



**Expert Monitor's Report
Americans with Disabilities Act (ADA)**

**Babu v. Ahern
Consent Decree Fourth Status Report
Case No. 5:18-cv-07677-NC
On-Site Review: January 9-11, 2024**

Submitted to:

Ernest Galvan - 196065

Kara J. Janssen – 274762

Amy Xu - 330707

Attorneys at Law Rosen, Bien, Galvan & Grunfeld

Gregory B. Thomas - 239870

Temitayo O. Peters – 309913

Attorneys at Law Burke, Williams & Sorensen, LLP

Paul B. Mello – 179755

Samantha D. Wolff - 240280

Attorneys at Law Hanson Bridgett, LLP

Produced by:

Sabot Consulting

Julian Martinez, Director

Rick Wells, Director

Submitted:

April 23, 2024



Table of Contents

Cover Letter	2
Summary of Ratings	5
Findings	7
Signature	61

Cover Letter

This document serves as an introduction to the attached fourth Expert report on the status of the Alameda County Sheriff's Office (ACSO) and the Adult Forensic Behavioral Health's (AFBH) implementation of the Babu v. County of Alameda, Consent Decree within the Santa Rita Jail (SRJ). This report addresses the Americans with Disabilities Act (ADA) related provisions that were assigned to Sabot Consulting to monitor and rate.

This report is based on document and data review, an onsite tour, as well as interviews with staff and incarcerated persons. Prior to and after conducting the tour, policies and various documents were requested and reviewed as outlined in the report.

The onsite tour was conducted from January 9-11, 2024. The onsite monitoring tour consisted of walking through areas of SRJ, interviewing staff and incarcerated persons, and assessing compliance with the ADA requirements pursuant to the Consent Decree's Provisions.

The Expert greatly appreciated the interaction and time spent with ACSO custody staff, Wellpath healthcare personnel, AFBH staff, and numerous incarcerated persons. The staff and incarcerated persons were generous with their time and were transparent and willing to discuss any questions, concerns, and challenges related to the Consent Decree's ADA requirements that they may have encountered or had concerns about. Staff members were open in discussing related plans for continued overall improvement in working towards further implementation the Consent Decree's ADA requirements. During the Expert's onsite review, the Expert was afforded complete access to the SRJ. The ACSO and AFBH continue to implement and revise policies, procedures, and post orders that will assist the County in moving towards substantial compliance with the Consent Decree provisions/requirements. The ACSO and AFBH staff continue to work with the team of Joint Experts in the development of additional policies, post orders, forms, and training materials. The ACSO has been working with the contracted outside vendor for the Jail Management System (JMS) to enhance the JMS to provide for the real-time networked tracking system for staff to access and utilize. The Expert notes the importance of having a tracking system is not only critical to satisfy the specific Consent Decree provision that requires the system, but it is also vital to help track and ensure compliance with additional Consent Decree provisions. The Expert is understanding of the time and effort that has been put into this venture, including the County's ongoing dialogue with the Expert as to system recommendations, the time the County has dedicated to working with the vendor to ensure the JMS expansion accurately captures the needs of the County, the County's internal process to understand and ultimately approve the project, and the ACSO ADA Unit continuously working with the vendor to answer questions as the system is being expanded. The County must keep the Expert abreast as to anticipated timelines for roll-out and regarding any possible concerns or further delays (if applicable).

The Expert notes that the County is in the process of identifying a comprehensive process to identify individuals with intellectual/developmental and learning disabilities, which will include a mechanism to identify adaptive support needs (for intellectual disabilities) and reasonable accommodation needs (for learning disabilities). The ACSO and AFBH have been working collaboratively to address this issue. There have also been ongoing meetings with the Expert. A recent meeting post tour, proved encouraging, as a mental health clinician reportedly has been

hired by the County. There are identified plans in the works for an enhanced initial screening questions for incarcerated persons as well as a comprehensive secondary screening process with specific recognized screening instruments being considered. The Expert is confident the ACSO and AFBH will soon finalize their plan toward a comprehensive identification/screening/testing process for incarcerated persons with psychiatric, intellectual/developmental, and learning disabilities, and their respective accommodation needs.

It is recognized that ACSO and AFBH are still in the process of implementing some of the provisions of the Consent Decree. For future reviews, and as applicable, once policies, procedures, and applicable forms are put into place, the County will need to provide completed documents, completed forms, tracking lists, disciplinary reports, completed ADA Request for Accommodation forms, grievances, etc., to measure ACSO and AFBH's compliance with the requirements of the Consent Decree's provisions.

This report outlines areas within the Consent Decree provisions where policies, processes, documentation, forms, and training will need to be developed or revised/modified to meet the requirements of the Consent Decree.

It is noted that since the first three (3) monitoring tours, the County has implemented some of the Consent Decree requirements, and the County continues to work collaboratively with the Expert in implementing the remaining ADA-related provisions. Some examples of the requirements that need to be implemented include:

- Policy (General):
 - Continue updating/revising policies to reflect the requirements of the Consent Decree provisions.
- Document Production:
 - ACSO/AFBH need to produce requested documents (a reasonable sampling) as part of document production. The Expert provided an Excel spreadsheet to assist the County with identifying and tracking the documents required for document production.
- Real-Time Networked Tracking System:
 - ACSO's January 22, 2024, memorandum, titled, "ATIMS ADA Module Progress Update:
 - This memorandum outlines the ongoing efforts between the County and the ATIMS vendor to develop a software module to assist the SRJ and ADA Unit with enhanced tracking and monitoring of disabled incarcerated persons. The County reports that as of December 2023, the module design is mapped out and a quote has been provided to the ACSO. Once reviewed, the quote will be submitted for funding and the development of the software module will begin. There is no projected timeline for completion, but updates are expected to follow in Q1 or Q2, of 2024.
- Training:

-
- The Expert will provide ADA Train the Trainers training to all ADA unit staff, review the training, and observe initial training(s) provided by the ADA Unit and provide feedback on the training.
 - ACSO (ADA Unit) is in the early stages of developing the training. Recently the Expert provided comments to the course learning objectives. ACSO (and AFBH and Wellpath) are still developing policies/procedures which when completed will need to be included in the ADA training.
 - Intellectually Disabled Incarcerated Persons/Learning Disabled Persons:
 - The County is still in the process of developing the screening and identification process for Intellectually Disabled Incarcerated Persons/Learning Disabled Persons and their adaptive support and accommodation needs.
 - It is acknowledged that the adaptive support screening tool and process, comprehensive intellectually disabled screening and testing /related policies, and monitoring/management of intellectually disabled incarcerated persons are all integral parts that must be included within the policies, forms, and processes.
 - Effective Communication:
 - ACSO has implemented Policy 9.11 Effective Communication (Issued Date February 6, 2024).
 - AFBH and Wellpath are actively working on separate stand-alone Effective Communication policies and forms.
 - Reasonable Accommodations/Modifications:
 - A Request for Accommodation form is in circulation, and the recently revised ACSO Inmate Rules and Information booklet (Orientation Jail Handbook) briefly identifies the form and process. However, staff are widely unaware of the form, none of the incarcerated persons interviewed were aware of the form, and ADA Unit staff acknowledge the form is seldom used.
 - Disabled incarcerated persons must be informed of the Request for Accommodation process to ensure they are aware of how to request an accommodation. Additionally, the form must be readily available via paper form and must be available within the electronic tablet.
 - Staff must also be instructed to assist disabled individuals in completing the form as needed.

In presenting the attached report, the ADA Joint Expert wants to thank the Sheriff, ACSO, AFBH, Wellpath staff, County Counsel, and the incarcerated persons.

Summary of Ratings

Requirement	Rating
508. Development of written policies and procedures.	PC
509. Disciplinary process for incarcerated persons designated as SMI.	PC
510. Practice of seeking an opinion on the level of discipline, use of disciplinary diets, timelines for disciplinary proceedings, and the imposition of Discipline. Placement in a higher classification.	SC
1000. Working with Joint Expert in the development and implementation of policies, procedures, forms, and training.	PC
1001. Employment of a full-time, dedicated ADA Coordinator.	SC
1002. ADA Coordinator and/or her or his staff personally meeting with each newly identified individual within 14 days of designation.	PC
1003. ADA-related training for staff.	INJR – N/A
1004. The ADA Coordinator staffing.	SC
1005. The ADA Unit staff certification course	PC
1006. Effective Communication Policy.	PC
1007. ADA staff meeting with incarcerated persons with SMI diagnosis or a cognitive, intellectual, or developmental disability in advance of any disciplinary.	NC
1008. Development and implementation of healthcare screening questions.	NC
1009. Referrals to the ADA Unit for incarcerated persons with Psychiatric Disabilities.	NC
1010. Issuance of the Jail Handbook orientation materials, including instructions on how to request disability-related accommodations, how to contact the ADA Coordinator, and how to file a grievance regarding ADA-related issues.	SC
1011. Provision of reasonable modifications and accommodations.	PC
1012. Provision of Effective Communication, therapeutic and/or protective housing unit, counseling/therapy (group and individual), medications, and Qualified Mental Health Professional input prior to removing privileges and/or otherwise imposing discipline and any modifications necessary to ensure equal access to programs.	PC
1013. Provision of reasonable accommodations for learning-related disabilities.	PC
1014. Provision of reasonable accommodations for individuals with cognitive, developmental, and/or intellectual disabilities.	PC
1015. Implementation of an electronic, real-time networked tracking system.	NC
1016. Provision of Psychiatric Disabilities report to Housing unit, education, and program office staff.	PC
1017. Security classification for incarcerated persons with Psychiatric Disabilities.	PC
1018. Access to yard and day room and recreation time for incarcerated persons with Psychiatric Disabilities.	PC

1019. Equal access to all programs, activities, and services for incarcerated persons with Psychiatric Disabilities.	PC
1020. Requests for reasonable modifications independent of the grievance system ("ADA Request").	NC
1021. Grievance system that provides for prompt and equitable resolution of complaints by individuals with Psychiatric Disabilities who allege disability-related violations.	PC
1022. The ADA Coordinator and ADA Unit review of ADA-related grievances.	PC

Findings

The following are excerpts from the Consent Decree provisions assigned to Rick Wells (ADA Joint Expert) for monitoring. The specific provision language is followed by the Expert's findings and recommendations.

Disciplinary Process

508. Defendants shall develop written policies and procedures, as set forth in Section IV(A), which shall require meaningful consideration of the relationship between the individuals' behavior and any mental health or intellectual disability, the efficacy of disciplinary measures versus alternative measures that are designed to effectuate change in behavior through clinical intervention, and the impact of disciplinary measures on the health and well-being of prisoners with disabilities. The delivery of mental health treatment shall not be withheld from Behavioral Health Clients due to Discipline. Behavioral Health Clients shall also not be subject to Discipline for refusing treatment or medications, engaging in self-injurious behavior, or threats of self-injurious behavior.

Finding: Partial Compliance

(Note: this provision was previously rated as "Partial Compliance")

Policies:

- ACSO Detention and Corrections Policy and Procedure - 16.01 Disciplinary Procedure (Revision Date: August 28, 2023).
- ACSO Detention and Corrections Policy and Procedure - 13.01 Medical and Behavioral Health Care (Revision Date: March 1, 2020).
- ACSO Policy 1.14 Americans with Disabilities Act.
- The Expert notes that the revision of the policies is still in progress.

Training:

The development of related training materials by ACSO is still in progress. Note: Future monitoring reviews will include all training materials and proof of compliance (training provided) for all respective personnel (ACSO/AFBH/Wellpath).

Metrics:

- ACSO Policy 1.14 Americans with Disabilities Act.
- ACSO Policy 16.01 Disciplinary Procedure.
- ACSO Policy 13.01 Medical and Behavioral Health Care.
- Staff Interviews.
- Incarcerated Person Interviews.
- Completed AFBH Responses to Disciplinary Process.

Assessment:

ACSO Detention and Corrections Policy and Procedure - 16.01 Disciplinary Procedure was revised on August 28, 2023. As mentioned in the first three (3) initial ADA Joint Expert reports (Expert Monitor's Final Report – Americans with Disabilities Act [ADA]), the initial report cited specific language from ACSO Policies 1.14 Americans with Disabilities Act, 16.01 Disciplinary Procedure, and 13.01 Medical and Behavioral Health Care, pertinent to this Consent Decree provision.

During this rating period, ACSO indicated ACSO Policy 1.14 Americans with Disabilities Act, is pending review by ADA Unit personnel, and when completed, will be provided to the Experts for review and comments. Note: ACSO Policy 6.01 (described in greater detail the Expert's previous report [Babu v. Ahern Consent Decree Third Status Report]) contains relevant language pertaining to effective communication, disabilities, discipline, delivery of healthcare treatment, and AFBH involvement in the disciplinary process.

The Expert acknowledges there is no Consent Decree requirement for hearing officials to refrain from taking telephone and/or visiting privileges for BHI/SMI/IDI incarcerated persons that may cause further mental health concerns. However, this issue has been raised during previous monitoring reviews, and the Expert believes such actions may be contrary to the spirit of this provision (508). The Expert would like to discuss this issue further at the next schedule monitoring review. The Expert acknowledges there were many examples of clinician input within the disciplinary process where they recommended hearing officials not remove any privileges relating to telephone access and/or visiting privileges.

Although requested (as part of document production), there were no completed misconduct reports or hearing summaries for incarcerated persons provided, for mentally ill, intellectually disabled, or learning disabled. Subsequent to the onsite review and original drafting of the report, Defendant's provided multiple (approximately 35) documents titled, "AFBH Responses to Disciplinary Process." The documents were completed by mental health clinicians. The documentation demonstrates that AFBH clinicians were consulted (at least for disciplinaries written for SMI incarcerated persons between late November 2023 – January 2024). However, there were no disciplinary hearing summaries provided to reconcile to determine whether the hearing officials at least considered the input/recommendations from the respective clinicians.

Information was provided regarding the Santa Rita ATIMS Disciplinary Report Logs for the monitoring period. The ADA Joint expert selected the month of December 2023 to review. The logs contained the following information:

- Lists approximately 217 incarcerated person names.
- The report log includes check marks for incarcerated persons listed as BHI, LD, and IDI.
- None of the names/entries were marked as "LD" (learning disabled).
- None of the five (5) incarcerated persons identified as "IDI" (from the ATIMS ADA tracking list) were identified as receiving disciplinary reports.
- There were 73 names/entries listed as "BHI":
 - 72 of the 73 contained listed dispositions.

- Of the 72 listed dispositions, 60 of the 72 (83%) were found guilty and assessed between 10-60 days loss of privileges (LOP):
 - 15 were assessed 60 days LOP.
 - 11 were assessed 45 days LOP.
 - 22 were assessed 30 days LOP.
 - 10 were assessed 20 days LOP.
 - 1 was assessed 14 days LOP.
 - 1 was assessed 10 days LOP.
- 12 of the 72 (17%) were dismissed.

Fifteen incarcerated persons were interviewed. Three (3) of the 15 individuals indicated they had received disciplinary write-ups recently or during the previous monitoring review period. One (1) of the three (3) individuals claimed he had received two (2) disciplinary reports. He claimed there was no mental health assessment conducted for either disciplinary report, and he had been found guilty on at least one (1) of the two (2) disciplinary reports and was assessed 30 days loss of privileges (LOP). The individual is a former CDCR incarcerated person with prior mental health classifications of Crisis Bed (CB) and Enhanced Outpatient Psychiatric Program (EOP). A second individual does not remember if there was a mental health consult performed as part of the disciplinary process, and the third person did not request a hearing.

While interviewing a housing deputy, the deputy stated that when writing a disciplinary report, he/she looks up the individual's IDI/SMI information, before writing the report, and added that AFBH can "override" the report.

As the previous Expert Monitor's Report indicated, from an interview for the previous tour an AFBH clinician stated that AFBH receives disciplinary information regarding "BHI" inmates after the hearing has been conducted (via a packet of documents). A clinician is assigned to research the patient/client and the circumstances of the disciplinary report. Staff had also previously indicated that questions had been created for assigned clinicians to effectively assess written inmate misconduct violations. Further, staff also previously added that ACSO will begin sending AFBH the front page of disciplinary reports (via email) to ensure clinician assignment for consults and that AFBH will acknowledge the emails received and enter the information into the EHR. As stated above, AFBH is now completing an AFBH Responses to Disciplinary Process form to provide clinical input for respective disciplinary hearing officials.

On February 8, 2024, the Expert provided a document production list outlining the documents needed for future monitoring tours. For future reviews, ACSO must provide all completed and adjudicated Disciplinary Reports for BH incarcerated persons. As indicated in the request, if this is deemed to be too voluminous, the Expert will create a process to identify specific incarcerated person cases. As also explained in the request, it is recommended that the ACSO Disciplinary log include the type of disability (no diagnosis information) e.g., mental illness, IDI, LD, for each respective incarcerated person who are listed on the disciplinary log (as applicable), or otherwise identify the Class members. This will alleviate the need for the Expert to spend excess time reconciling each name on the log versus each name on the ADA Tracking List to effectively determine which individuals should have disciplinary reports (and clinical consults) included as part of document production.

Based on the documents reviewed for the current monitoring period, no evidence was uncovered to inform that delivery of mental health is being withheld from BHI clients due to discipline and there was no evidence that BHI clients are subjected to discipline for refusing treatment or medications or if engaging in self-injurious behavior and threatening such.

Recommendations:

- 1) For future reviews, ACSO must provide copies of completed and adjudicated disciplinary reports and hearing summaries for behavioral health incarcerated persons, and for all adjudicated disciplinaries where there was a guilty finding, a plea of guilty, or where sanctions were taken. As indicated above, if this is later deemed as too voluminous, the Expert will create a process to identify specific incarcerated person cases.

509. ACSO shall include Qualified Mental Health Professionals in the disciplinary process relating to SMI clients. For Behavioral Health Clients who are not SMI, ACSO shall notify a Qualified Mental Health Professional of the initiation of the disciplinary process, including the basis for disciplinary action, and shall include a Qualified Mental Health Professional as appropriate in the disciplinary process. Defendants shall develop a form for Qualified Mental Health Professionals to use that allows them to indicate the following:

- (a) whether the reported behavior was related to mental illness or adaptive functioning deficits, including whether the behavior was related to an act of self-harm.
- (b) any other mitigating factors regarding the individual's behavior, disability, or circumstances that should be considered.
- (c) whether certain sanctions should be avoided due to the individual's underlying disability and/or mental health needs. The ACSO shall further ensure recommendations regarding whether the mental health of the individual impacted their actions are appropriately considered and proper interventions provided to Behavioral Health Clients and avoid punishing Behavioral Health Clients for manifestations of their disabilities. To the extent ACSO chooses to not follow the Qualified Mental Health Professional's recommendations, ACSO shall document and explain in writing why the recommendation was not followed.

Finding: Partial Compliance

(Note: this provision was previously rated as "Partial Compliance")

Policies:

- ACSO Detention and Corrections Policy and Procedure - 16.01 Disciplinary Procedure (Revision Date: August 28, 2023).
- ACSO Detention and Corrections Policy and Procedure - 13.01 Medical and Behavioral Health Care (Revision Date: March 1, 2020).
- The Expert notes that the revision of the policies is still in progress.

Training:

Development of related training materials by ACSO is in progress.

Metrics:

- Policy 16.01 Disciplinary Procedure.
- Staff interviews (ACSO and AFBH personnel).

Assessment:

As identified in greater detail in rated item 508 (above), Policy 16.01 addresses the requirement to include a Qualified Mental Health Professional as appropriate in the disciplinary process, as related to incarcerated persons identified as BHC/THI/SMI/IDI. The County reports that, in November 2023, ACSO began notifying AFBH of disciplinary reports via email to ensure clinician assignment for consults.” This is consistent with the completed AFBH Responses to Disciplinary Process received for the latter part of November 2023 – January 2024.

Recommendations:

- a. There are no recommendations for this provision. However, for the next scheduled monitoring review, the Expert review documents produced by the County.

510. Defendants shall limit the practice of seeking an opinion on the level of discipline that should be assessed from the ACSO staff authoring the report. Defendants shall cease the use of disciplinary diets in all cases other than food-related disciplinary cases. Defendants’ policies shall include timelines for disciplinary proceedings and the imposition of Discipline. Placement in a higher classification, including placement to Restrictive Housing, is governed by the classification process outlined in Section III(C).

Finding: Substantial Compliance

(Note: this provision was previously rated as “Substantial Compliance”)

Policies:

- ACSO Detention and Corrections Policy and Procedure - 16.01 Disciplinary Procedure (Revision Date: August 28, 2023).
- The Expert notes that the revision of the policies is still in progress.

Training:

Development of related training materials by ACSO is in progress.

Metrics:

- Policy 16.01 Disciplinary Procedure.

Assessment:

As reported in the previous report in review of Policy 16.01, revised language in Section F.4. states in part, "The Agency member authoring the disciplinary report shall not provide a recommendation as to what disciplinary action(s) should be imposed. This recommendation will be made by the IDHO." It is noted former policy 14.04 Alternate Meal Services for Disciplinary Action has been archived, and ACSO no longer uses disciplinary diets. It is also noted that Policy 16.01 contains language related to the timelines for disciplinary proceedings and the imposition of Discipline. This includes timelines for writing the disciplinary report, service of the disciplinary report to the incarcerated person, hearing and waiting period, and appeals.

Recommendations:

No recommendations

Americans with Disabilities Act (ADA)

1000. Defendants shall work with the agreed-upon joint subject matter Joint Expert, as discussed in Section IV(A), to develop and implement policies, procedures, and forms required to implement the provisions contained herein. All staff shall be trained on the topics, as discussed in Section IV(A), including any modifications to policies and procedures, described herein.

Finding: Partial Compliance

(Note: this provision was previously rated as "Partial Compliance")

Policies:

- ACSO Detention and Corrections Policy and Procedure - 1.14 Americans with Disabilities Act (Revision Date: October 31, 2019).
- The Expert notes that the revision of the policies is still in progress.

Training:

Development of related training materials by ACSO is in progress.

Metrics:

- Policy 1.14 Americans with Disabilities Act:
 - Email update between ACSO and the Expert regarding the status of the draft revised policy.

Assessment:

The Expert and the ADA Unit had previous discussions on the policy, and the Expert provided preliminary comments/recommendations. More recently, and during the current rating period, ACSO informed the Expert that ACSO Policy 1.14 Americans with Disabilities Act, is pending review by ADA Unit personnel (Sergeant and Captain) and will soon be provided for review and comments.

Recommendations:

- 1) ACSO must revise Policy 1.14 Americans with Disabilities Act and allow for the Expert's review, comments, and recommendations before final approval and implementation.
- 2) Staff must be trained/knowledgeable pertinent to Policy 1.14 (once revised and approved), as well as for all ADA policies, procedures, forms, documentation, etc., within the requirements of the Consent Decree provisions.

ADA Coordinator

1001. ACSO shall continue to employ a full-time, dedicated ADA Coordinator at the Jail who shall, among other ADA-related responsibilities, oversee the following issues related to individuals with Psychiatric Disabilities: monitoring of the ADA Tracking System, ADA-related training, grievances, disciplinary reports, Message Request forms, requests for accommodations, classification actions, orientation materials, touring housing units and discussing ADA-related issues with incarcerated persons and staff (e.g., housing unit deputies, medical staff, mental health staff, dental staff, education staff, re-entry services staff, inmate program staff, library staff, religious services staff, etc.) as set forth below and on an as-needed basis, and any other ADA-related responsibilities as appropriate. The ADA Coordinator shall be strongly encouraged to serve in that role for at least five (5) years to provide for consistency and to maximize the benefit of the training and expertise of the ADA Coordinator. ACSO shall consult with the ADA Joint Expert regarding the Post order for the ADA Coordinator, and Plaintiffs' counsel shall have an opportunity to review and provide input prior to ACSO finalizing the Post order. The ADA Coordinator shall report up the chain of command. Additionally, the Compliance Captain shall oversee the day-to-day activities of the ADA Coordinator but shall not have the ability to re-assign the ADA Coordinator away from their ADA-related duties.

Finding: Substantial Compliance

(Note: this provision was previously rated as "Partial Compliance")

Policies:

- ACSO Detention and Corrections Policy and Procedure - 1.14 Americans with Disabilities Act (Revision Date: October 31, 2019).
- The Expert notes that the revision of the policies is still in progress.

Training:

The ADA Coordinator and ADA Unit staff have been trained in and received nationally recognized ADA certification. The ACSO is also currently developing training materials.

Metrics:

- Reviewed ACSO Detention and Corrections Policy and Procedure - 1.14 Americans with Disabilities Act.
- Compliance Unit Staff Interviews.
- ADA Coordinator Post Order 10.32 (Revised August 28, 2023).

Assessment:

As cited pursuant to Provisions 508 and 1000 (above), ACSO reports that ACSO Detention and Corrections Policy and Procedure - 1.14 Americans with Disabilities Act (Revision Date: October 31, 2019) is under further revision and will soon be provided for review and comment.

As explained in the Expert's previous report the current version of Policy 1.14 Section III, B. (ADA Coordinator) states, "An employee of the Sheriff's Office tasked with ensuring compliance with the Americans with Disabilities Act within the Detention and Corrections Division of the Alameda County Sheriff's Office. The staff member assigned as the ADA Coordinator shall be responsible for reviewing all documentation and documenting responses to all disability-related requests. The ADA Coordinator shall maintain files of each ADA inmate and incorporate the previously listed information."

ACSO Policy and Procedure 10.32 Americans with Disabilities Act Coordinator (9 pages) was revised on August 28, 2023. The policy includes information regarding ADA Coordinator duties, including as related to tracking, ADA Unit contacts, referrals, housing, ADA grievances, ADA-related message requests, disciplinary, review of Requests for Accommodations (2275 CJ Form), training, and working relationships.

The ADA Coordinator stated he tours the housing units and conducts informal face-to-face contact with disabled incarcerated persons. While onsite, the ADA Sergeant and ADA Coordinator both confirmed that the ADA Coordinator is dedicated to ADA-related duties and is not re-assigned or re-directed away from his ADA-related duties. The ADA Coordinator confirmed he does not perform any functions related to the Prison Rape Elimination Act (PREA), compliance, BSCC (California Board of State and Community Corrections), or any other non-ADA duties.

The ADA Coordinator indicated he continues to participate in monthly meetings with other SRJ disciplines, to which several meetings have been conducted to date. Discussions regarding the Consent Decree are part of the meetings.

During the onsite monitoring tour, the ADA Coordinator provided an updated ADA list of incarcerated persons. Also, as part of document review for the rating period, ACSO personnel uploaded updated weekly tracking lists via the SharePoint for the monitoring period.

Recommendations:

1. Policy 1.14 to be revised.

1002. As soon as practical, but under no circumstances more than fourteen (14) days after an individual has been identified at Intake or post-intake as having a Psychiatric Disability, the ADA Coordinator and/or her or his staff shall personally meet with each newly identified individual. In the meeting, the ADA Coordinator shall employ effective communication to assist the individual in understanding the rules of the Jail; explain how to request accommodations and what accommodations are available; ensure the individual has access to grievance forms to raise disability-related issues; and inform them that ADA Unit staff are available to assist the individual with disability-related needs. For any person identified as having a Psychiatric Disability who remains in the Jail for more than sixty (60) days, the ADA Coordinator and/or their staff shall meet with the individual to determine if their ADA-related needs are being met and at least every sixty (60) days thereafter. This meeting and any relevant notes regarding accommodation needs shall be documented in writing. Once the ADA Tracking System is implemented, this information shall be documented there.

Finding: Partial Compliance

(Note: this provision was previously rated as “Partial Compliance”)

Policies:

- ACSO Detention and Corrections Policy and Procedure - 1.14 Americans with Disabilities Act (Revision Date: October 31, 2019). The Expert notes that the revision of the policies is still in progress.

Training:

Development of related training materials by ACSO is in progress.

Metrics:

- Policy 1.14 Americans with Disabilities Act.
- Policy 10.32 Americans with Disabilities Act (Post Order) (Issued August 28, 2023).
- Completed Records of Contact Forms.
- Compliance Unit Staff Interviews.
- Incarcerated Person Interviews.

Assessment:

As identified in previous Consent Decree Provisions (above), Policy 1.14 is currently under revision and review by the ADA Sergeant and Compliance Captain and will soon be provided for review and comments. As outlined in the first three (3) Expert reports, although Policy 1.14 does

not contain language relative to the requirement for the ADA Coordinator (and/or her or his staff) to personally meet with a newly identified incarcerated persons, Section IV. E. Forms describes a Record of Contact form. The policy states, "The Record of Contact Form will be filed in the ADA Coordinator's inmate files. The form will be used to document interaction or discussions the ADA Coordinator has with the inmate, staff, or visitors regarding accommodations and ADA issues." Policy 10.32 Americans with Disability Act (Post Order) contains the required bulleted information in Provision 1001 (above).

During the onsite inspection, the ADA Joint Expert reviewed the ATIMS ADA Unit Tracking List as well as 12 randomly selected completed Record of Contact forms (also known as "504" forms). All 14-day initial and subsequent 60-day follow-up interviews of incarcerated persons identified as SMI/IDI/LD were current. The Expert notes that the ADA Unit has been meeting with SMI individuals. During the next monitoring period, this Expert will work with both parties and the Mental Health Expert to determine whether the ADA Unit's current practices encompass all individuals with a "Psychiatric Disability" as defined by the Consent Decree.

From the 504 reviews, the Expert noted that Effective Communication was noted on most of the forms (particularly the more current examples reviewed). Some of the forms had Effective Communication documented on the controlling form (504), while some examples reviewed had a corresponding "Documentation of Effective Communication" form completed (though reportedly not yet an ACSO officially approved form). Some examples of topics/information covered and documented included the following: explanation as to the purpose of the meeting, SRJ rules (and understanding rules), PREA, healthcare request process, healthcare services available, grievance form and process, message request form and process, Effective Communication-related information/confirmation, showed and explained copy of a Disability Accommodation form, how to contact the ADA Unit, explanation of community resources, explanation of telephone and pin numbers for calling, cell cleanliness, documentation that assistance with filling out and/or explaining forms (e.g., grievance form) was done during the interviews, ADA Unit staff offered to bring the incarcerated person a trash can to make it easier for the individual to clean his assigned cell, explained "Roots" program, and discussed types of books requested by the individual. With minor exceptions, nearly all 12 504 forms covered the majority of the aforementioned topics/information.

As part of document production, the Expert randomly chose January 2024 to confirm whether completed copies of the ADA Unit Interview (504) forms were now being uploaded for Expert review. For January, there were approximately 23 completed forms. It is noted the form has been updated to include information relative to subsequent meetings (e.g., 60-day meetings) and whether current accommodation needs are being reviewed and such needs are being met. The form also contains an Effective Communication section (check boxes) for ADA Unit staff to complete.

Of the 15 incarcerated person interviews, there were no concerns regarding the 14-day initial or 60-day subsequent ADA Unit interviews. There were comments made that the ADA Coordinator and ADA Deputy do a good job with the interview process.

Based on the numerous completed examples of the Record of Contact form reviewed onsite as well as through document production, and from previous observations of 14-day initial interviews, it is believed that the requirements of this Consent Decree Provision in terms of the interviews are being satisfied. The previous concern with timeliness and lack of proof of practice documentation appears to have been resolved. This provision will continue to be monitored for timeliness.

Recommendations:

1. Continue to work with the Experts to determine whether the ADA Unit's current practices encompass all individuals with a "Psychiatric Disability" as defined by the Consent Decree.
2. Policy 1.14 must be revised (or other policy) to include language requiring the ADA Coordinator (and/or her or his staff) to personally meet with a newly identified incarcerated person who has a psychiatric, intellectual/developmental, or learning disability as soon as practical but within 14 days after arrival or identification at the Intake process, or post-Intake process. Language must include the various requirements as outlined in the Consent Decree. (Note: it is acknowledged this information is now contained in Policy 10.32 Americans with Disabilities Act Coordinator (Post Order).
3. The related interview information (14-day initial and subsequent 60-day) currently being tracked by the ADA Coordinator must soon be tracked in the comprehensive real-time networked tracking system (once the ATIMS system is modified).
4. The Expert recommends a corresponding checklist (of topics/information to be discussed) be part of the ADA Unit Interview form, or at least reference such a checklist to ensure the same topics are always covered during each interview, whether the interviews are conducted by the ADA Coordinator and/or other ADA Unit personnel.
5. The Expert recommends a question be asked regarding the individual's reading level. This question could be added to the form (and/or added to a corresponding check list of topics/information).

1003. After the initial ADA training is provided by the ADA Joint Expert, the ADA Coordinator shall be charged with providing ADA-related training to staff and with monitoring programs and work assignments to ensure meaningful access for all individuals with Psychiatric Disabilities.

Finding: Implementation Not Yet Required – Rating N/A

(Note: this provision was previously rated as "Implementation Not Yet Required - Rating N/A")

Policies:

- ACSO Detention and Corrections Policy and Procedure - 1.14 Americans with Disabilities Act.
- The Expert notes that the revision of the policies and training material is still in progress.

Training:

Development of related training materials by ACSO is in progress.

Metrics:

- ACSO Detention and Corrections Policy and Procedure - 1.14 Americans with Disabilities Act.
- Email from Defendant's (February 6, 2024).

Assessment:

This Consent Decree rated item continues to be "Implementation Not Yet Required – Rating N/A" at this time.

This is the fourth ADA Joint Expert review in which this provision has been rated as "Implementation Not Yet Required – Rating N/A."

It is understood the Defendants are still developing and revising relevant policies and procedures pursuant to the Consent Decree and must complete the revisions before training curriculum specific to ACSO/AFBH policies, forms, and processes can be developed and provided to the Experts and Plaintiff's for review prior to approval and implementation of staff training. Also, it is understood that the ADA Unit staff have begun efforts toward outlining course goals and learning objectives to support training curriculum development, to which the Expert has provided feedback.

For the Expert's previous review, the ADA Coordinator reported he currently provides one hour of ADA training to all new staff (custody – academy and lateral transfers) at SRJ via a PowerPoint presentation. He also added that he conducts refresher training to sworn staff (including lieutenants and sergeants).

Once training curriculum has been developed and approved, the ADA Joint Expert will provide the initial training to all ADA Unit staff, consult on the training to be provided to ACSO staff by the ACSO ADA Unit, and observe initial training(s).

Recommendations:

1. The ACSO must work with the Experts and Class Counsel to provide review and input prior to the approval of interactive component training materials. The ADA Joint Expert understands this provision is a high priority for ACSO.

1004. The ADA Coordinator shall have sufficient staffing to assist him or her (the "ADA Unit"). ACSO staff assigned to the ADA Unit shall be strongly encouraged to serve in that capacity for at least three years to provide for consistency and to maximize the benefit of the training and expertise of the Custody staff assigned to this unit. During any period where the ADA Coordinator is unavailable for any reason, a sergeant or higher-ranked individual shall fulfill the duties of the ADA Coordinator position until the ADA Coordinator becomes available, or a replacement is appointed to the position. The ADA Coordinator position shall not remain vacant for more than ninety (90) days.

Finding: Substantial Compliance

(Note: this provision was previously rated as “Partial Compliance”)

Policies:

- ACSO Detention and Corrections Policy and Procedure - 1.14 Americans with Disabilities Act (Revision Date: October 31, 2019).
- The Expert notes that the revision of the policies is still in progress.

Training:

N/A

Metrics:

- Policy 1.14 Americans with Disabilities Act.
- Policy 10.32 Americans with Disabilities Act Coordinator (Post Order) (Issued August 28, 2023).
- Interviews of ADA Unit Staff.
- Email from Defendant’s (February 6, 2024).

Assessment:

As part of document production, ACSO provided a memorandum, titled, “Americans with Disabilities Act ADA Unit Staffing, dated January 22, 2024. The memo states, “The Americans with Disabilities Act (ADA) unit at the Santa Rita Jail is currently staffed by four accredited ADA Coordinators. The Agency members accredited to serve in an ADA capacity are supervised by the Compliance Captain and Compliance Lieutenant. To date, the four ADA Accredited Coordinators are the unit Sergeant, two Sheriff’s Deputy , and a Sheriff’s Technician.”

As the Expert previously reported, the Compliance Captain also serves as Consent Decree Project Manager; the Compliance Lieutenant currently has ADA, BSCC, and PREA-related duties; the Compliance Sergeant currently has ADA responsibilities; and for the two Compliance Deputies, one serves as the dedicated ADA Coordinator, and one deputy reportedly assists the ADA Coordinator and has other ADA and PREA-related responsibilities.

Defendants reported that the parties agree that the ADA Coordinator does not have to be at a sergeant level or higher. The Expert does not offer any objection to monitoring to this agreement.

Policy 10.32 Americans with Disabilities Act Coordinator (Post Order) was issued August 28, 2023) and provided as part of document production. Language indicates the ADA Coordinator position shall be dedicated full-time to ADA-related duties under the supervision of the ADA Sergeant. Language includes, “The ADA Coordinator is strongly encouraged to serve in the role for a minimum of five (5) years. The Compliance Management Captain shall oversee the day-to-day activities of the ADA Coordinator.” It also provides that the ADA Coordinator will work with the Lieutenant and Captain of the Compliance Management Unit should the need arise to make

necessary changes or modifications to the ADA Program. ACSO did not provide a post order(s) for other ADA Unit staff.

This provision requires that the ADA Coordinator have "sufficient staffing to assist him or her (the "ADA Unit")." As has been monitored to date, the Expert doesn't believe there is sufficient evidence to support there is a lack of staffing in the ADA Unit. The ADA Unit appears to be up to date on the 14- and 60-day meetings with the incarcerated individuals that are categorized as "IDI" on its ADA Unit tracking sheet. However, the Expert has concerns that there is not a comprehensive screening/testing process in place at the SRJ to effectively identify individuals with intellectual disabilities, including their cognitive deficits and adaptive support needs within the jail environment. To date, the ACSO ADA Unit tracking list has had very few individuals listed as "IDI" (intellectual disabilities), very few individuals with identified (or even suspected) learning disabilities. Once the SRJ has comprehensive screening/evaluation/testing instruments and processes in place, there will be an expected rise in numbers (at least to some degree). Likewise, as previously addressed in this report, the ADA Unit tracks, monitors, and works with individuals categorized as "SMI", but not other persons that may have a psychiatric disability. All of the above will likely play a role as to the workload for the ADA Coordinator and ADA Unit, and whether the current unit workload will still be sufficient or whether additional staffing resources will need to be allocated to maintain the workload to satisfy the requirements of the Consent Decree.

The County reported that the ADA Coordinator position was not vacant during the rating period.

Recommendations:

1. Recommend providing a job description for the remaining ADA Unit staff (aside from the ADA Coordinator) position (to also include the civilian Technician position, once established) and to identify specific related functions as pertaining to the Consent Decree requirements and an estimated percentage of time allotted to the Consent Decree provisions in working with the ADA Coordinator.
 - a. The ACSO must work with the Joint Experts (and Class Counsel) in reviewing, making recommendations, and finalizing any new or revised post orders, job descriptions, duty statements, policies, etc.
2. Either Policy 1.14 revisions, the ADA Sergeant's post order, job description, duty statement, or other policy or documents should indicate the ADA Sergeant's (or other ADA Unit staff) responsibility to fulfill the duties of the ADA Coordinator position until the ADA Coordinator becomes available, or a replacement is appointed to the position for occasions whereas the regularly assigned ADA Coordinator is unavailable for a-period-of-time.

1005. Within one (1) year from their initial assignment, all sworn staff assigned as ADA Unit staff, including the ADA Coordinator, shall attend and complete a nationally recognized certificate course designed for ADA coordinators and obtain certification and maintain said certification with updates and continuing education courses. Any replacement ADA Coordinator, interim ADA Coordinator, or sworn staff assigned to the ADA Unit shall obtain their ADA certification within twelve (12) months of starting in the position.

Finding: Partial Compliance

(Note: this provision was previously rated as “Substantial Compliance”)

Policies:

- ACSO Detention and Corrections Policy and Procedure – 1.14 Americans with Disabilities Act (Revision Date: October 31, 2019).
- The Expert notes that the revision of the policies is still in progress.

Training: N/A

Metrics:

- Reviewed ACSO Detention and Corrections Policy and Procedure – 1.14 Americans with Disabilities Act.
- Staff interviews (ADA Unit).
- ACSO Memorandum titled, “Americans with Disabilities Act Unit Staffing” (dated January 22, 2024).

Assessment:

As outlined in Provision 1004 (above), and as part of document production, ACSO provided a memorandum, titled, “Americans with Disabilities Act ADA Unit Staffing, dated January 22, 2024. The memo states, “The Americans with Disabilities act (ADA) unit at the Santa Rita Jail is currently staffed by four accredited ADA Coordinators.”

ACSO previously provided the following proof of certification (completion of the University of Missouri ADA Coordinator Training Certification Program):

- ADA Unit Sergeant: Effective July 5, 2023.
- ADA Unit Coordinator:
 - Effective October 28, 2019 (initial certification).
 - Re-certification 2022.
 - Re-certification 2023.
- ADA Unit Deputy:
 - July 5, 2023.

A new Lieutenant was recently assigned to the Compliance Management Unit. Per the Consent Decree, ADA Unit staff must complete the training within 12 months of assuming the duties. The newly assigned lieutenant provided the following information (via email) as to his respective role with the ACSO ADA Coordinator/ADA Unit, “Due to the departure of Lieutenant xxxxxxxx, I have taken over as the manager of the Compliance Management Unit (CMU). I oversee the implementation of the consent decree, the ADA Unit, and act as the agency PREA coordinator.

As the CMU Lieutenant, I receive input from the members of the ADA Unit and assist the ADA coordinator when information needs to be presented through the chain of command.” Over the next 12-month period, the Expert will monitor the newly assigned lieutenant’s efforts toward commencing and completing a recognized ADA Coordinator Certification course.

d.

Recommendations:

- 1) Ensure the newly hired lieutenant (that oversees the CMU [inclusive of ADA Unit]) commences and ultimately completes the ADA certification within 12 months.
- 2) ADA Unit staff should provide proof of practice for continuing education courses.

Effective Communication

1006. In consultation with the ADA Joint Expert, and in accordance with Section IV(A), Defendants shall develop and implement policies and practices to ensure effective communication ("Effective Communication policy") with individuals with Psychiatric Disabilities at Intake and in due process events (e.g., grievance processes, classification processes, disciplinary processes, pre-release processes, and conditions of release process), religious activities, vocational and educational programs, and clinical encounters including mental health appointments. The Effective Communication policy shall include, at a minimum, processes for:

- (a) identifying individuals whose cognitive, intellectual, or developmental disability pose barriers to comprehension or communication.**
- (b) promptly providing reasonable accommodation(s) to overcome the communication barrier(s); and**
- (c) documenting the communication including the method used to achieve effective communication and how the relevant staff person determined that the individual understood the encounter, process, and/or proceeding.**

Finding: Partial Compliance

(Note: this provision was previously rated as “Non-compliance”).

Policies:

- ACSO Detention and Corrections Policy and Procedure - 1.14 Americans with Disabilities Act (Revision Date: October 31, 2019).
- ACSO Policy 9.11 Effective Communication.
- The Expert notes that the revision of the policies is still in progress.

Training:

Development of related training materials by ACSO is in progress.

Metrics:

- ACSO Detention and Corrections Policy and Procedure - 1.14 Americans with Disabilities Act.
- Staff interviews (from multiple custody and non-custody disciplines).

Assessment:

ACSO reports and it has been confirmed that Effective Communication has been referenced in several policies under "definitions." Previously, ACSO contended that Effective Communication may not need to be a stand-alone policy. The ADA Joint Expert has maintained a strong recommendation that an Effective Communication policy would be preferable to multiple separate stand-alone policies, each for ACSO and AFBH. Both ACSO and AFBH have agreed to issue standalone Effective Communication policies and the ADA Joint Expert worked with ACSO and AFBH toward this effort.

AFBH has acknowledged efforts are underway towards drafting an Effective Communication policy that will soon be submitted for Expert review and comments.

ACSO issued Policy 9.11 Effective Communication on February 6, 2024. The policy identifies Effective Communication techniques, and cites examples of types of encounters to provide Effective Communication (e.g., due process related incidents including but not limited to, ADA request for accommodations/modifications interviews, Grievance Interviews, Classification Process, Criminal Investigations, or during any portion of the Disciplinary Process (e.g., disciplinary investigations/interviews, disciplinary hearings, disciplinary findings including discipline to be imposed). Agency members must remain mindful that a certain subset of incarcerated persons require effective communication to ensure they are aware of both what is being explained to them and what is expected of them. Interviews that may require effective communication include but are not limited to; during the Intake Screening Process, Classification Process, clinical engagements, interviews and interrogations, disciplinary process, and addresses Effective Communication form, and how to utilize the form for documentation purposes. Policy language also addresses Effective Communication tracking. The Policy cites (as an attachment) the "Documentation of Effective Communication Form", a blank example of the form which was not provided as part of document production (or as an attachment to the policy). The Expert looks forward to the production of completed Effective Communication forms for the next monitoring period. It is unclear whether the current form is the same version that was previously reviewed while onsite and that has been used by ADA Unit staff (though previously not an officially approved form), or whether it is a revised version.

The Expert acknowledges the progress made in developing and implementing the ACSO Effective Communication Policy, and that AFBH is working on development of their Effective Communication as well. As part of document production for the next monitoring review, the County must provide appropriate documentation (for the monitoring period) to demonstrate compliance efforts pertaining to the requirements as identified in the ACSO Effective Communication Policy (and AFBH policy once implemented). At minimum the documentation should identify the individuals with psychiatric, intellectual or learning disabilities, the types of encounters, the date of the encounters, acknowledgment of effective communication needs and what was provided (type[s]/method[s] of accommodations to achieve effectiveness), whether the

individual understood/communication was effective, and how the staff member determined the method(s) used was effective.

Recommendations:

- 1) For the next monitoring period, ACSO must provide completed copies of the “Documentation of Effective Communication” form for all applicable encounters.
- 2) Upon completion of drafting the stand-alone Effective Communication policy, AFBH must provide it to the Expert (and plaintiffs’ counsel) for review and comment prior to finalizing.

1007. For those individuals with a SMI diagnosis or a cognitive, intellectual, or developmental disability, who have effective communications needs, the ADA Unit shall meet with the individual in advance of any disciplinary hearing that may result in an increase in security level and/or placement in more restrictive housing. In order to provide Effective Communication, the ADA Unit shall discuss the upcoming event with the individual and ensure they are able to understand, participate, and communicate effectively.

Finding: Non-Compliance

(Note: this provision was previously rated as “Non-Compliance”)

Policies:

- ACSO Detention and Corrections Policy and Procedure - 1.14 Americans with Disabilities Act (Revision Date: October 31, 2019).
- ACSO Policy 10.32 Americans with Disabilities Act Coordinator (Post Order) (Issued Date: August 28, 2023).
- The Expert notes that the revision of the policies is still in progress.

Training:

Development of related training materials by ACSO is in progress.

Metrics:

- Policy 1.14 Americans with Disabilities Act.
- Staff interviews (custody [including ADA Unit] and non-custody staff from multiple disciplines).

Assessment:

ACSO Policy 10.32 Americans with Disabilities Act Coordinator (Post Order) contains related required language (Section G. Disciplinary Incidents).

The ACSO provided numerous completed Record of Contact Forms as part of document production. While onsite, approximately 12 completed examples of Record of Contact Forms, and several completed Effective Communication Forms were reviewed. However, from the sampling of documents reviewed, there was no documentation to confirm whether the Compliance Unit ADA staff are meeting with incarcerated persons with psychiatric, intellectual/developmental, or learning disabilities prior to disciplinary hearings that could result in an increase in security level and/or placement in more restrictive housing.

As was reported in the previous report, ADA Unit staff admitted that the ADA Unit is not yet meeting with BHI, IDI, or LD individuals prior to disciplinary hearings, even if there is a possibility of an increase in security or classification level. ADA Unit staff had also previously reported they were not receiving advanced notification as to pending incarcerated person disciplinary hearings, which was the reason claimed as to why the interviews were not being conducted. While onsite for the current monitoring period, ADA Unit staff informed the Expert that the process is not “off the ground yet”, they need to coordinate with AFBH, and only preliminary informal discussions have taken place so far.

Recommendations:

- 1) The ACSO must develop a system to notify ADA Unit staff of upcoming disciplinary hearings.
- 2) For future monitoring tours, the ACSO must provide completed Record of Contact Forms, and Documentation of Effective Communication forms (or other relevant documentation) demonstrating proof of practice.

Intake & Orientation

1008. In consultation with the ADA Joint Expert, Defendants shall develop and implement healthcare screening questions in order to identify individuals with intellectual, developmental, psychiatric, or learning disabilities. These healthcare screening questions shall be asked of all newly booked persons and conducted in a reasonably confidential setting. If the initial screening identifies a possible intellectual, developmental, psychiatric, or learning disability, the individual shall be referred to a Qualified Mental Health Professional, including a Licensed Clinical Psychologist where appropriate, for a secondary screening and assessment to occur within sixty (60) days of booking. In the context of learning disabilities, the referral may be made to an appropriately qualified community provider, such as 5 Keys, for screening using a screening tool such as the Test of Adult Basic Education to occur within fourteen (14) days of booking. The date of the assessment, the nature of the individual’s disability, and any accommodations authorized for the incarcerated person shall be promptly documented in the ADA Tracking System.

Finding: Non-compliance

(Note: this provision was previously rated as “Non-Compliance”)

Policies:

-
- ACSO Detention and Corrections Policy and Procedure - 1.14 Americans with Disabilities Act (Revision Date: October 31, 2019).
 - ACSO Detention and Corrections Policy and Procedure - 11.02 Intake Procedure (Revision Date: December 1, 2019).
 - ACSO Detention and Corrections Policy and Procedure - 13.02 Inmate Medical/Health Appraisal Screening, Special Clinics, Communicable Diseases, Quarantines, and Terminally Ill Inmates (Revision Date: October 20, 2020).
 - The Expert notes that the revision of the policies is still in progress.

Training:

Development of related training materials by ACSO is in progress.

Metrics:

- Policy 1.14 Americans with Disabilities Act.
- Policy 11.02 Intake Procedure.
- Policy 13.02 Inmate Medical/Health Appraisal Screening, Special Clinics, Communicable Diseases, Quarantines, and Terminally Ill Inmates.
- ACSO Memorandum, titled, "Identification of Intellectual and Learning Disabilities" (dated January 25, 2024).
- Staff interviews (e.g., ITR and other areas).
- Observed the Custody Intake Screening process by an Intake Deputy (Note: observed during the first Joint Expert onsite review in February 2022).
- Observed the Behavioral Health Intake Screening process by a Marriage and Family Therapist (MFT).
- Observed the Medical Intake Screening process by a Nurse.
- A blank copy of Alameda County Behavioral Health Care Services Adult Forensic Behavioral Health (Santa Rita Jail) Brief Clinical Assessment Form.
- A blank copy of two (2) page Alameda County Sheriff's Office Intake/Receiving Screening Form (PD-803) (Revised July 8, 2019).
- A blank copy of Alameda County Behavioral Health Adult Forensic Behavioral Health Suicide Risk Assessment.
- A blank copy of Behavioral Referral Form 1312 (while onsite for the monitoring tour).
- Blank example of the Tracking Form DD 534 (while onsite for the monitoring tour).
- Blank example of the Inmate Disability Evaluation Form (while onsite for the monitoring tour).
- A blank copy of eight (8) page Wellpath Receiving Screening Alameda County Questionnaire.
- A blank copy of the Intake/Receiving Screening Form.
- A blank copy of the Classification Screening Form.
- Separate lists of BHI incarcerated persons.
- List of BHI, Cognitive (also described as "IDI") and Learning-Disabled Incarcerated Persons.
- January 2022 Armstrong v. Newsom Lists (from CDCR DAPO)

(Note: no such lists [subsequent to January] were provided for review).

- Five-Keys (School and Programs) Continuing Student Demographics Form
(Note: observed during the first Joint Expert on-site review in February 2022).
- Five-Keys (School and Programs) Student Enrollment Form
(Note: observed during the first Joint Expert on-site review in February 2022).

Assessment:

Neither of the pertinent policies (1.14, 11.02, or 13.02) have been revised since the versions as outlined in the bulleted policies listed above.

Wellpath previously provided the following documents for review and comment:

- Draft HCD-100_X-01 Adaptive Support Needs Policy.
- Draft Adaptive Support Needs Flow Chart.
- Draft Wellpath Support Needs Screening.

The Experts provided comments; however, these documents do not appear to have yet been finalized or implemented.

As part of document production, ACSO provided a memorandum, titled, "Identification of Intellectual and Learning Disabilities" (dated January 25, 2024). The memo states in part, "At the current time there is no system in place to screen incarcerated persons for intellectual or learning disabilities. This is a process that will need to be developed in conjunction with Alameda County's Behavioral Health and education service providers. Once a screening tool is developed and implemented, a referral process will be included in the system to ensure the Americans with Disabilities Act Coordinator is notified and can track those individuals and advocate for them as appropriate." This topic has been discussed at past monitoring tours between the Expert, the parties, and ACSO, AFBH, and Wellpath staff, including initial and secondary screening tools (and timelines) and assessments, and appropriate employee classifications to perform the services.

As mentioned in the previous report and outlined in greater detail within the Expert's initial report, the ADA Joint Expert reviewed the eight (8) page Wellpath Receiving Screening Alameda County Questionnaire and asked pertinent questions of Wellpath personnel. The staff mentioned the completion of an ADA Assessment Form, electronic entering of such information into ATIMS, CorEMR, and the Gateway systems, behavioral health referrals, and weekly multidisciplinary meetings.

It continues to be noted that ACSO is working on the development of a real-time networked ADA Tracking System, specifically by enhancing the existing ATIMS system. The ACSO/AFBH/5-Keys personnel must have a means to accurately document the dates and types of assessments, the nature of an individual's disability, and any reasonable accommodations required or needed for the incarcerated person. To the extent feasible and until the new tracking system is implemented, appropriate staff must document the assessments, findings, and the incarcerated person's

accommodation needs to show proof of practice. This documentation must be available for future reviews.

The ACSO provided weekly ADA Unit ADA Tracking Lists for (through ATIMS) for the rating period. The ADA Joint Expert chose a particular week during the month of January to review. Some of the information contained showed that none of the 67 incarcerated persons assigned SMI status had any specific or general reasonable accommodation needs listed. However, the Expert understands that not all SMI individuals may have specific documented reasonable accommodation needs (not diagnosis information). To the extent AFBH has identified any required or needed accommodations, the ADA Unit staff must ensure the information is contained within the ADA Unit ATIMS tracking system. The tracking list included adaptive support needs information for all five (5) persons identified as "IDI."

Currently, the only IDI individuals included in the ATIMS tracking list are those where CDCR provides information to the County for incarcerated persons who were part of the Developmental Disability Program when housed in CDCR or through information obtained that an individual has been a past regional center consumer.

Recommendations:

- 1) Keep the Experts apprised as to progress as to the development process under this Provision, and as addressed in the aforementioned January 25, 2024, ACSO memorandum.
- 2) As was addressed in the Expert's previous report (Babu v. Ahern Consent Decree Third Status Report) the County must provide an update (including any relevant agreement and/or proof of practice documentation) that ACSO is working with other contracted providers such as 5 Keys (identifying learning disabilities/learning disabled individuals), follow-up with recent dialogue (between the Expert, AFBH, and the Parties) regarding initial and comprehensive secondary screening/testing for intellectual disabilities (to determine adaptive support service needs within the jail environment), and to ensure the information is contained in the electronic tracking system. a

1009. Individuals identified at Intake as having a Psychiatric Disability shall be referred to the ADA Unit for follow-up as described in Section III(J)(1). Individuals not identified as having Psychiatric Disability at Intake may request a post-intake assessment at any time after they are processed into the Jail. Staff may also refer individuals for a post-intake assessment. Individuals shall also be referred for an assessment where there is documentation of a Psychiatric Disability in the individual's health record or prior correctional records or where a third party, such as an individual's community mental health provider or family member, where appropriate, makes a request for an assessment on the individual's behalf.

Finding: Non-Compliance

(Note: this Provision was previously rated as "Non-Compliance")

Policies:

- ACSO Detention and Corrections Policy and Procedure - 1.14 Americans with Disabilities Act (Revision Date October 31, 2019).
- ACSO Detention and Corrections Policy and Procedure - 11.01 Introduction to Intake, Transfer, Release, and Records (Revision Date March 1, 2020).
- ACSO Detention and Corrections Policy and Procedure - 11.02 Intake Procedure (Revision Date December 1, 2019).
- The Expert notes that the revision of the policies is still in progress.

Training:

Development of related training materials by ACSO is in progress.

Metrics:

- Policy 1.14 Americans with Disabilities Act.
- Policy 11.01 Introduction to Intake, Transfer, Release, and Records.
- Policy 11.02 Intake Procedure.
- Post Order 10.32 Americans with Disabilities Act Coordinator.
- Blank example of Inmate Disability Evaluation Form (Revised April 2022).
- Staff Interviews (custody and non-custody staff from multiple disciplines).

Assessment:

Applicable policies 1.14, 11.01, and 11.02 have not been revised since the previous review. As indicated in the Expert's previous reports, the initial report cited (in more detail) Policy 1.14 pertaining to medical screening, disability identification, and both the Pre-Booking Medical/Mental Health Screening Form and Inmate Disability Evaluation Form.

Policies 11.01 and 11.02 (nor any other policies reviewed) do not contain information pertaining to referrals (e.g., healthcare staff, custody staff, third party, etc.) to the ADA Unit or regarding post Intake assessments.

This provision requires the ADA Unit to follow up with individuals with Psychiatric Disabilities pursuant to the requirements in III.J.1 (e.g., meeting within 14 days, follow up at least every 60 days thereafter). As noted earlier in this report, the Expert notes that the ADA Unit has been meeting with SMI individuals. During the next monitoring period, this Expert will work with both parties and Dr. Carolina Montoya to determine whether the ADA Unit's current practices encompass all individuals with a "Psychiatric Disability" as defined by the Consent Decree.

Further, ADA Unit staff indicated that referrals to the ADA Unit are "very sparse." But on occasions where ADA Unit staff are notified, ADA Unit staff reportedly meet with the individual and document the meeting (on the Record of Contact Form – 504) and ensure Behavioral health staff are seeing the individual as needed. One (1) lone case (Record of Contact) was reviewed that was based on a mental health/behavioral health referral.

There was no related proof of practice documentation produced for review.

Recommendations:

- 1) The ACSO should incorporate language into the local policy (whether 1.14, 11.01, 11.02, or other policies, as well as for Post Order 10.32 Americans with Disabilities Act Coordinator) that individuals identified at Intake as having a psychiatric disability shall be referred to the ADA Unit for follow-up. Language should reference referrals by healthcare staff, but also post-Intake referrals for those individuals not identified as having a psychiatric disability at Intake and any referrals for an assessment from other staff or third parties.
- 2) For future reviews, the ACSO must provide proof of practice documentation showing the following:
 - a. Individuals identified at Intake as having a psychiatric disability shall be referred to the ADA Unit for follow-up.
 - b. Individuals not identified as having a psychiatric disability at Intake who requested a post-intake assessment at any time after they are processed into the Jail.
 - c. Cases where staff referred individuals for a post-intake assessment.
 - d. Cases where individuals were referred for an assessment where there was documentation of a psychiatric disability in the individual's health record or prior correctional records, or where a third party, such as an individual's community mental health provider or family member, where appropriate, made a request for an assessment on the individual's behalf.

1010. During Intake, Defendants shall provide all incarcerated persons with a copy of the Jail handbook and any other orientation materials, including instructions on how to request disability-related accommodations, how to contact the ADA Coordinator, and how to file a grievance regarding ADA-related issues. Upon request, ACSO staff shall provide Effective Communication and assist incarcerated persons with Psychiatric Disabilities in understanding the rulebook and orientation materials. Where an individual has been flagged as having a severe cognitive, developmental, or intellectual disability, regardless of whether assistance is requested, ADA Unit Staff shall assist the individual in understanding the rules of the Jail.

Finding: Substantial Compliance

(Note: this Provision was previously rated as "Partial Compliance")

Policies:

- ACSO Detention and Corrections Policy and Procedure - 1.14 Americans with Disabilities Act (Revision Date October 31, 2019).
- ACSO Detention and Corrections Policy and Procedure - 18.03 Inmate Orientation (Revision Date October 30, 2020).
- The Expert notes that the revision of the policies is still in progress.

Training:

- Development of related training materials by ACSO is in progress.

Metrics:

- ACSO Detention and Corrections Policy and Procedure - 1.14 Americans with Disabilities.
- ACSO Detention and Corrections Policy and Procedure - 18.03 Inmate Orientation.
- ACSO Inmate Rules and Information (Orientation Handbook – revised January 2023).
- Staff Interviews.
- Incarcerated Person interviews.
- Observed Intake Deputy Issue Inmate Rules and Information (Jail Orientation Handbook) during Intake process (from Joint Experts initial On-site review).

Assessment:

Applicable policies (1.14 or 18.03) have not been revised since the previous monitoring tour. The ACSO Inmate Rules and Information (Jail Handbook) was last revised on June 21, 2023.

As outlined in greater detail in the Expert's initial report, Policy 18.03 addresses the Orientation video, including a description of the grievance procedure and where and when the video will be aired. The policy further requires that incarcerated persons receive the Inmate Rules and Information booklet, which includes information on inmate programs, services, and activities.

The previous report outlines the ACSO Inmate Rules and Information (Orientation Jail Handbook) in detail. The document has not been revised since the previous report.

Staff maintain that the Inmate Rules and Information (Jail Orientation Handbook) is provided (or at least offered) to all new arrivals via hard copy and is available on the electronic tablet. Reportedly, incarcerated persons can also further request another hard copy from an agency member and/or through the message request process. Staff also still maintain that all new arrivals are required to sign an Intake Classification Form that acknowledges receipt of the Orientation Jail Handbook. Custody Intake staff also stated that all incarcerated persons entering the Jail receive a copy of the Orientation Jail Handbook. Four (4) of the 15 incarcerated persons interviewed claimed they did not receive the Orientation manual/information at or subsequent to Intake. While onsite, the Expert randomly selected five (5) cases (from the ATIMS ADA Unit Tracking List) and confirmed electronically (through Classification staff) that all five (5) cases confirmed signing a receipt for the information (four [4] were signed by the incarcerated persons, and one [1] was signed by staff as the individual refused to sign).

As identified earlier in this report, and as documented in numerous Record of Contact Forms, ADA Unit staff are documenting that they inform (during the 14-day initial meeting) incarcerated persons how to request disability-related accommodations, how to contact the ADA Coordinator, and how to file a grievance regarding ADA-related issues, as well as many other topics. Documentation also confirms ACSO staff shall provide Effective Communication and assist incarcerated persons with Psychiatric Disabilities in understanding the rulebook and orientation materials, and the rules of the Jail.

Recommendations:

None

Provision of Reasonable Modifications

1011. Defendants shall provide reasonable modifications and accommodations as necessary to ensure that qualified individuals with Psychiatric Disabilities have equal access to programs, services, and activities that are available to similarly situated individuals without disabilities. The process for submitting ADA-related requests for modifications and accommodations is contained in Section III(J)(9)(a). The specific type of modification required shall be based on an individualized assessment of the needs of the individual and the program, service, or activity at issue. In the context of vocational programs, the assessment shall also take into account the essential job functions and whether the individual can meet those functions with reasonable modifications.

Finding: Partial Compliance

(Note: this Provision was previously rated as "Partial Compliance")

Policies:

- ACSO Detention and Corrections Policy and Procedure - 1.14 Americans with Disabilities Act (Revision Date October 31, 2019).
- The Expert notes that the revision of the policies is still in progress.

Training:

Development of related training materials by ACSO is in progress.

Metrics:

- Policy 1.14 American with Disabilities Act.
- Completed Disability Accommodation Request Forms.
- Record of Contact Forms.
- Staff Interviews.
- Incarcerated Person Interviews.

Assessment:

As outlined in the Expert's previous report, the Expert previously reviewed and cited Policy 1.14 in the initial report, which included information pertaining to the definition of reasonable accommodation; ADA Coordinator Review Form (and its purpose); Record of Contact Form (and its use) and other information; and message requests; disciplinary process; reasonable accommodations, and Effective Communication.

ACSO has indicated that the applicable forms (as bulleted below) are in use by incarcerated persons and/or staff as applicable. However, during the monitoring period, ACSO did not provide any completed examples of the following related forms for review rfor incarcerated persons with psychiatric, intellectual/developmental, or learning disabilities as related to complaints or requests for accommodations or modifications:

- ADA Grievances with Requests for ADA Accommodations or Modifications.
- Message Requests for ADA Accommodations or Modifications.
- ADA Coordinator Review Forms.
- Disability Accommodation Request Forms.

As detailed earlier in this report (based on randomly selected completed Record of Contact Forms [504's] as completed by ADA Unit staff) it was confirmed ADA Unit staff explain (and effectively communicate) the accommodation request and general request forms and processes during the 14-day initial meetings. Also, while onsite, completed examples of message request forms and ADA Unit staff responses were reviewed, and it was confirmed general ADA-related accommodations are provided. However, after review of the message requests, it was determined that none of them were submitted by individuals identified as SMI, BHI, or IDI.

From the random sampling of 504's reviewed, ADA Unit staff appear to respond to and are providing assistance/accommodations based on individual needs. However, while onsite, there was only one (1) disability accommodation request form (and corresponding staff response) available for review (submitted by an individual classified as "SMI", and the request pertained to glasses). ADA Unit staff indicated only one (1) has been submitted in the past six (6) months. This is potentially concerning. It is unclear as to why this is the case, whether disabled incarcerated persons are not clear on the purpose of the form, whether they are understanding the related information provided by ADA Unit staff during the 14-day initial meetings, whether housing unit staff are not familiar with the forms, whether the forms are available (or not) when requesting one, or for other reasons.

Some of the comments received from the 15 incarcerated person interviews regarding message requests or disability accommodation requests included the following: no tablets available to submit requests (multiple complaints), tablets are not functional, some deputies have helped me fill-out the forms, and some don't (multiple), deputies say they cannot help/do not have time, Officer Espinoza is helpful, ADA Coordinator Kidwell is helpful, ADA Deputy Wong is helpful, we can only go to ADA Unit staff for help, and no ADA accommodation forms available in the housing units,

In addition to the types of documents bulleted (above), ACSO has not provided any documentation, policy, or other evidence to demonstrate whether incarcerated person job descriptions (e.g., for regular work assignments or for vocational education assignments) have been written and approved and contain related essential function information. Staff continue to maintain only a few specific assignments (possibly), have any corresponding job descriptions.

Recommendations:

- 1) For future monitoring tours, the ACSO must provide completed copies of the following forms pertaining to incarcerated persons with psychiatric, intellectual/developmental, and learning disabilities. Note: For the types of related documents that may lend themselves to an extremely large volume of documents, at minimum, a sufficient sampling of completed documents must be provided for review (e.g., completed documents for a few selected dates within each month of the review period).
 - a. The ADA Coordinator Review Form:
 - i. Copies must be provided for occurrences where accommodations have been denied, a grievance has been filed, an alternate accommodation is proposed, a safety or security issue exists related to the accommodation request, or when there is a financial or administrative issue related to the Provision of an accommodation.
 - b. The Record of Contact Form (note: these are now being provided):
 - i. For occurrences showing documented interaction or discussions, the ADA Coordinator had with an individual, staff, or visitors regarding accommodations and ADA issues.
 - c. The Message Request Form (for ADA-related Accommodations or Modifications):
 - i. As pertaining to ADA issues and maintained by the ADA Coordinator.
 - d. The Disability Request for Reasonable Accommodation Form.
 - e. ADA Grievances with Requests for ADA Accommodations or Modifications.
- 2) The ACSO must develop job descriptions inclusive of essential functions for each respective incarcerated person's job assignment. All job assignments, including vocational education programs/assignments, must consider the essential job functions for assessing reasonable accommodation/modification requests and whether the individual can meet those functions with reasonable modifications.

1012. Examples of possible reasonable modifications/accommodations include, but are not limited to, providing Effective Communication, designated therapeutic and/or protective housing unit appropriate counseling/therapy (group and individual), reliable access to necessary medications, Qualified Mental Health Professional input prior to removing privileges and/or otherwise imposing discipline, and any modifications necessary to ensure equal access to programs.

Finding: Partial Compliance

(Note: this Provision was previously rated as "Partial Compliance")

Policies:

- ACSO Detention and Corrections Policy and Procedure - 1.14 Americans with Disabilities Act (Revision Date October 31, 2019).
- ACSO Policy 9.11 Effective Communication (issued February 6, 2024).
- The Expert notes that the revision of the policies is still in progress.

Training:

Development of related training materials by ACSO is in progress.

Metrics:

- Policy 1.14 Americans with Disabilities Act.
- Staff Interviews (custody and non-custody staff from multiple disciplines).
- Incarcerated Person Interviews.

Assessment:

As identified earlier in this report, ACSO is working with the ATIMS vendor on enhancing the ATIMS to serve as a real-time networked tracking system to capture all applicable Consent Decree Provision requirements. The ADA Joint Expert interviewed approximately seven (7) housing deputies. All seven (7) indicated they are familiar with the JMS ATIMS system and explained the ADA alerts and how to find the disability and accommodation-related information. Two (2) of the deputies (from two [2] separate units) demonstrated how to look-up a particular disabled individual and successfully demonstrated how to navigate through the process. Most staff interviewed (including housing deputies, intake healthcare staff, and classification deputies) indicated they effectively communicate with individuals identified as BHI/SMI and IDI but admitted they widely do not document Effective Communication. The Expert acknowledges that ACSO Policy 9.11 Effective Communication (issued February 6, 2024) was only recently implemented, and Wellpath and AFBH are both actively developing their respective Effective Communication policies. The Expert will continue to monitor accordingly.

As stated earlier in this report (Provision 1011), of the 15 incarcerated persons interviewed, there were mixed comments about whether staff are helpful (and effectively communicate with them), and mixed comments as to which staff help them, and which staff they need to go to for help. According to some of the individuals, some staff won't help, and some incarcerated persons believe they have to go to ADA Unit staff to seek any assistance. Complaints of lack of effective communication involve orientation, disciplinary process, and navigating the electronic tablets.

Most of the staff interviewed indicated they provide effective communication and assistance if asked, or if they see a need. Examples cited were pertaining to ensuring their assigned cells are clean, hygiene concerns, and message requests. However, one of the deputies said he would help if asked, but he has only been asked for help once in the past 18 months. This is somewhat concerning. But the Expert is confident once comprehensive staff training is developed and provided, staff will have a better understanding regarding providing accommodations, and that there will be times (depending on an individual's disability and specific accommodation needs) where staff may need to recognize the need for and provide (or at least offer) accommodations without being asked.

As stated earlier in this report (in greater detail), for future monitoring reviews the County must provide documented proof of Effective Communication.

D

Recommendations:

- 1) The ACSO should incorporate policy language to capture reasonable accommodation requirements to include the various methods for staff to provide reasonable accommodation/modifications.
- 2) Staff must have access to a real-time networked tracking list system (list) that outlines general reasonable accommodations needs (e.g., Effective Communication).
- 3) For future reviews, the ACSO must provide proof of practice documentation to capture the accommodations/modifications that are provided by custody and non-custody staff through various means.

1013. For individuals with learning-related disabilities, possible reasonable accommodations may include, but are not limited to, providing notetakers, providing extra time to allow the individual to understand instructions/forms and repeating and/or clarifying as needed, or explaining how to fill out written forms (ADA request for Accommodations, Grievance, and Appeal forms) and/or in using the electronic tablets including providing assistance if needed.

Finding: Partial-Compliance

(Note: this Provision was previously rated as "Partial Compliance")

Policies:

- ACSO Detention and Corrections Policy and Procedure - 1.14 Americans with Disabilities Act (Revision Date October 31, 2019).
- ACSO Detention and Corrections Policy and Procedure - 18.09 Educational Program Planning (Revision Date December 1, 2019).
- ACSO Memorandum, titled, "Identification of Intellectual and Learning Disabilities" (dated January 25, 2024).
- The Expert notes that the revision of the policies is still in progress.

Training:

Development of related training materials by ACSO is in progress.

Metrics:

- ACSO Detention and Corrections Policy and Procedure - 1.14 Americans with Disabilities Act.
- ACSO Policy 9.11 Effective Communication (issued February 6, 2024).
- The ADA Unit Interview Form.
- JMS ATIMS ADA Unit ADA Tracking List.
- ACSO Staff Interviews.
- Incarcerated Person Interviews.

Assessment:

Neither applicable policy (18.09 or 1.14) has been revised since the inception of monitoring (note: as outlined earlier in this report, Policy 1.14 is currently under revision). As also noted earlier in this report (including in Provision 1012, above), ACSO Policy 9.11 Effective Communication has now been implemented, and AFBH is actively developing a similar policy. The policy contains information and provisions for Effective Communication techniques (including for learning disabilities), types of encounters (e.g., due process, clinical engagements, orientation, other significant types of encounters/processes), and documentation of Effective Communication, as well as other information.

The ADA Unit Interview Form (as identified earlier in this report and listed in Policy 9.11 as an attachment) contains numerous check boxes pertaining to Effective Communication (including for learning disabilities). The form is completed by ADA Unit staff. The policy also cites the "Documentation of Effective Communication Form" as an attachment, but a blank copy of the form was not provided for review as part of document production. The Expert has seen a version of the form in the past, though it was not approved and reportedly has not been used by any staff other than ADA Unit staff. Now that Policy 9.11 is effective, the Expert will need to review completed forms for future monitoring reviews.

As part of document production, and as referenced earlier in the report, ACSO provided a memorandum, titled, "Identification of Intellectual and Learning Disabilities" (dated January 25, 2024). The memo states in part, "At the current time there is no system in place to screen incarcerated persons for intellectual or learning disabilities. This is a process that will need to be developed in conjunction with Alameda County's Behavioral Health and education service providers. Once a screening tool is developed and implemented, a referral process will be included in the system to ensure the Americans with Disabilities Act Coordinator is notified and can track those individuals and advocate for them as appropriate." This topic has been discussed at past monitoring tours between the Expert, the parties, and ACSO and AFBH, including initial and secondary screening tools (and timelines) and assessments, appropriate employee classifications to perform the services.

ACSO identifies learning-disabled individuals as "IDI." The majority of the individuals currently identified as "IDI" are intellectually disabled, and ACSO received the information either from CDCR or from a Regional Center where an individual was a previous consumer. The JMS ATIMS ADA Unit Tracking List also identifies learning-disabled individuals as "IDI." It is recommended that learning-disabled incarcerated persons be identified as learning-disabled (LD). Though there may be some similarities regarding required accommodation for IDI and LD, for the most part, there will be differing types of accommodation needs for learning-disabled individuals versus intellectually disabled incarcerated persons. It is noted the most recent JMS ATIMS ADA Unit Tracking List included five (5) Individuals as "IDI", and none had documented learning disabilities.

The ADA Joint Expert interviewed an academic teacher from 5-Keys who provided the following information:

- We do TABE testing (only for enrollees in classes).

- We don't deny access to classes as long as the particular class is offered in a respective unit.
- Teachers conduct one-on-one sessions in specialized housing units.
- All housing units are offered one (1) or more classes.
- Not sure whether 5-Keys information (obtained) is provided to other SRJ entities/units.
- No BHI/IDI/LD exclusionary criteria (aside from classification/custody level).
- Teachers actively recruit, and talk to housing unit deputies, and we assist the individuals will completing pertinent forms/applications.
- Teachers provide reasonable accommodations noted from one-on-one sessions and from what is learned from the application process.

Recommendations:

- 1) ACSO must ensure a process is in place to identify learning disabilities and associated reasonable accommodation needs for individuals with documented learning disabilities.
- 2) ACSO (in conjunction with 5-Keys as necessary) must incorporate a jail-wide learning-disabled list, inclusive of specific accommodations needs for those individuals on the list. As part of this process, information from 5-Keys teachers should be provided to other SRJ entities/units. I recommend a central source to funnel the accommodation information through (e.g., to the ADA Coordinator) to incorporate the accommodation information into the ATIMS ADA Unit Tracking System.

1014. For individuals with cognitive, developmental, and/or intellectual disabilities, possible reasonable accommodations may include providing designated housing in a therapeutic unit appropriate to the individual's classification level, prompts for adaptive support needs (including but not limited to prompts to take showers, clean cells, attend appointments, etc.), ensuring Effective Communication, explaining how to fill out written forms (ADA request for Accommodations, Grievance, and Appeal forms, forms to request medical or mental health services and any other written forms the Jail implements for incarcerated persons use) and/or in using electronic tablets and providing assistance if needed, assistance with commissary (e.g., observing the individual post commissary purchase for possible victimization concerns), assistance with laundry exchange, and obtaining input from a Qualified Mental Health Professional prior to conducting disciplinary/misconduct hearings.

Finding: Partial Compliance

(Note: this Provision was previously rated as "Partial Compliance")

Policies:

- ACSO Detention and Corrections Policy and Procedure – 1.14 Americans with Disabilities Act (Revision Date October 31, 2019).
- Policy 9.11 Effective Communication (Issued Date: February 6, 2024).
- ACSO Memorandum, titled, "Identification of Intellectual and Learning Disabilities" (dated January 25, 2024).

- The Expert notes that the revision of the policies is still in progress.

Training:

Development of related training materials by ACSO is in progress.

Metrics:

- Policy 1.14 Americans with Disabilities Act.
- Disability Tracking Form (list).
- Staff Interviews (custody and non-custody staff from multiple disciplines).
- Incarcerated Person Interviews.

Assessment:

Policy 1.14 has not been revised since the inception of monitoring. However, as noted earlier in this report, ACSO has informed the Expert that the revised draft policy is under review and will soon be shared for review and comments.

As part of document production, and as referenced earlier in the report, ACSO provided a memorandum, titled, "Identification of Intellectual and Learning Disabilities" (dated January 25, 2024). The memo states in part, "At the current time there is no system in place to screen incarcerated persons for intellectual or learning disabilities. This is a process that will need to be developed in conjunction with Alameda County's Behavioral Health and education service providers. Once a screening tool is developed and implemented, a referral process will be included in the system to ensure the Americans with Disabilities Act Coordinator is notified and can track those individuals and advocate for them as appropriate." This topic has been discussed at past monitoring tours between the Expert, the parties, and ACSO, AFBH, and Wellpath staff, including initial and secondary screening tools (and timelines) and assessments, appropriate employee classifications to perform the services. It is noted that ACSO recently drafted a comprehensive policy pertaining to incarcerated persons with intellectual/developmental disabilities, including the screening/testing/evaluation process and the requirements for housing officers and work supervisors to provide adaptive support services to ensure equal access to programs, services, and activities for those individuals. Specifically, as outlined earlier, Wellpath has drafted Policy HCD-100 X-01 Adaptive Support Services, Adaptive Support Needs Flow Chart, and an Adaptive Support Needs Screening form. The Experts provided comments; however, these documents do not appear to have yet been finalized or implemented. This is all part of the ongoing collaborative efforts between ACSO/AFBH/Wellpath. The Expert's previous report (Consent Decree Third Status Report) includes more detailed information.

As also cited earlier in this report, it is recognized that ACSO recently implemented Policy 9.11 Effective Communication (Issued Date: February 6, 2024), and AFBH is working on a stand-alone Effective Communication policy.

Recommendations:

- 1) The ACSO must confirm when the new policy requirements are enacted, e.g., initial intake screening (the new form used); the secondary (comprehensive) screening/evaluation/testing commences with the approved instruments (as outlined in policy); related disability and adaptive support information provided to the ADA Coordinator and tracked via the electronic tracking system so that all staff have access to the information as warranted; recommended frequencies for housing officers to monitor, prompt, assist, and coach intellectually disabled individuals in accordance a qualified psychologist's recommended frequencies for each individual (individualized base-by-case basis); and staff providing (and documenting) adaptive support services (to also include effective communication), particularly housing officers and work supervisors as applicable.
- 2) It is recognized that ACSO maintains ADA Unit staff who currently track all accommodations provided and needed (when known). However, with the new policy and enhanced comprehensive screening/evaluation/testing process, inclusive of identified adaptive deficits and adaptive support needs, SRJ must provide logs or documentation to demonstrate that housing unit officers and work supervisors are providing the required/needed monitoring, prompting, assisting, and coaching in accordance with an individual's (IDI) adaptive support needs as identified by a qualified psychologist.
- 3) Post orders for housing units designated to house individuals identified/categorized as IDI, as well as post orders for work supervisors, must be revised to include the requirements to understand the tracking system to be able to access disability and accommodation information (including for IDI, behavioral health, and learning-disabled persons), to provide adaptive support services in accordance with a qualified psychologist's recommended frequencies, and to document such (at least document in accordance with the minimum recommended frequencies).

Tracking

1015. Defendants shall implement an electronic, real-time networked tracking system including a grievance module (“ADA Tracking System”) to document and share internally information regarding an individual’s disability(ies) and disability-related accommodations within six (6) months of the Effective Date. The ADA Tracking System shall have the following functional capabilities:

- (1) to store historical information regarding an individual’s accommodation needs in the event the individual is returned to custody multiple times;**
- (2) to list the current types of accommodations the individual requires; and**
- (3) to track all programs, services, and accommodations offered to incarcerated persons with Psychiatric Disabilities throughout their incarcerations including any accommodations they refused.**

Access to the ADA Tracking System shall be made available to and shall be used by ACSO staff at the Jail who need such information to ensure appropriate accommodations and adequate program access for people with Psychiatric Disabilities. At a minimum, Classification Staff, the ADA Coordinator, and their staff, the Facility Watch Commander, Division Commander, Administrative Sergeant, Program Managers, and AFBH and medical staff shall have access to the ADA Tracking System. Clinical and ADA Unit staff shall be responsible for adding or modifying information regarding the nature of an individual's

Psychiatric Disability and necessary accommodations, including accommodations identified at Intake and throughout the individual's incarceration. Clinical and ADA Unit staff may delegate the actual data entry piece to non-clinical or non-ADA Unit staff where appropriate. Prior to any due process events and clinical encounters, clinical and ADA Unit staff shall be required to view the information in the system to determine if the individual has a disability and what accommodations are to be provided. All housing unit deputies, clinicians, and program managers who interact with incarcerated persons shall be trained to properly use the ADA Tracking System within six (6) months of the roll-out of the ADA Tracking System.

Finding: Non-compliance

(Note: this Provision was previously rated as "Non-compliance")

Policies:

- ACSO Detention and Corrections Policy and Procedure - 1.14 Americans with Disabilities Act (Revision Date October 31, 2019).
- ACSO Memorandum, titled, "ATIMS ADA Module Progress Update" (dated January 25, 2024).
- The Expert notes that the revision of the policies is still in progress.

Training:

Development of related training materials by ACSO is in progress.

Metrics:

- Policy 1.14 Americans with Disabilities Act.
- ACSO Staff Interviews.
- Current Disability Tracking Form (list).

Assessment:

It is noted that Policy 1.14 has not been revised since the inception of monitoring. ACSO reported the revised draft is pending internal review and will soon be shared with the Experts. It is understood that within six (6) months of the Effective Date of the Consent Decree, the ACSO was required to develop and implement an electronic, real-time networked tracking system, including a grievance module ("ADA Tracking System") to document and share internal information regarding an individual's disability(ies) and disability-related accommodations.

As part of document production, ACSO provided a memorandum, titled, "ATIMS ADA Module Progress Update" (dated January 25, 2024). The memo states, "During the last evaluation period the Americans with Disabilities Act (ADA) Unit has been working with the Advanced Technology Information Management System (ATIMS) to develop a software module. The module will assist the ADA Unit and staff at the Santa Rita Jail with the tracking and monitoring of inmates with

physical and intellectual disabilities. This will ensure seamless services are provided by medical, mental health, the ADA unit, and sworn agency members working throughout the Santa Rita Jail. As of December 2023, the module design is mapped out and a quote has been provided to the Alameda County Sheriff's Office. Once reviewed, the quote will be submitted for funding and the development of the software module will begin. To date, there is no projected timeline for completion or implementation. Updates to follow in Q1 or Q2, 2024."

As the Expert previously reported for the current ATIMS JMS tracking process, medical staff reportedly provide the completed Disability Evaluation Forms (whether from Intake or from disability verification/confirmation from individuals already housed at SRJ) to the ADA Coordinator. There are medical alert flags within the current system to alert the reader as to an individual's disability status and accommodation needs. The ADA Coordinator updates his own tracking list from this information (once per week), reportedly emails the list (every Monday), and stores the list within the Shared folder. However, presently, only managers, supervisors, and ADA Unit personnel have access to the information. Reportedly, a copy of the weekly updated list is also sent to ITR, Transportation, Medical, and Re-Entry and Support Services. The ADA Coordinator also stated that all deputies are qualified to conduct disciplinary hearings, so they have access to the disability and accommodation information in ATIMS. The ADA Coordinator confirmed that there is no separate "LD" category/designation for learning-disabled individuals, as they coded as "IDI" along with intellectually disabled persons. Note: The ADA Joint Expert made applicable recommendations earlier in the report. The ADA Coordinator stated there currently is no requirement to document adaptive support services provided (for individuals identified as "IDI"), but that staff are providing them.

Recommendations:

- 1) The ACSO must develop and implement an electronic, real-time networked tracking system, including a grievance module ("ADA Tracking System") to document and share internal information regarding an individual's disability(ies) and disability-related accommodations (in accordance with this Consent Decree Provision).
- 2) Policy (whether 1.14 or other policy[ies]) must be revised to include the tracking requirements of this Provision.
- 3) All staff must be trained on how to access the real-time tracking system and how to use that information in the performance of their assigned duties.

1016. Housing unit, education, and program office staff shall be provided with a report listing all individuals with Psychiatric Disabilities in the relevant unit or program, as well as any needed accommodations. The information provided shall be limited to identifying the individuals who have a disability and what accommodations shall be provided. It shall not contain any information beyond the minimum required to ensure the individual's disability needs are accommodated. Until the electronic ADA Tracking System is fully implemented, this report shall be updated and provided to staff in written form at least once per week. Once the ADA Tracking System is fully implemented the report shall be updated electronically, in a manner accessible to housing unit deputies, daily.

Finding: Partial Compliance

(Note: this Provision was previously rated as "Partial Compliance")

Policies:

- ACSO Detention and Corrections Policy and Procedure - 1.14 Americans with Disabilities Act (Revision Date October 31, 2019).
- The Expert notes that the revision of the policies is still in progress.

Training:

Development of related training materials by ACSO is in progress.

Metrics:

- Policy 1.14 Americans with Disabilities Act.
- Staff Interviews (custody and non-custody staff from multiple disciplines).
- Current JMS ATIMS ADA Unit Disability Tracking List.

Assessment:

As outlined earlier in the report and as part of document production, ACSO provided numerous weekly tracking lists for BHI, learning disabled, and intellectually/developmentally disabled individuals. (Note: previous lists have also included individuals identified with Traumatic Brain Injury (TBI), Autism, and Asperger's). The current and recent tracking lists also include individuals identified to have various other disabilities outside the purview of the Consent Decree. Based on a recent weekly tracking list (from January 2024), the list (as identified earlier in this report) contained the names and information for 67 incarcerated persons identified as "SMI", and five (5) identified as "IDI" (inclusive of their individual specific adaptive support needs). None of the individuals identified as "SMI" had any identified corresponding accommodation needs listed.

As cited earlier in this report, all staff interviewed (e.g., medical, mental health, housing deputies, and classification deputies) were able to explain how they access the disability and effective communication and/or reasonable accommodation information electronically (e.g., via ATIMS). Per the Expert's request, two (2) housing deputies (from two [2] different units) demonstrated the process [in ATIMS].

Recommendations:

- 1) Until the new electronic ADA Tracking System is fully implemented, the tracking lists for psychiatric disabled (and learning disabled and intellectually/developmentally disabled) incarcerated persons must include their respective accommodation needs and be updated and provided to staff in written form at least once per week with updates as changes are made (e.g., housing assignment changes, accommodation changes). Once the ADA

Tracking System is fully implemented, the report shall be updated electronically in a manner accessible to housing unit deputies and other key staff daily. The interim and future tracking systems must include disability information as well as required adaptive support services, Effective Communication, and reasonable accommodations-related information (to the extent the Jail has such information pending implementation of comprehensive screening/testing/evaluation processes).

- 2) Once the determination is made whether the ADA Unit's current practices encompass all individuals with a "Psychiatric Disability" as defined by the Consent Decree ensure all incarcerated persons with psychiatric disabilities are tracked by the ADA Tracking System.

Housing Placements

1017. The fact that an individual has a Psychiatric Disability and/or requires reasonable accommodations for that disability shall not be a factor in determining the individual's security classification. Individuals with Psychiatric Disabilities shall be placed in housing that is consistent with their security classification and disability-related needs. Individuals with Psychiatric Disabilities shall be screened for potential victimization and vulnerability concerns and those factors shall be considered when determining appropriate housing; however, their disabilities shall not be used to justify placing an individual in a more restrictive privilege level than that in which they would have otherwise been classified except as provided herein. Individuals with severe or profound cognitive, intellectual, or developmental disabilities shall not be housed in a more secure setting unless it is determined by the Classification Unit and mental health staff that there are no other viable alternatives to prevent the individual from being victimized. This decision shall be based on an individualized assessment of the person's needs and the specific safety and/or security concerns affecting the individual, including whether the person is able to function safely in a dormitory environment. To the extent possible, individuals housed in more secure settings due to victimization concerns shall receive the same privileges, access to programs, and out-of-cell hours that they would otherwise receive. The reason for housing an incarcerated person with a severe or profound cognitive, intellectual, or developmental disability in a more secure setting due to victimization concerns shall be clearly justified and documented in the ADA tracking system and classification documents and shall be reevaluated at least every sixty (60) days.

Finding: Partial Compliance

(Note: this Provision was previously rated as "Partial Compliance")

Policies:

- ACSO Detention and Corrections Policy and Procedure - 1.14 Americans with Disabilities Act (Revision Date October 31, 2019).
- ACSO Detention and Corrections Policy and Procedure - 12.04 The Santa Rita Jail – Housing Unit Classification (Revision Date May 4, 2023).

Training:

Development of related training materials by ACSO is in progress.

Metrics:

- Policy 1.14 Americans with Disabilities Act.
- Policy 12.04 The Santa Rita Jail – Housing Unit Classification.
- ACSO Staff Interviews.
- ACSO Housing Matrix.

Assessment:

The ADA Joint Expert notes that Policy 1.14 has not been revised since the inception of monitoring but also recognizes that policy revisions are still ongoing. However, as cited earlier in this report, the revised draft is pending administrative review and will soon be provided for review and comments. The Expert's initial report identifies (in greater detail) Policy 1.14 requirements as pertaining to Classification staff housing considerations, least restrictive housing, and ADA Coordinator notifications regarding the housing of disabled incarcerated persons.

Classification staff maintain that housing placement is based on multiple factors, including but not limited to custody factors, assistance with daily living needs (e.g., if severe), violence history, disciplinary history, commitment or charged offenses, disability accommodation needs, etc. It is acknowledged AFBH has been undergoing a change in the various levels of care for behavioral health/psychiatric individuals, which also correlates to housing and programming. The Expert was not provided an updated housing matrix but has reviewed them for previous monitoring tours. The last ACSO housing matrix reviewed identified numerous housing units for individuals with psychiatric disabilities. Those with learning disabilities appear to be housed in any unit commensurate to their security classification case factors. It still appears these individuals identified as "IDI" may be housed in any unit as their security classification dictates. It is still unclear whether ACSO plans to use a clustering or semi-clustering approach for the intellectual/developmental population, especially those with moderate or severe adaptive deficits. Once ACSO/AFBH employs a comprehensive testing and evaluation process, it is likely that the number of those identified will increase and having at least two (2) or three (3) units for semi-clustering purposes may prove beneficial for proper monitoring and safety of the individuals.

Through continued observations of the Intake process coupled with staff interviews (from all on-site reviews conducted), Classification staff continue to inquire about victimization/vulnerability/predatory concerns, and they consider that information when making housing decisions. The healthcare screening processes for both medical and behavioral health include questions of new arrivals pertaining to potential victimization concerns, to which the information is shared with the Classification Unit immediately and prior to housing and program assignment.

Reportedly, classification reviews for any possible concerns that incarcerated persons with intellectual/developmental disabilities (as well as other psychiatric disabled individuals) should not be placed in more restrictive housing environments other than what their individual classification and security levels otherwise dictate.

If ACSO is currently housing an individual with a severe or profound cognitive, intellectual, or development disability in a more secure setting due to victimization concerns, ACSO is not providing the required documentation and reevaluation.

Recommendations:

- 1) Recommend ACSO/AFBH consider at least a semi-clustering approach to housing intellectually/developmentally disabled incarcerated persons (at least those identified as moderately and severely intellectually/developmentally disabled). A semi-clustering approach allows for the intellectually/developmentally disabled population to reside with the non-intellectual/developmental disabled population (though still screened for predatory/victimization concerns), whereas there can be valuable learning of everyday living skills from the other individuals, but yet can allow for trained and carefully screened staff to work such units to better enable staff to effectively monitor and provide the necessary prompts and assistance as needed.
- 2) In the event there are no other feasible options other than to house an individual in a more restrictive environment due to victimization or other safety concerns, staff must justify the decision in writing (via the ADA Tracking System) and ensure the individual has equivalent access to programs, services, and activities (e.g., outside yard time, indoor pod/dayroom time, etc.) as he/she would have if they were housed in a different unit based on the security classification factors had the person not had a disability or associated accommodation needs:
 - a. The ACSO must evaluate such cases at least every 60 days.

Access to Out-Of-Cell Time and Yard

1018. Defendants shall ensure that individuals with Psychiatric Disabilities are offered equal access to yard and day room exercise and recreation time as non-disabled individuals in comparable classification levels. Refusals of out-of-cell time and yard shall be documented consistent with Section III(D). Minimum out-of-cell time requirements apply to all incarcerated persons unless specifically contraindicated by a mental health treatment plan due to suicide precautions.

Finding: Partial Compliance

(Note: this Provision was previously rated as "Partial Compliance")

Policies:

- ACSO Detention and Corrections Policy and Procedure - 18.12 Recreation and Inmate Activity Program and Planning (Revision Date March 9, 2023).
- The Expert notes that the revision of the policies is still in progress.

Training:

Development of related training materials by ACSO is in progress.

Metrics:

- Policy and Procedure - 18.12 Recreation and Inmate Activity (Revised March 9, 2023).
- ACSO Staff Interviews.
- Incarcerated Person Interviews.
- Out of Cell Tracking Logs.

Assessment:

Policy 18.12 was revised on March 9, 2023. Out-of-cell time and the tracking of such is closely monitored by other experts relative to other Consent Decree Provisions.

As part of document production, the Expert reviewed a randomly selected sampling of Excel spreadsheets for Yard, Big Yard, and Guardian Out of Cell Report. Note: The Expert reviewed only for housing units where individuals identified as either "SMI" or "IDI" were assigned (per the JMS ATIMS ADA Unit ADA Tracking List). The following information was obtained (note: up to five [5] randomly selected incarcerated persons were picked within a given housing unit):

Yard Excel Spreadsheets:

Yard Excel Spreadsheets (Yard Weekly) were examined for a 3-week time-period for the month of January 2024. Unfortunately, there was no information depicted for approximately 78 percent of the listed housing units. Of the other housing units listed, approximately 22 percent showed between 1 – 3 hours of allotted yard time for the week for the respective units.

The Big Yard spreadsheet (for the week reviewed (January 28, 2024 – February 3, 2024) did not depict the information for six (6) housing units where one (1) or more IDI or SMI individuals are housed. Of the other three (3) housing units, there was between 1.0 – 2.0 hours allotted for the week, for a given pod.

Guardian Out of Cell Report Excel Spreadsheets were also reviewed. However, the Expert had some concerns with the data. Of the six (6) housing units reviewed (where one [1] or more IDI or SMI individuals are housed there were eight (8) incarcerated persons that were listed in the January 2024 ATIMS tracking lists that were not included within the Excel spreadsheets. One of the housing units had all five (5) individuals listed as refusing yard, with no explanation. It is unclear whether staff in that housing unit are making meaningful attempts to offer yard, or whether there are medication issues (e.g., possibly only offering early morning yard, or possibly some other explanation. Another housing unit did not list any data for yard time. Of the three (3) units that had recorded yard time, weekly yard time listed for respective individuals was between 1 hour and 4 minutes – 7 hours and 36 minutes. Note: All examples included one (1) yard appearance in the given week. There were no noted concerns for pod time. During the next monitoring tour, the Expert will evaluate the out of cell time being offered and provided to disabled incarcerated persons versus non-disabled incarcerated persons in housing units that house both disabled and non-disabled incarcerated persons.

It is unclear why numerous housing units and numerous individuals identified as “SMI” and “IDI” from the JMS ATIMS ADA Unit Tracking List are not depicted (names not listed and no data/entries) on the Big Yard Excel Spreadsheets, Weekly Yard Excel Spreadsheets, and the Guardian Out-of-Cell Excel Report.

Recommendations:

- 1) The ACSO must continue to track out-of-cell time for all disabled individuals (including individuals identified as “SMI” and “IDI” as listed within the JMS ATIMS ADA Unit ADA Tracking List), including yard and pod time to ensure there is no disparity between outdoor and indoor recreation time offered to psychiatric, intellectually/developmentally disabled incarcerated persons and other individuals in relation to the assigned security levels and housing units.

Access to Programs and Work Assignments

1019. Defendants shall ensure that individuals with Psychiatric Disabilities have equal access, as compared to non-disabled individuals, to all programs, activities, and services including, but not limited to, educational, vocational, work, recreational, visiting, medical, mental health, substance abuse, self-improvement, religious, electronic tablets, and reentry programs, including Sandy Turner Center and Transition Center programs, consistent with their classification and for which they are qualified. To the extent they do not currently exist, Defendants shall develop job descriptions and the essential job functions associated with each position. Defendants shall inform individuals with Psychiatric Disabilities, using Effective Communication, of the programs and worker assignments that are available to them, any job descriptions/essential job functions, how to contact the ADA Coordinator, that they have a right to request reasonable accommodations, and how to do so using the ADA Request form. To the extent a person is denied access to a program or worker assignment, they shall have the right to file an ADA-related grievance and/or otherwise appeal that decision. Programming staff shall access the ADA Tracking System to determine whether participants in a program have a disability and their accommodation needs. Until the ADA Tracking System is in place, the ADA Unit shall, on a weekly basis, provide program staff with a list of individuals with disabilities and their accommodation needs.

Finding: Partial-Compliance

(Note: this Provision was previously rated as "Partial Compliance")

Policies:

- ACSO Detention and Corrections Policy and Procedure - 1.14 Americans with Disabilities Act (Revision Date October 31, 2019).
- Alameda County Sheriff's Office Detention and Corrections Policy and Procedure: Introduction to Inmate Services 18.01 (2 pages) (revised 12/1/19).
- Alameda County Sheriff's Office Detention and Corrections Policy and Procedure: Inmate Operational Programs and Services 18.02 (2 pages) (revised 10/30/20).

-
- Alameda County Sheriff's Office Detention and Corrections Policy and Procedure: Commissary Procedure 18.06 (9 pages) (revised 10/12/21).
 - Alameda County Sheriff's Office Detention and Corrections Policy and Procedure: Religious Programming 18.07 (3 pages) (revised 12/1/19).
 - Alameda County Sheriff's Office Detention and Corrections Policy and Procedure: Library Services 18.08 (2 pages) (revised 12/1/19).
 - Alameda County Sheriff's Office Detention and Corrections Policy and Procedure: Educational Program Planning 18.09 (4 pages) (revised 12/1/19).
 - Alameda County Sheriff's Office Detention and Corrections Policy and Procedure: Vocational Training Programs 18.10 (3 pages) (revised 12/1/19).
 - Alameda County Sheriff's Office Detention and Corrections Policy and Procedure: Social Services Programs 18.11 (3 pages) (revised 3/1/20).
 - Alameda County Sheriff's Office Detention and Corrections Policy and Procedure: Recreation and Inmate Activity Program and Planning 18.12 (3 pages) (revised 3/9/23).
 - Alameda County Sheriff's Office Detention and Corrections Policy and Procedure: Inmate Entertainment Systems 18.13 (3 pages) (revised 12/1/19).
 - Alameda County Sheriff's Office Detention and Corrections Policy and Procedure: Inmate Tablet Access 18.14 (3 pages) (revised 2/9/23).
 - Alameda County Sheriff's Office Detention and Corrections Policy and Procedure: Services for Released Inmates 18.16 (2 pages) (revised 10/12/21).
 - Alameda County Sheriff's Office Detention and Corrections Policy and Procedure: Parenting Program 18.17 (5 pages) (revised 11/21/23).
 - Alameda County Sheriff's Office Detention and Corrections Policy and Procedure: Legal Assistance Program 18.21 (3 pages) (revised 12/1/19).
 - The Expert notes that the revision of the policies is still in progress.

Training:

Development of related training materials by ACSO is in progress.

Metrics:

- ACSO Memorandum, titled, "Identification of Intellectual and Learning Disabilities" (dated January 25, 2024).
- Staff Interviews (custody and non-custody staff from multiple disciplines).
- Incarcerated Person interviews.
- Various Document Reviews.
- Policy 1.14 Americans with Disabilities Act.
- Policy 18.01 Introduction to Inmate Services.
- Policy 1802 Inmate Operational Programs and Services.
- Policy 18.06 Commissary Procedure.
- Policy 18.07 Religious Programming.
- Policy 18.08 Library Services.
- Policy 18.09 Educational Program Planning.
- Policy 18.10 Vocational Training Programs.

- Policy 18.11 Social Services Programs.
- Policy 18.12 Recreation and Inmate Activity Program and Planning.
- Policy 18.13 Inmate Entertainment Systems.
- Policy 18.14 Inmate Tablet Access.
- Policy 18.16 Services for Released Inmates.
- Policy 18.17 Parenting Program.
- Policy 18.21 Legal Assistance Program.

Assessment:

It is recognized that some of the policies are still pending revision.

Outlined below is some general information obtained from observations made during the on-site review, on-site interviews of incarcerated persons, and document reviews.

5-Keys (Schools and Programs) – Education:

As noted in the previous report, ACSO reports that all incarcerated persons are eligible to take distance learning courses, and most classes have now re-opened. Most in-person classes are offered Mondays thru Fridays from 0800-0930, 1000-1130, and 1300-1430 hours. The Sandy Turner Education Center's small classroom allows for 10 students, while the large classroom accommodates 15 students per class.

Flyer 5-Keys (Schools and Programs) Opportunities/Programs include High School Completion (Diploma, GED, HiSET), Transition to College and Financial Aid Supports, Career Training Education, English as a Second Language/ESL, Adult Basic Education, and Academic Counseling.

From the ACSO documents provided for document production (including Excel spreadsheets for students assigned to academic classes/programs), there was no spreadsheet for January 2024 to reconcile against the January 2024 ATIMS ADA Unit tracking list. Note: For all (or most) of the Consent Decree Provisions for the current monitoring period, the Expert used a weekly version of the JMS ATIMS ADA Unit Tracking List to monitor and for purposes of reconciling against other documentation/materials. However, for education (5-Keys), there was no spreadsheet for January 2024 with which to reconcile against to determine class assignments (for individuals identified as "SMI" and "IDI").

Teachers continue to report that they do not receive an ADA tracking list (from ACSO or AFBH). The Expert was able to confirm that BHI incarcerated persons are assigned to classroom instruction. As was the case for the previous monitoring tours, education staff maintain they do not currently have any individuals identified as IDI (or LD) assigned to education classes, and they have never had any IDI individuals assigned (though there are no exclusionary criteria based on disability alone). Education staff are not made aware (by ACSO, AFBH, or Wellpath) of any disabilities or accommodation needs. To the extent teachers become aware of any accommodation needs, they reportedly provide the accommodations. Such information would

have to be obtained from outside sources or from interviewing and working with a respective student.

5-Keys staff indicated TABE testing (or similar testing) is conducted to enrollees only but will only confirm learning disabilities with outside sources if requested. If confirmation of a learning disability is received, the information is reportedly forwarded to the ADA Coordinators' office (though no documented proof of such has been provided). Note: as addressed in Provision 1014 (above), ACSO Memorandum, titled, "Identification of Intellectual and Learning Disabilities" (dated January 25, 2024), indicates in part, "At the current time there is no system in place to screen incarcerated persons for intellectual or learning disabilities. This is a process that will need to be developed in conjunction with Alameda County's Behavioral Health and education service providers." Currently, the only IDI individuals included in the ATIMS tracking list are those where CDCR provides information to the County for incarcerated persons who were part of the Developmental Disability Program when housed in CDCR or through information obtained that an individual has been a past regional center consumer. Because the County is in the process of developing and implementing a comprehensive screening/evaluation process to identify other individuals with intellectual (or learning) disabilities (and their associated adaptive support or reasonable accommodation needs), currently, it cannot ensure equal access for these individuals.

5-Keys staff reportedly actively recruit students by touring the housing units, teachers talk with the housing deputies, and assist incarcerated persons with completing education-related forms and applications.

Some of the comments or complaints from some of the incarcerated persons interviewed included: no education programs available; able to navigate the electronic tablet for education; have completed Art Therapy, Anger Management, and Art History; teachers come to HU 21 for programs/classes; I want programs/classes but they are not offered, would like to earn a GED; don't know about education opportunities except on the electronic tablet; and no education recruitment (multiple complaints).

Electronic Wireless Tablets

The Expert interviewed a staff member regarding Reentry and Support Services (and Commissary services). ViaPath is the current approved vendor for the electronic tablets. ACSO is currently involved in the bid and response process for a new contract. The anticipated start date for the new contract/vendor is May 1, 2024, and approved vendor could be the existing vendor or a new vendor (with an upgraded product). The staff member stated staff train incarcerated persons on how to use their pin number and log-in for the device and can answer general questions that individuals might ask. For individuals assigned to Therapeutic housing (HU 9, 21, 34, and 35) staff reportedly spend more time with them, but the tablet users must ask for help. Currently (as of December 13, 2023) SRJ has about 1,259 tablets deployed. About 2,064 are assigned, with the difference being either missing tablets or are being repaired. After an incarcerated person requests a tablet, there is a wait list of about 60 days to receive a tablet. W Reportedly the new RFP has a built-in better inventory control component. Tablets often go missing. It is expected that with the new contract (soon) there will be enough for all incarcerated

persons. ACSO SRJ rules are now on the tablets. Staff also stated that Policy 18.14 Inmate Tablet Access is pending revision.

The Expert previously reported there is no tablet education material or information (within orientation material) that indicates help can be available to navigate the Tablet. However, in the review of the revised Inmate Rules and Information (Orientation Jail Handbook – revised January 2023), there is an ADA section and a section titled "Wireless Tablet Access" that provides general instructions. Staff confirmed that the Disability Request for Reasonable Accommodation form is not on the tablets (only grievances and requests)

Some of the comments or complaints from some of the incarcerated persons interviewed included: no electronic tablets available; and staff taught me how to log on, but not how to use (so I only play cards).

Library Services/Reading Materials

Regarding Library Services, there is a contract with the County Library. The book carts are located in the housing units/pods, and once per month, the library is re-stocked, and exchanges and pod re-stocks take place within the pods. Individuals can request two (2) books per month. Regarding easy-read books, the Joint Expert has not seen any proof they are provided.

Some of the comments or complaints from some of the incarcerated persons interviewed included: no easy read (low reading level) books available.

Reentry Programs

Reentry staff were interviewed and provided updated information. As previously reported (Consent Decree Third Status Report), reportedly the Reentry Assessment is now on Tablet, and Housing Unit 3 deputies (Reception) do the initial assessment (for LOC X and LOC 1 clients only (not LOC 2-4). Within 12-24 hours of arrival at ITR, staff contact the incarcerated persons and offer a reentry questionnaire on the Tablet. While onsite for the current monitoring review, reentry staff reported that about 70 percent of the SRJ population goes through the Reception Center (HU 3). The cells are open 16 hours per day. During the initial 24 hours, they are given a quick tablet triage survey. The electronic tablets are explained during a one-on-one encounter with unit staff prior to (or when) conducting the survey. The respective deputy assesses any needs during that time-period and explains all programs. A secondary medical screening is also done in the reception center. One of the new aspects of the program is the "Roots" program which is available in the unit daily. Other community groups also are available at least once weekly in at least three-hour blocks. Approximately 7,000 incarcerated persons have reportedly gone through the reception center since April 2023. The same survey process (explained above) is also captured for new female incarcerated persons in housing units 21 and 24. The CAL-AIMS program has been rolled-out in phases. Currently everyone is being evaluated for Medi-Cal/eligibility. The program also provides for California Driver's License application assistance. There are vocational programs, including in coordination with the Laborer's Union of Northern California (funded by a grant), with 6-week cohorts and certificate-based. The Laborer's Union teaches general labor and vocational education for some of the trade programs.

Some of the comments or complaints from some of the incarcerated persons interviewed included: individual does not know his release date to possibly use reentry services (multiple).

Incarcerated Person Work Assignments:

It is acknowledged that currently, based on housing assignment, some individuals are not eligible to work or are limited to work assignments such as housing unit workers. However, of the 72 names on the JMS ATIMS ADA Unit Tracking List from January 2024 (67 SMI and 5 IDI), only one (1) individual was assigned a job (housing unit worker).

The Expert interviewed classification staff relative to incarcerated persons work assignments/opportunities. Staff (e.g., housing officers) inform classification deputies if there is anyone of interest they want to hire into a job assignment. Classification staff reportedly ask for a memorandum and work to clear/approve the individual. As cited earlier in this report, there are no job descriptions or documents listing essential functions for incarcerated person positions at SRJ (except for possibly a couple of assignments). Staff continued to maintain they would accommodate any individuals that had reasonable accommodation needs on the worksite if they were aware of their required accommodations.

Some of the comments or complaints from some of the incarcerated persons interviewed included: told I am not eligible due to mental health status; no work opportunities.

Recommendations:

- 1) The ACSO must develop job descriptions for all incarcerated person job assignments with listed essential job functions for each position. The ACSO must work with the ADA Joint Expert(s) (and Class Counsel) in the development to allow for review, comments, and recommendations:
 - a) For future monitoring tours, the ACSO must provide examples for all work areas for proof of practice and review.
- 2) The ACSO must ensure incarcerated persons with psychiatric, intellectual/developmental, and learning disabilities are considered for work assignments commensurate to their custody/classification level, and not have a process that excludes or tends to exclude these individuals for work assignments.
- 3) The ACSO must have a process in place that allows for incarcerated persons with psychiatric, intellectual/developmental, and learning disabilities to receive reasonable accommodations for their disability while on the job:
 - a) The ACSO should provide proof of practice documentation (as applicable) for future monitoring tours.
- 4) Until the real-time network ADA Tracking System is in place, the ADA Unit shall, on a weekly basis, provide program/services staff as well as 5-Keys staff with a list of individuals with psychiatric, intellectual/developmental, and learning disabilities and their accommodation needs (e.g., Effective Communication, adaptive supports) so that staff can provide reasonable accommodations as required.
- 5) Recommend 5-Keys staff maintain dialogue with ACSO/AFBH as applicable to ensure referrals (as necessary) are done and any testing for individuals who may not currently be

- identified as having a disability or accommodation needs but are deemed by education staff as possibly having a psychiatric, intellectual/developmental, or learning disability.
- 6) Provide an update as to the status of available easy-read books/reading material.

ADA Grievances and Requests

ADA Requests:

1020. Defendants shall provide and maintain a readily available mechanism for individuals to make a request for reasonable modifications independent of the grievance system ("ADA Request"). This ADA Request form must be available in hardcopy as well as on electronic tablets to the extent that electronic tablets are provided to individuals for use. All ADA Requests shall be routed to the ADA Coordinator or a member of their team for review. The ADA Coordinator or a member of the ADA Unit shall review all ADA Requests within seven (7) days to evaluate them for any emergent issues that require an expedited response. Where an emergent issue is identified, the ADA unit shall respond within 48 hours of review and facilitate, as needed, obtaining any information required from AFBH to provide a response and/or scheduling an emergency appointment with AFBH staff as needed. For non-emergent issues, the ADA Unit shall provide a response within thirty (30) days of receipt of such a request. All ADA Requests and responses shall be documented in the ADA tracking system. Defendants shall inform individuals with Psychiatric Disabilities of the process for submitting ADA Requests in a manner that is effectively communicated. Where an individual is unable to submit written or electronic requests, the individual may make a request orally, and the Multi-Service deputy, housing unit staff, and/or the ADA Unit shall assist the individual in submitting the request in writing.

Finding: Non-Compliance

(Note: this provision was previously rated as "Non-Compliance")

Policies:

- ACSO Detention and Corrections Policy and Procedure - 1.14 Americans with Disabilities Act (Revision Date October 31, 2019).
- ACSO Policy 10.32 Americans with Disabilities Act Coordinator (Post Order) (Issued Date August 28, 2023).
- ACSO Detention and Corrections Policy and Procedure - 17.05 Inmate Message Requests (Revision Date December 1, 2019).
- The Expert notes that the revision of the policies is still in progress.

Training:

Development of related training materials by ACSO is in progress.

Metrics:

- Policy 1.14 Americans with Disabilities Act.

- Policy 17.05 Inmate Message Requests.
- ACSO Policy 10.32 Americans with Disabilities Act Coordinator (Post Order) (Issued Date August 28, 2023).
- ACSO Staff Interviews.
- Incarcerated Person Interviews.

Assessment:

As previously reported, the Expert's initial report outlined Policy 1.14 (in greater detail) as related to Inmate Message Requests, routing, Disability Related checkboxes, forwarding Disability Related or marked checkboxes to the ADA Coordinator, the ADA Coordinator's responsibility to address related claimed issues, and providing staff assistance to disabled inmates during the process. As cited earlier in this report, ACSO informed the Expert that revised draft Policy 1.14 is pending administrative review and will soon be provided to the Expert for review and comment.

It is noted ACSO Policy 10.32 Americans with Disabilities Act Coordinator (Post Order) was revised on August 28, 2023. The policy/post order contains information regarding ADA Unit Contacts (including regarding Effective Communication), providing staff assistance, grievances, ADA-related grievances, and message requests, including timeframes for processing requests/grievances deemed as emergent/exigent circumstances, and those deemed as non-emergent. It is noted (as stated above) specific language pertaining to grievances (including ADA-related grievances), and message requests, but the language does not specifically state the same requirements as pertaining to the disability accommodation form and process. As reported earlier in this report, there is a Disability Request for Accommodation form, but it is rarely used. Staff and incarcerated persons must be trained/made aware of the form, and its purpose.

Recommendations:

- 1) The ACSO must incorporate the Request for Accommodation form and process into policy (not just grievances, ADA-related grievances, and message requests).
- 2) The ACSO must ensure that ADA Request forms are available in hardcopy as well as on electronic tablets.
- 3) All ADA Requests and staff responses must be documented in the soon-to-be-expanded ATIMS ADA tracking system.

ADA Grievances:

1021. Defendants shall provide and maintain a grievance system that provides for prompt and equitable resolution of complaints by individuals with Psychiatric Disabilities who allege disability-related violations. Defendants' grievance form shall continue to include a checkbox or similar means to identify that the grievance is ADA-related. Defendants shall train grievance staff to route "ADA" grievances appropriately even if the individual who filed the grievance did not check the "ADA" checkbox. Once implemented, the ADA Tracking System shall route grievances relating to class members who are Behavioral Health Clients to AFBH for their review in case there are underlying mental health issues that are driving the grievances. ADA staff shall consult with AFBH prior to imposing any

grievance-related restrictions on class members who are Behavioral Health Clients. Until the ADA Tracking System is implemented the ADA Unit shall review and route grievances filed by individuals with SMI electronically to AFBH for review. AFBH shall assist as necessary in resolving issues raised by class members in grievances, including meeting with the grievant as needed.

Finding: Partial Compliance

(Note: this provision was previously rated as “Non-Compliance”)

Policies:

- ACSO Detention and Corrections Policy and Procedure - 1.14 Americans with Disabilities Act (Revision Date October 31, 2019).
- ACSO Policy 10.32 Americans with Disabilities Act Coordinator (Post Order) (Issued Date August 28, 2023).
- ACSO Detention and Corrections Policy and Procedure - 16.03 Inmate Grievance Procedure (Revision Date December 29, 2020).
- The Expert notes that the revision of the policies is still in progress.

Training:

Development of related training materials by ACSO is in progress.

Metrics:

- Policy 1.14 Americans with Disabilities Act.
- Policy 16.03 Inmate Grievance Procedure.
- ADA Grievances
- ACSO Staff Interviews.
- Incarcerated Person Interviews.
- Blank Alameda County Sheriff’s Office Inmate Grievance Form (ML51) (Rev 3/19).
- Blank Inmate Grievance Response form (ML52) (Rev 2/2022).
- Blank Inmate Grievance Response Supplemental Information form (ML53) (Rev 10/14).
- Blank Alameda County Sheriff’s Office Notice of Extension for Grievance form (Spanish version) (ML54) (Rev 3/15/21).

Assessment:

The Expert’s initial report outlines Policy 1.14 (in greater detail) as pertaining to the grievance process, including submittal, understanding, and completing the grievance process (including providing assistance, especially for individuals with mental illness or intellectual/developmental disabilities), Disability Related check box process, and forwarding a copy of the grievances to the ADA Coordinator. As noted earlier in this report, draft revised Policy 1.14 is pending administrative review and will soon be provided for review and comment. Policy 10.32 Americans with Disability

Act Coordinator (Post Order) was revised on August 28, 2023, and contains relevant information regarding ADA Grievances.

From document production, the County did not provide grievances or grievance responses as requested. However, nine (9) grievances were reviewed while onsite. Information gathered from the Excel spreadsheet, titled, "Grievance 2024, there were some concerns (or possible concerns noted). Data for 407 entries (from the spreadsheet) showed approximately 87 percent were denied; there is no ADA-specific category, and in reviewing the spreadsheet it was unclear as to which were submitted by BHI, SMI, IDI and LD individuals.

While onsite the Expert reviewed nine (9) randomly selected ADA-related grievances. There were no timeliness concerns, and no cases where there was a face-to-face interview whereas effective communication would have been relevant.

Grievance staff provided the following information: even if a grievance is not marked as ADA, it will be processed as ADA as appropriate. If a grievance has an ADA component and the grievant is not identified as a class member (IDI/BHI), grievance unit staff will request information from Wellpath/AFBH to determine if the individual is disabled and seek information for a response. All ADA-related grievances (including non-ADA related submitted by class members) are forwarded to the ADA Unit. Note: Grievance Unit also forwards to AFBH even though the Consent Decree states the ADA Unit shall route the grievances to AFBH pending until the ADA tracking system is implemented.

For future monitoring tours, the Grievance Unit has committed to produce (on Share Point) all ADA-related grievances for the respective monitoring period.

It is noted ADA Unit staff has not provided training to grievance staff on how to identify ADA-related grievances when not marked as ADA by an incarcerated person. This is requirement per the Consent Decree.

The ACSO reported that no incarcerated persons are or have been placed on grievance restriction during document production period.

Recommendations:

- 1) For future monitoring tours, ACSO must provide all grievances (including staff responses) for psychiatric, intellectual/developmental, and learning-disabled incarcerated persons (for those individuals verified and tracked within the tracking system for the respective monitoring tour period).
- 2) For the next review period, and until the ADA expanded Tracking System is implemented, provide proof the Grievance Unit (although the Consent Decree indicates this is an ADA function) routes grievances filed by individuals with SMI electronically to AFBH for review.
- 3) For the next review period, provide proof that AFBH assists in resolving grievances, including meeting with the grievant.
- 4) Recommend revising Policy 16.03 Inmate Grievance Procedure to include the requirements of related Consent Decree provisions.

1022. The ADA Coordinator or a member of the ADA unit shall:

- (i) review all ADA related complaints;**
- (ii) assign an ADA-trained staff person to investigate the complaints, and/or interview the individual to the extent his or her complaint or requested reasonable modification is unclear or consult with AFBH as appropriate; and**
- (iii) provide a substantive written response.**

The ADA Coordinator or a member of the ADA Unit shall review all ADA-related grievances within seven (7) days to evaluate them for any emergent issues that require an expedited response. Where an emergent issue is identified, the ADA unit shall respond within forty-eight (48) hours of review and facilitate, as needed, obtaining any information required from AFBH to provide a response and/or scheduling an emergency appointment with AFBH staff as needed. For non-emergent issues, the total response time for all ADA-related grievances shall be thirty (30) days from receipt. All ADA-related grievances and responses, including the provision of interim reasonable modifications, shall be documented and tracked in the ADA Tracking System Grievance Module.

Finding: Partial Compliance

(Note: this provision was previously rated as “Non-Compliance”)

Policies:

- ACSO Detention and Corrections Policy and Procedure - 1.14 Americans with Disabilities Act (Revision Date October 31, 2019).
- ACSO Policy 10.32 Americans with Disabilities Act Coordinator (Post Order) (Issued Date August 28, 2023).
- ACSO Detention and Corrections Policy and Procedure - 16.03 Inmate Grievance Procedure (Revision Date December 29, 2020).
- ACSO Detention and Corrections Policy and Procedure - 17.05 Inmate Message Requests (Revision Date December 1, 2019).
- The Expert notes that the revision of the policies is still in progress.

Training:

Development of related training materials by ACSO is in progress.

Metrics:

- Policy 1.14 Americans with Disabilities Act.
- ACSO Policy 10.32 Americans with Disabilities Act Coordinator (Post Order) (Issued Date August 28, 2023).
- Policy 16.03 Inmate Grievance Procedure.
- Policy 17.05 Inmate Message Requests.

Assessment:

As outlined in greater detail in the initial report, Policy 1.14 addresses the grievance form; reasons for use; providing staff assistance to incarcerated persons, especially those with a psychiatric disability; Disability Related check box (for coding/categorization); and copy of grievances (including final copy with staff response) to the ADA Coordinator. As also cited throughout this report, draft revised Policy 1.14 is pending administrative review, and will soon be provided to the Experts for review and comment.

ACSO Policy 10.32 Americans with Disabilities Act Coordinator (Post Order) was revised on August 28, 2023, and contains related information for this Provision:

- The ADA Coordinator shall review all grievances with the “ADA Related” box checked, or otherwise determined to be ADA/IDI-related by the Grievance Unit, as soon as possible, but no more 7 days after notification of a tracking number being drawn.
- ADA-related grievances deemed to be emergent/exigent circumstances requiring immediate action be taken, shall be handled to (either by the Grievance and/or ADA Unit) within 48 hours.
- ADA-related grievances deemed to be non-emergent shall be handled within 30 days.
- The information shall be documented on the ADA/IDI Tracking Sheet and investigated by the ADA Unit (to also include effective communication and substantive written response).

It is noted there were no related documents or documented complaints provided for the review period, but there were ADA-related grievances reviewed while onsite (see Provision 1021 [above]) for specific related information.

For the next monitoring tour, the Expert will need to closely monitor the involved timelines. Specifically, the seven-day period for the ADA Unit to review all ADA-related grievances to evaluate them for any emergent issues that require an expedited response, and where an emergent issue is identified, the ADA unit shall respond within forty-eight (48) hours of review and facilitate, as needed, obtaining any information required from AFBH to provide a response and/or scheduling an emergency appointment with AFBH staff as needed.

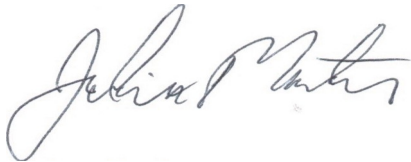
Recommendations:

- 1) For the next scheduled tour, ACSO must provide proof that ADA Unit staff review all ADA-related grievances within seven (7) days to evaluate them for any emergent issues that require an expedited response (Note: the Joint Expert notes ACSO’s comment that this is being tracked by the ADA Unit):
 - a. Including proof of response time within 48 hours of review and facilitating (for emergency issues), as needed, obtaining any information required from AFBH to provide a response, and/or scheduling an emergency appointment with AFBH staff as needed.
 - b. Including for non-emergent issues, the ADA Unit must provide a response within thirty (30) days of receipt of such a request.

- 2) All ADA Requests and responses must be documented in the soon-to-be expanded ATIMS ADA tracking system and still tracked internally until the roll-out of the expanded system.
- 3) For the next review period, provide proof of practice that the grievance office or ADA Unit assigns an ADA-trained staff person to investigate the complaints and/or interview the individual to the extent his or her grievance is unclear or consult with AFBH as appropriate.
- 4) For the next review period, provide proof that grievances are routed to AFBH for review (as applicable).

Signature

Submitted on behalf of Sabot Technologies, Inc. dba Sabot Consulting to the County of Alameda, and Alameda County Sheriff's Office

A handwritten signature in black ink, appearing to read "Julian Martinez", written in a cursive style.

April 23, 2024

Julian Martinez
Director
Sabot Consulting
Julian.martinez@sabotconsult.com

Date