 at 54. Plaintiffs' counsel will endeavor to review the qualifications of the ADA instructors during the next monitoring tour.

Consent Decree III.P.3. The County must, in consultation with Plaintiffs' counsel, develop and implement written policies and procedures regarding monitoring, investigating, and tracking staff violations (or allegations of violations) of ADA requirements and Jail ADA policies.

III.P.3 Assessment: Non-Compliance. The County reports that staff violations are "captured through the grievance process" and that the "grievance tracking system is used for investigating and tracking ADA issues." Doc. 188 at 54. This high level response provides no information about how complaints of staff misconduct related to ADA requirements and policies are separated from all other grievances; who monitors and investigates those complaints; or how outcomes and corrective actions are tracked.

Consent Decree III.P.4. The County must develop an ADA accountability plan that will ensure quality assurance and establish staff accountability for egregious, serious, or repeated violations of the ADA and Jail ADA-related policies and procedures.

III.P.4 Assessment: Partial Compliance. The Quality Improvement Director for ACH explained that the County has not completed ADA audits for the last several quarters, but plans to resume the audits soon. Plaintiffs' counsel will defer additional review of this provision until the next monitoring report.

Consent Decree III.P.1	Partial Compliance
Consent Decree III.P.2	Partial Compliance
Consent Decree III.P.3	Non-Compliance
Consent Decree III.P.4	Partial Compliance

Q. Accessibility Remedial Plan to Address Physical Plant Deficiencies

Consent Decree III.Q.1. The County shall, within 24 months from court approval of the Settlement and in consultation with Plaintiffs' counsel, develop and fully implement an Accessibility Remedial Plan to address Jail physical plant deficiencies that result in access barriers for class members with disabilities. In the interim, the Sheriff's Office shall house class members with disabilities in the most integrated and appropriate housing possible, providing reasonable accommodations and assistance where necessary to ensure appropriate accessibility to Jail programs, services, and activities.

III.Q.1 Assessment: Non-Compliance. The consent decree was approved in January 2020 and this requirement should have been completed by January 2022. More than three years after that date, the County is still not in compliance with this provision and remains unacceptably far away from compliance. *See supra* III.G.

Consent Decree III.Q.2. The Accessibility Remedial Plan shall ensure: (a) Adequate provision of accessible cells and housing areas with required maneuvering clearances and accessible toilet fixtures, sanitary facilities, showers, dining/dayroom seating, and recreation/yard areas. (b) Accessible paths of travel that are compliant with the ADA.

III.Q.2 Assessment: Non-Compliance. There is no accessibility remedial plan.

Consent Decree III.Q.3. Equal and adequate access for all prisoners with disabilities to Family and Attorney Visiting areas in reasonable proximity to their housing location.

III.Q.3 Assessment: Non-Compliance. As set out in Section III.G, the visiting areas in the Main Jail are largely inaccessible for people with mobility and some vision disabilities. Even the accessible space for family visiting on the second floor has insufficient clearance for many wheelchairs. Custody staff acknowledged this deficiency onsite. Despite being on notice of this problem for years, there is still no comprehensive plan to address it.

Consent Decree III.Q.1	Non-Compliance
Consent Decree III.Q.2	Non-Compliance
Consent Decree III.Q.3	Non-Compliance

IV. Conclusion

The systemic problems detailed in this report must be addressed to establish substantial compliance with the *Mays* remedial plan and the ADA. The County's failure to comply is related to the size of the jail population: There is so little accessible housing for people with disabilities that they are inappropriately and dangerously housed in inaccessible spaces. The County has recognized that "population reduction of the jails will facilitate compliance with this Remedial Plan." Remedial Plan Sec. II. The County committed in December 2022 to implementing measures aimed at significantly reducing the jail population. The County's strategy to reduce the population was meant to entail over 30 programs. However, since that time, the Jail population has increased. The total Jail population in January 2023, several weeks after the County's vote to reduce the population, was 3,176. In March 2025, over two years after the vote, the total population was 3,308.

The jail population impacts the work still to be done, with respect to staffing, systems, and physical plant remediation needs. Every incarcerated person with a disability must be housed in safe and accessible settings consistent with their individualized needs, must have access to appropriate assistive devices, and must have meaningful access to programs, services, and activities with reasonable accommodations provided as needed. There must be a plan, on an expeditious timeline, to meet these requirements in full, and meaningful interim measures to improve matters while efforts towards a durable and comprehensive remedy proceed.

We appreciate the County's willingness to work with Plaintiffs' counsel, but the delay in compliance is inexcusable and harmful to people detained in Sacramento County Jails. Remedial Action is urgent.

Attachment A

Provision	Explanation	Plaintiffs' Rating
III.A.1	It is the County's policy to provide access to its programs and services to prisoners with disabilities, with or without reasonable accommodation, consistent with legitimate penological interests. No prisoner with a disability, as defined in 42 U.S.C. § 12102 shall, because of that disability, be excluded from participation in or denied the benefits of services, programs, or activities or be subjected to discrimination. The County's policy is to provide reasonable accommodations or modifications where necessary, consistent with 28 C.F.R. §§ 35.150 & 35.152, and other applicable federal and state disability law.	Partial Compliance
III.A.2	The County shall, in consultation with Plaintiffs' counsel, revise its Operations Order to establish standard and consistent procedures for the Jail to ensure compliance with the ADA and the remedial provisions outlined herein.	Partial Compliance
III.A.3	The County shall, within 12 months from court approval of the Settlement and in consultation with Plaintiffs' counsel, revise policies, procedures, and inmate orientation materials (e.g. Inmate Handbook), in accordance with the revised Operations Order and the remedial provisions outlined herein. A list of policies which the County will revise consistent with the provisions outlined herein, as appropriate and in consultation with Plaintiffs' counsel, is attached as Exhibit A-1.	Partial Compliance
III.A.4	All staff will receive training appropriate to their position on policies and procedures related to compliance with the Americans with Disabilities Act (ADA) and related disability laws.	Partial Compliance
Provision	Explanation	Plaintiffs' Rating
III.B.1	The County shall develop and implement a comprehensive system (an "ADA Tracking System") to identify and track screened prisoners with disabilities as well as accommodation and Effective Communication needs.	Partial Compliance
III.B.2	The ADA Tracking System shall identify: <ul style="list-style-type: none"> a) All types of disabilities, including but not limited to psychiatric, intellectual, developmental, learning, sensory, mobility, or other physical disabilities, and special health care needs; b) Prisoners with disabilities that may pose a barrier to communication, including but not limited to learning, 	Partial Compliance

	<p>intellectual, or developmental disabilities, and hearing, speech, or vision impairments;</p> <p>c) Accommodation needs, including as to housing, classification, Effective Communication, adaptive supports, and assistive devices;</p> <p>d) Prisoners who require specific health care appliances, assistive devices, and/or durable medical equipment (HCA/AD/DME);</p> <p>e) Prisoners who are class members in <i>Armstrong v. Newsom</i> (N.D. Cal. No. 94-cv-02307), with their applicable disability classification(s) and accommodation need(s).</p>	
III.B.3	The ADA Tracking System's prisoner disability information will be readily accessible to custody, medical, mental health, and other staff at the Jail who need such information to ensure appropriate accommodations and adequate program access for prisoners with disabilities.	Partial Compliance
Provision	Explanation	Plaintiffs' Rating
III.C.1	The County shall have a dedicated ADA Coordinator at each facility.	Substantial Compliance
III.C.2	The ADA Coordinator position shall be dedicated to coordinating efforts to comply with and carry out ADA-related requirements and policies, shall have sufficient command authority to carry out such duties, and shall work with the executive management team regarding ADA-related compliance, training, and program needs.	Substantial Compliance
III.C.3	The County shall clearly enumerate, in consultation with Plaintiffs' counsel, the job duties and training requirements for the ADA Coordinator position and for ADA Deputies assigned to support the ADA Coordinator position.	Partial Compliance
III.C.4	The County shall ensure that ADA Coordinators and ADA Deputies possess requisite training to implement and ensure compliance with the Jail's disability program and services, including operating of the ADA Tracking System.	Partial Compliance
Provision	Explanation	Plaintiffs' Rating
III.D.1	The County shall conduct adequate screening of prisoners to be housed in the Jail in order to identify disabilities and disability-related accommodation, housing, classification, and other needs. All individuals detained at the Jail for any period of time will be assessed for Effective Communication needs, consistent with the provisions herein.	Partial Compliance

III.D.2	<p>The County shall take steps to identify and verify each prisoner's disability and disability-related needs during medical intake screening, including based on:</p> <ul style="list-style-type: none"> a) The individual's self-identification or claim to have a disability; b) Documentation of a disability in the individual's health record; c) Staff observation that the individual may have a disability that affects placement, program access, or Effective Communication; or d) The request of a third party (such as a family member) for an evaluation of the individual for an alleged disability. 	Partial Compliance
Provision	Explanation	Plaintiffs' Rating
III.E.1	<p>The County shall ensure that, for the population to be housed in the Jails, prisoners with disabilities are adequately informed of their rights under the ADA, including but not limited to:</p> <ul style="list-style-type: none"> a) Accommodations available to prisoners; b) The process for requesting a reasonable accommodation; c) The role of the ADA coordinator(s) and method to contact them; d) The grievance process, location of the forms; and process for getting assistance in completing grievance process; e) Instructions on how prisoners with disabilities can access health care services, including the provision of Effective Communication and other accommodations available in accessing those services. 	Partial Compliance
III.E.2	<p>Upon processing and classification, prisoners with disabilities shall receive, in an accessible format, the jail rulebook; orientation handbook; and a verbal orientation or orientation video regarding rules of expectations.</p>	Partial Compliance
III.E.3	<p>The County shall accommodate individuals with disabilities in the orientation process through the use of alternative formats (e.g. verbal communication, large print, audio/video presentation), when necessary for Effective Communication of the information.</p>	Partial Compliance
III.E.4	<p>The County shall develop an Americans with Disabilities Act Inmate Notice. The Notice shall be prominently posted in all prisoner housing units, in the booking/intake areas, in</p>	Substantial Compliance

	medical/mental health/dental treatment areas, and at the public entrances of all Jail facilities.	
Provision	Explanation	Plaintiffs' Rating
III.F.1	The County shall establish a written policy to ensure provision of safe and operational HCA/AD/DME, with a process for repair and replacement."	Partial Compliance
III.F.2	The County shall timely provide HCA/AD/DME to prisoners with disabilities who require such assistance. The County shall ensure an individualized assessment by medical staff to determine whether HCA/AD/DME is warranted to ensure equal and meaningful access to programs, services, and activities in the Jail.	Partial Compliance
III.F.3	<p>The County shall allow prisoners to retain personal HCAs/ADs/DME (which will include reading glasses), unless there is an individualized determination that doing so would create an articulated safety or security risk.</p> <ul style="list-style-type: none"> a) Where Jail staff determine it is necessary to remove a prisoner's personal HCA/AD/DME for security reasons, the County shall provide an equivalent Jail-issued device unless custody staff, with supervisory review, determine and document, based on an individualized assessment, that the device constitutes a risk of bodily harm or threatens the security of the facility. b) If such a determination is made, the ADA coordinator or supervisory-level designee shall document the decision and reasons for it, in writing, and shall consult with medical staff to determine an appropriate alternative accommodation. 	Non-Compliance
III.F.4	<p>The County shall, in consultation with Plaintiffs' counsel, implement a written policy governing the release of prisoners who need assistive devices upon release.</p> <ul style="list-style-type: none"> a) The County will ensure that any personal mobility device belonging to a prisoner is returned to the prisoner prior to release from custody. b) If a prisoner does not have a personal mobility device, but is ambulatory with the assistance of a cane, crutch, or walker, the prisoner will be permitted to retain such device that was used while in custody upon release, or will be provided a comparable device, upon release. c) If a prisoner who is due for release requires a wheelchair, but does not have a personal wheelchair, Jail staff shall coordinate with the prisoner, the 	Non-Compliance

	prisoner's family or friends, and other County agencies as needed to secure a wheelchair or take other steps to address the individual's needs upon release. The County shall document this process in the ADA Tracking System for purposes of individual tracking and quality assurance.	
Provision	Explanation	Plaintiffs' Rating
III.G.1	The County shall house prisoners with disabilities in facilities that accommodate their disabilities.	Non-Compliance
III.G.2	<p>"The County shall implement a housing assignment system that includes an individualized assessment of each individual's functioning limitations and restrictions, including but not limited to:</p> <ul style="list-style-type: none"> a) The need for ground floor housing; b) The need for a lower bunk; c) The need for grab bars in the cell and/or shower; d) The need for accessible toilets; e) The need for no stairs in the path of travel; and f) The need for level terrain." 	Non-Compliance
III.G.3	Prisoners with disabilities shall be housed in the Jail consistent with their individual security classification. Prisoners prescribed or possessing HCAs/Ads/DME will not automatically be housed in a medical housing unit. Placement in a medical housing unit will be based on individual clinical determination of need for treatment.	Non-Compliance
III.G.4	<p>Classification staff shall not place prisoners with disabilities in:</p> <ul style="list-style-type: none"> a) Inappropriate security classifications simply because no ADA-accessible cells or beds are available; b) Designated medical areas unless the prisoner is currently receiving medical care or treatment that necessitates placement in a medical setting; or c) Any location that does not offer the same or equivalent programs, services or activities as the facilities where they would be housed absent a disability. 	Non-Compliance
Provision	Explanation	Plaintiffs' Rating
III.H.1	The County shall ensure prisoners with disabilities, including those housed in specialized medical units or mental health units (e.g., OPP, IOP, Acute) have equal access to programs services, and activities available to similarly situated prisoners without disabilities, consistent with their health and security	Partial Compliance

	<p>needs. Such programs, services, and activities include, but are not limited to:</p> <ul style="list-style-type: none"> a) Educational, vocational, reentry, and substance abuse programs b) Work Assignments c) Dayroom and other out-of-cell time d) Outdoor recreation and fitted exercise equipment e) Showers f) Telephones g) Reading materials h) Social visiting i) Attorney Visiting j) Religious services k) Medical, mental health, and dental services and treatment 	
III.H.2	The County shall provide reasonable accommodations and modifications as necessary to ensure that prisoners with disabilities have equal access to programs, services, and activities available to similarly situated prisoners without disabilities.	Partial Compliance
III.H.3	The County shall develop and implement a written policy for staff to provide appropriate assistance to prisoners with psychiatric, developmental, or cognitive disabilities so that they can fully participate in programs, services, and activities provided at the jail.	Partial Compliance
III.H.4	The County shall implement a written policy for staff to provide assistance to prisoners with disabilities in reading or scribing documents.	Non-Compliance
III.H.5	The County shall provide equal access to library, recreational, and educational reading materials for prisoners with disabilities, including easy reading and large print books for individuals who require such accommodations.	Non-Compliance
III.H.6	<p>The County shall ensure equitable inmate worker opportunities for prisoners with disabilities, including by:</p> <ul style="list-style-type: none"> a) Ensuring clear job duty statements, with essential functions and specific criteria, for each Worker position; b) Ensuring that medical staff conduct an individualized assessment to identify work duty restrictions and/or physical limitations to facilitate appropriate work/industry assignments and to prevent improper exclusions from work opportunities; 	Partial Compliance

	c) Providing reasonable accommodations to enable prisoners with disabilities to participate in inmate worker opportunities.	
Provision	Explanation	Plaintiffs' Rating
III.I.1	The County shall assess all individuals detained at the Jail for any period of time for Effective Communication needs, and shall take steps to provide Effective Communication based on individual need.	Partial Compliance
III.I.2	The County's ADA policies shall include comprehensive guidance to ensure Effective Communication for prisoners with vision, speech, hearing, intellectual, learning, or other disabilities. The County shall, in consultation with Plaintiffs' counsel, ensure that sufficient guidance on the provision of Effective Communication is included in Jail custody and health care policies and procedures.	Substantial Compliance
III.I.3	<p>Standard for Provision of Effective Communication in Due Process Events and Clinical Encounters</p> <p>a) A higher standard for the provision of Effective Communication shall apply in the following situations:</p> <ol style="list-style-type: none"> i. Due Process Events, including the following: <ul style="list-style-type: none"> • Classification processes • Prisoner disciplinary hearing and related processes • Service of notice (to appear and/or for new charges) • Release processes • Probation encounters/meetings in custody ii. Clinical Encounters, including the following: <ul style="list-style-type: none"> • Determination of medical history or description of ailment or injury • Diagnosis or prognosis • Medical care and medical evaluations • Provision of mental health evaluations, rounds, group and individual therapy, counseling and other therapeutic activities • Provision of the patient's rights, informed consent, or permission for treatment • Explanation of medications, procedures, treatment, treatment options, or surgery • Discharge instructions <p>b) In the situations described in subsection (a), above, Jail staff shall:</p>	Non-Compliance

	<ul style="list-style-type: none"> i. Identify each prisoner's disability where there may be a barrier to comprehension or communication requiring reasonable accommodation(s); ii. Provide effective reasonable accommodation(s) to overcome the communication barrier; and iii. Document the method used to achieve Effective Communication and how the staff person determined that the prisoner understood the encounter, process, and/or proceeding. 	
III.I.4	Effective auxiliary aids and services that are appropriate to the needs of a prisoner with Effective Communication needs shall be provided when simple written or oral communication is not effective. Such aids may include bilingual aides, SLIs, readers, sound amplification devices, captioned television/video text displays, Videophones and other telecommunication devices for deaf persons (TDDs), audiotaped texts, Braille materials, large print materials, writing materials, and signage.	Partial Compliance
III.I.5	In determining what auxiliary aid service to provide, the County shall give primary consideration to the request of prisoner with Effective Communication needs.	Partial Compliance
III.I.6	Education providers (e.g., Elk Grove Unified School District) at the Jail will ensure Effective Communication for prisoners participating in education programs, including by providing necessary assistive equipment and take steps to accommodate learning strategies of those prisoner-students who have special needs, such as those with developmental, learning, vision, hearing, and speech disabilities.	Partial Compliance
III.I.7	The County shall assist prisoners who are unable to complete necessary paperwork (e.g., related to health care, due process, Jail processes) on their own with reading and/or writing as needed.	Partial Compliance
III.I.8	The County shall permit prisoners, including those who are illiterate, non-English speaking, or otherwise unable to submit written or electronic sick call requests, to verbally request care. Such verbal requests shall immediately be documented by the staff member who receives the request on an appropriate form and transmitted to a qualified mental health or medical professional for response in the same priority as those sick call requests received in writing.	Partial Compliance
III.I.9	The County shall post and disseminate notices, policies, job announcements, and other written material in alternative formats to promote Effective Communication.	Not Evaluated

Provision	Explanation	Plaintiffs' Rating
III.J.1	The County shall develop and implement a policy for newly arrived and newly identified prisoners with hearing disabilities to determine each prisoner's preferred method of communication.	Substantial Compliance
III.J.2	<p>Qualified Sign Language Interpreters (SLIs) will be provided during intake and for due process functions, health care encounters, and Jail programming, when sign language is the prisoner's primary or only means of Effective Communication, unless the prisoner waives the assistance of an interpreter and/or delay would pose a safety or security risk.</p> <ul style="list-style-type: none"> a) The County shall maintain a contract or service agreement with interpreter services in order to provide such services for deaf or hearing impaired prisoners. Jail staff will be informed of the availability of contract interpreter services. b) Lip reading will not be the sole method of Effective Communication used by staff, unless the prisoner has no other means of communication. c) In cases where the use of an SLI is not practicable, or is waived by the prisoner, Jail staff shall employ the most effective form of communication available. d) The County will maintain a log of (a) when, for whom, and for what purpose an SLI was used; and (b) when, for whom, and why a SLI was not used for a prisoner with an identified need for SLI services (e.g., prisoner waived SLI or delay would have posed safety or security risk). e) When a prisoner waives an SLI, the log must document (a) the method of communication of the waiver, and (b) the method staff used to determine that the waiver was knowing and freely given. 	Partial Compliance
III.J.3	Jail Staff shall effectively communicate the contents of the Inmate Handbook and other materials providing information on Jail rules and procedures to all prisoners to be housed in the Jail who are deaf or hard of hearing. For those prisoners for whom written language is not an effective means of communication, Jail Staff may meet this obligation by providing a video of an SLI signing the contents of the Inmate Handbook, along with appropriate technology for viewing, or by providing an SLI to interpret the contents of the Inmate Handbook to the prisoner who is deaf or hard of hearing.	Partial Compliance
III.J.4	The County shall, within 12 months from court approval of the Settlement, make Videophones available for deaf and hard of	Not Evaluated

	hearing prisoners. The Videophones shall provide for calls through the use of Video-Relay Services (VRS) at no cost to deaf and hard of hearing prisoners or for calls directly to another Videophone.	
III.J.5	Deaf/hard of hearing prisoners who use telecommunication relay services, such as Videophone or TDD/TTY machine, in lieu of the telephone shall receive equal access to the Videophone or TDD/TTY services as non-disabled prisoners are afforded for regular telephone usage.	Not Evaluated
III.J.6	The County shall provide deaf/hard of hearing prisoners with additional time for calls using telecommunication relay services, such as a Videophone or TDD/TTY, to account for the fact that signed and typed conversations take longer than spoken conversations. The County shall document the time that each prisoner uses and has access to such equipment.	Not Evaluated
III.J.7	Prisoners who require an SLI as their primary method of communication shall be provided an SLI for education, vocational, or religious programs and services.	Non-Compliance
III.J.8	Public verbal announcements in housing units where individuals who are deaf or hard of hearing reside shall be delivered on the public address system (if applicable) and by flicking the unit lights on and off several times to alert prisoners that an announcement is imminent. This includes announcements regarding visiting, meals, recreation release and recall, count, lock-up, and unlock. Verbal announcements may be effectively communicated via written messages on a chalkboard or by personal notification, as consistent with individual need. These procedures shall be communicated to prisoners during the orientation process and also shall be incorporated into relevant policies and post orders.	Partial Compliance
Provision	Explanation	Plaintiffs' Rating
III.K.1	The County shall implement a grievance system for prisoners with disabilities to report any disability-based discrimination or violation of the ADA, this Remedial Plan, or Jail ADA-related policy, and shall provide a prompt response and equitable resolution in each case.	Partial Compliance
III.K.2	The County shall ensure that the grievance procedures are readily available and accessible to all prisoners. a) The County shall make reasonable efforts to ensure all prisoners are aware of the disability grievance procedures, including the availability of	Partial Compliance

	<p>accommodations and staff assistance to submit a grievance and/or appeal.</p> <p>b) The County shall ensure the prisoners with disabilities have meaningful access to grievance forms, including through provision of staff assistance and large print materials.</p>	
III.K.3	<p>Response to Grievances</p> <p>a) The County shall develop and implement an ADA grievance process that includes (1) a reasonable timeline for response to ADA-related grievances and appeals, including an expedited process for urgent ADA grievance (e.g., involving prisoner safety or physical well-being); and (2) provision for interim accommodations pending review of the individual's grievances/appeals.</p> <p>b) The County shall ensure that prisoners with communication needs are interviewed and provided assistance as part of the grievance/appeal process where necessary to ensure meaningful access and Effective Communication.</p> <p>c) The County shall document each denial of a reasonable accommodation request and shall record the basis for such determination.</p> <p>d) The County shall provide in writing a copy of the grievance (or appeal) response to the prisoner, including the resolution, the basis for a denial (if applicable), and the process for appeal.</p> <p>e) The County shall ensure that completed grievance responses are effectively communicated to prisoners with disabilities.</p>	Partial Compliance
III.K.4	The submission, processing, and responses for disability-related grievances and complaints shall be tracked.	Partial Compliance
Provision	Explanation	Plaintiffs' Rating
III.L.1	The County shall ensure that all written policies regarding alarms and emergencies contain mandatory provisions to accommodate prisoners with disabilities.	Partial Compliance
III.L.2	The County shall implement written policies regarding the expectations of staff as to prisoners with identified disabilities during emergencies and alarms, including as to disabilities that may affect prisoners' ability to comply with orders or otherwise respond to emergencies and alarms. For example, the policies shall ensure appropriate handling of prisoners with mobility-	Partial Compliance

	related disabilities who are unable to prone or take a seated position on the ground during an alarm or emergency. Such policies shall be communicated to staff, incorporated into the relevant Operations Orders, and communicated to prisoners with disabilities using Effective Communication.	
III.L.3	The County shall implement written policies for staff regarding communicating effectively and appropriately with prisoners who have disabilities that may present barriers to communication during emergencies or alarms.	Partial Compliance
III.L.4	In order to facilitate appropriate accommodations during alarms or emergencies, the County shall offer, but shall not require, individuals who have disabilities visible markers to identify their disability needs (e.g., identification vests). The County shall maintain a list, posted in such a way to be readily available to Jail staff in each unit, of prisoners with disabilities that may require accommodations during an alarm or emergency.	Partial Compliance
III.L.5	The County shall install visual alarms appropriate for individuals who are deaf or hard of hearing, which shall comply with relevant fire code regulations.	Not Evaluated
III.L.6	All housing units shall post notices for emergency and fire exit routes.	Not Evaluated
Provision	Explanation	Plaintiffs' Rating
III.M.1	The County shall modify its written policies to ensure that prisoners with mobility impairments, including those with prosthetic devices, receive reasonable accommodations with the respect to the following: (1) Pat searches and unclothed body searches; (2) Application of restraints devices, including Pro-Strait Chair; and (3) Cell extractions."	Partial Compliance
Provision	Explanation	Plaintiffs' Rating
III.N.1	The County shall provide reasonable accommodations for prisoners with disabilities when they are in transit, including during transport to court or outside health care services.	Partial Compliance
III.N.2	Prescribed HCAs/ADs/DME, including canes, for prisoners with disabilities shall be available to the prisoner at all times during the transport process, including in temporary holding cells, consistent with procedures outlined in Part VII.	Not Evaluated
III.N.3	The County shall use accessible vehicles to transport prisoners in wheelchairs and other prisoners whose disabilities necessitate special transportation, including by maintaining a sufficient number of accessible vehicles.	Not Evaluated

III.N.4	Prisoners with mobility impairments shall be provided assistance onto transport vehicles.	Not Evaluated
Provision	Explanation	Plaintiffs' Rating
III.O.1	The County shall, in consultation with Plaintiffs' counsel, develop and implement a comprehensive written policy and procedure regarding prisoners with an Intellectual Disability, including: <ul style="list-style-type: none"> a) Screening for Intellectual Disabilities; b) Identification of prisoners' adaptive support needs and adaptive functioning deficits; and c) Monitoring, management, and accommodations for prisoners with Intellectual Disabilities. 	Not Evaluated
III.O.2	A multidisciplinary team that includes appropriate health care staff will monitor and ensure appropriate care for prisoners with an Intellectual Disability. The multidisciplinary team will develop an individualized plan for each prisoner with an Intellectual Disability, which addresses: (1) safety, vulnerability, and victimization concerns, (2) adaptive support needs, (3) programming, housing, and accommodation needs. The multidisciplinary team's plan will be regularly reviewed and updated as needed.	Not Evaluated
III.O.3	Prisoners with an Intellectual Disability assigned to a work/industry position will be provided additional supervision and training as necessary to help them meet the requirements of the assignment.	Not Evaluated
Provision	Explanation	Plaintiffs' Rating
III.P.1	The County shall ensure all custody, health care, facility maintenance, and other Jail staff receive ADA training appropriate to their position. <ul style="list-style-type: none"> a) The County shall provide to all staff appropriate training on disability awareness, including the use and purpose of accommodations and modifications in accordance with the ADA. b) The ADA training shall include: formalized lesson plans and in-classroom or virtual training for staff (including managers, supervisors, and rank-and-file staff) provided by certified or otherwise qualified ADA trainers. 	Partial Compliance
III.P.2	ADA instructors shall have appropriate ADA training and subject matter expertise necessary to effectively provide ADA training to staff.	Partial Compliance

III.P.3	The County shall, in consultation with Plaintiffs' counsel, develop and implement written policies and procedures regarding monitoring, investigating, and tracking staff violations (or allegations of violations) of ADA requirements and Jail ADA policies.	Non-Compliance
III.P.4	The County shall develop an ADA accountability plan that will ensure quality assurance and establish staff accountability for egregious, serious, or repeated violations of the ADA and Jail ADA-related policies and procedures.	Partial Compliance
Provision	Explanation	Plaintiffs' Rating
III.Q.1	The County shall, within 24 months from court approval of the Settlement and in consultation with Plaintiffs' counsel, develop and fully implement an Accessibility Remedial Plan to address Jail physical plant deficiencies that result in access barriers for prisoners with disabilities. In the interim, the Sheriff's Office shall house prisoners with disabilities in the most integrated and appropriate housing possible, providing reasonable accommodations and assistance where necessary to ensure appropriate accessibility to Jail programs, services, and activities.	Non-Compliance
III.Q.2	The Accessibility Remedial Plan shall ensure the following: a) Adequate provision of accessible cells and housing areas with required maneuvering clearances and accessible toilet fixtures, sanitary facilities, showers, dining/dayroom seating, and recreation/yard areas. b) Accessible paths of travel that are compliant with the ADA.	Non-Compliance
III.Q.3	Equal and adequate access for all prisoners with disabilities to Family and Attorney Visiting areas in reasonable proximity to their housing location.	Non-Compliance