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16 UNITED STATES DISTRICT COURT
17 SOUTHERN DISTRICT OF CALIFORNIA

18 DARRYL DUNSMORE, ERNEST
ARCHULETA, ANTHONY EDWARDS,
19 REANNA LEVY, JOSUE LOPEZ,
CHRISTOPHER NELSON,
20 CHRISTOPHER NORWOOD, and
LAURA ZOERNER, on behalf of
21 themselves and all others similarly situated,

22 Plaintiffs,

23 v.

24 SAN DIEGO COUNTY SHERIFF'S
DEPARTMENT, COUNTY OF SAN
DIEGO, CORRECTIONAL
25 HEALTHCARE PARTNERS, INC.,
LIBERTY HEALTHCARE, INC., MID-
26 AMERICA HEALTH, INC., LOGAN
HAAK, M.D., INC., SAN DIEGO
27 COUNTY PROBATION DEPARTMENT,
and DOES 1 to 20, inclusive,

28 Defendants.

Case No. 3:20-cv-00406-AJB-WVG

**DECLARATION OF SYROUN
SANOSSIAN IN SUPPORT OF
PLAINTIFFS' MOTIONS FOR
PRELIMINARY INJUNCTION
AND PROVISIONAL CLASS
CERTIFICATION**

Judge: Hon. Anthony J. Battaglia

Trial Date: None Set

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1 I, Syroun Sanossian, declare:

2 1. I am the founder and principal of SZS Engineering Access, Inc.
 3 (“SZS”). Attached as **Exhibit A** is an SZS firm brochure, which includes my
 4 resumé. I have 24 years of experience in disability access evaluation and
 5 consulting, including 19 years as principal of my own firm. SZS and I have
 6 extensive experience conducting inspections and preparing evaluations to ensure
 7 public agency compliance with the Americans with Disabilities Act (“ADA”) and
 8 California’s Unruh Act. I am a DSA Certified Access Specialist (“CAsp”) and
 9 served as the first Disability Compliance Officer for the California Administrative
 10 Office of the Courts, Office of Court Construction and Management. I am a
 11 member of the American Society of Mechanical Engineers and serve as a voting
 12 member of the ASME A18 National Standards Committee which promulgates
 13 model code for North America governing wheelchair lifts, and a member of the
 14 Certified Access Specialist Institute, among other professional affiliations. I have
 15 prepared ADA and Unruh Act self-evaluations, transition plans, master access plans
 16 and CAsp inspections for numerous counties, municipal agencies, large public
 17 universities, community colleges and ADA Title III entities.

18 2. I also have experience conducting inspections and preparing reports on
 19 disability access in correctional facilities, including city and county jails in
 20 California. My firm recently provided expertise to Humboldt County as an
 21 Independent Licensed Architect (ILA) approved by the United States Department of
 22 Justice to certify ADA access compliance at the county’s correctional facilities
 23 under the second *U.S. v. Humboldt* consent decree Case No. 16-CV-05139,
 24 including the jail and juvenile detention center. I have also served as the neutral
 25 expert in a federal class action lawsuit about disability access at the Monterey
 26 County Jail, *Hernandez, et al. v. County of Monterey, et al.*, Case No. 13-CV-
 27 02354-BLF (N.D. Cal.). In the Monterey case, we conducted a multi-day inspection
 28 of that county’s jail facility, including interviews with facility personnel. We then

1 produced a 702-page report that assessed every aspect of the physical facilities and
2 their accessibility to individuals with mobility disabilities in these facilities
3 constructed under the 1992 ADAAG requirements. Our assessment and reporting
4 also evaluated the County's policies and procedures from an ADA perspective.

5 3. I have been retained by Plaintiffs' counsel to provide expert opinions
6 concerning the adequacy of policies, procedures, and practices for the
7 accommodation of incarcerated people with disabilities in the San Diego County Jail
8 facilities (collectively, the "Jail"). At the present time, my assignment is limited to
9 the consideration of how people with mobility disabilities access the programs,
10 services, and activities at the Jail. As described *infra* at paragraphs 71-72, at a later
11 date, I will ask to review all aspects of the Jail's disability program.

12 4. I make this declaration in support of Plaintiffs' Motions for Preliminary
13 Injunction and Provisional Class Certification. My opinions set forth below are
14 based upon the documents and other evidence provided to me, see *infra* at paragraph
15 11, and on my professional knowledge and experience working on disability access
16 in carceral settings.

17 5. Based on my initial review of policies, practices and the seven
18 declarations provided by incarcerated individuals with disabilities at San Diego jail
19 facilities, and my prior experience in analyzing similar facilities, these incarcerated
20 individuals and others like them who are housed in these facilities suffer from an
21 egregious lack of basic services such as toileting, showering, and the ability to move
22 around. The barriers to access detailed by these individuals constitute a lack of
23 respect for basic human dignity. Such barriers to access can and often do cause
24 injury, as detailed by these individuals, which will continue to incur both additional
25 risk and cost for the County.

26 6. Staff also suffer under such conditions. When staff are not properly
27 trained and supported to bear the burden that these positions carry, they too suffer
28 under the deprivation of knowing that they are unable to perform their required tasks

1 to their own satisfaction. The lack of essential guidance that basic policies and
 2 practices can afford make their already difficult job tasks almost insurmountable.
 3 Retaining competent, caring staff is essential to the proper function of a detention
 4 facility. When staff lack the tools necessary to perform their functions properly,
 5 both staff and incarcerated individuals suffer.

6 **I. The San Diego County Sheriff's Department Detention Services Bureau**
 7 **Fails to Comply with the ADA and California's Unruh Act With Regard**
 8 **to Mobility Disabilities in Both Policy and Practice**

8 7. According to the San Diego County Sheriff's Department's ("Sheriff's
 9 Department") website, the Jail system is comprised of six different facilities in use
 10 at this time. The San Diego Central Jail in downtown San Diego was built in 1998
 11 and is the primary booking facility for male incarcerated people. It is a tower with
 12 several floors of housing units, which often house between 800-1,000 incarcerated
 13 people at any given time. Vista Detention Facility is another booking facility. It
 14 houses incarcerated people of all genders, and is the oldest jail, having been built in
 15 1978. Las Colinas Detention & Reentry Facility was built in 2014 and is the
 16 primary booking facility for female incarcerated people. Other Jail facilities for
 17 male incarcerated people include George Bailey Detention Facility (opened in
 18 1993), South Bay Detention Facility (opened in 1982), and East Mesa Reentry
 19 Facility (opened in 1991). George Bailey is the largest of these facilities, and often
 20 houses more than 1,500 people at any given time. South Bay and East Mesa house
 21 much smaller populations.

22 8. The Sheriff's Department is also in the process of renovating a seventh
 23 facility, Rock Mountain Detention Facility, which is in the southeastern corner of
 24 San Diego County near George Bailey. This facility was previously operated by
 25 CDCR and was constructed in 1978. The renovation of Rock Mountain has been
 26 ongoing for several years and I am informed that the facility is not yet housing any
 27 incarcerated people on behalf of the County of San Diego.

28 9. I was provided with a site accessibility evaluation of Rock Mountain

1 Correctional Facility (the facility that will become Rock Mountain Detention
 2 Facility) under the ADA and Title 24 and Part 2 – California Building Code.
 3 According to a public records search, the facility was constructed in 1978 and
 4 previously owned and operated by the CDRD. This evaluation is dated March 1,
 5 2019 and was conducted by John Battista of Anderson Pena for Matt Smith of San
 6 Diego County. This analysis of the facility appears to be incomplete. I have
 7 experience analyzing thousands of facilities that are the age of this facility, which
 8 was designed and constructed prior to the development of accessibility regulations
 9 contained in both the CBC and ADA. The Rock Mountain facility is a facility
 10 significant in size that was designed and constructed to house over 3,300
 11 incarcerated individuals. No indication was provided in the report of any prior
 12 alterations at the facility by CDRD to provide access to incarcerated individuals
 13 with mobility impairments, yet the report lists very few instances where barriers to
 14 access were identified in areas where essential programs and services are provided,
 15 such as elevators, sanitary facilities (toilet and shower rooms), dining and common
 16 areas or cells. Photos show showers that are unusable for incarcerated individuals,
 17 but the single barrier listed is a lack of accessible controls with reach. No reporting
 18 on the lack of required shower dimensions, seat, grab bars, and showerhead was
 19 contained in the report. Overall, the report indicates that the facility complies in
 20 most respects to accessibility regulations that did not exist at the time of
 21 construction. If alterations are being performed to provide access in this facility
 22 based on this report, no wheelchair accessible showers will exist in the facility.
 23 Other serious lapses are likely to exist. I am informed that, in response to California
 24 Public Records Act requests, the Sheriff's Department did not produce any similar
 25 evaluation for the six facilities that are currently in use. I am also informed that the
 26 Sheriff's Department stated it does not have any Transition Plans (under the ADA or
 27 1973 Rehab Act) for the Jail facilities.

28 10. The Department of Justice's regulation implementing title II, subtitle A,

1 of the ADA was signed into law on July 26, 1990. The ADA prohibits
 2 discrimination on the basis of disability in all services, programs, and activities
 3 provided to the public by State and local governments, except public transportation
 4 services. Facilities built after January 26, 1991 are required to fully comply with
 5 new construction standards under the ADA. Since 1968, California Government
 6 Code §4450-4461 has required all buildings, structures, sidewalks, curbs, and
 7 related facilities, constructed in this state by the use of state, county, or municipal
 8 funds, or the funds of any political subdivision of the state to be accessible to and
 9 usable by persons with disabilities. The state of California also promulgated Access
 10 Compliance standards eight years prior to the enforcement of the ADA Standards
 11 which are currently contained in the California Code of Regulations, Title 24, Part 2
 12 Section 11B (CBC). The first California State Building Code Requirements
 13 containing accessibility regulations were promulgated by the then Office of State
 14 Architect (currently Division of State Architect) in the 1981 edition of the State
 15 Building Code, Part 2, C.A.C, Office of State Handicapped Compliance, Section 11.
 16 These requirements covered “*all buildings, structures, sidewalks curbs, and related*
 17 *facilities constructed by the use of state, county or municipal funds, or the funds of*
 18 *any political subdivision of the state, buildings or portions of buildings to be*
 19 *accessible to the physically handicapped.*” The *Special Standards on Accessibility*
 20 contained in Section 11 included scoping requirements in the following chapters:
 21 Chapter 2-812 (library and educational facilities), Chapter 2-1011 (medical
 22 facilities), Chapter 2-1107 (recreation facilities), Chapter 1213 (dormitory housing),
 23 Chapter 2-1711 (sanitary facilities). Facilities constructed after 1981 are subject to
 24 these scoping requirements. Of the six adult jail facilities operated by the County of
 25 San Diego, three facilities may have had construction that commenced after
 26 January 26, 1991, and may thereby subject to new construction requirements under
 27 the ADA which require full compliance. These facilities are:

- a. San Diego Central Jail (built in 1998)

b. George Bailey Detention Facility (opened in 1993)

c. Las Colinas Detention & Reentry Facility (built in 2014)

A. The San Diego County Sheriff's Department Detention Services Bureau's Manual of Policies and Procedures Fails to Comply with the ADA and Unruh Act

11. In connection with this assignment, I was provided policies and procedures produced by the Sheriff's Department's Detention Services Bureau ("DSB") pursuant to the California Public Records Act. A full list of all of the documents I reviewed, including these policies and procedures, is attached hereto as **Exhibit B**. Several of the policies relevant to mobility disabilities were redacted. I was informed that at the present time it is not possible to receive unredacted copies of the policies and procedures as the Sheriff's Department will not currently agree to discovery or a protective order.

12. I am informed that male incarcerated people with mobility disabilities who use wheelchairs are almost exclusively clustered at San Diego Central Jail, built in 1998, which is defined as a post-ADA facility and is required to be fully compliant. While the 1991 ADA Accessibility Guidelines (ADAAG) did not originally contain specific scoping and technical requirements for cells in detention and correctional facilities, the ADAAG contained scoping and technical requirements for accessible routes and doors, stairways (95% of people with disabilities use stairways) and ramps, accessible drinking fountains, lavatories, urinals, toilets and showers, as well as the maneuvering clearance, transfer space and clear floor space required to position a wheelchair adjacent to such elements, and required toe clearance, knee clearance, and surface height for counters, tables, desks and other elements that people using wheelchairs pull under to use. Furthermore, Sheriff's Department DSB policy M.9, Receiving Screening, provides that any incarcerated person using a wheelchair will not be booked at Vista Detention Facility, which was constructed prior to enforcement of the ADA, but should instead be brought to Central Jail (if male) or Las Colinas (if female).

1 Consistent with this policy, Daniel Webb’s declaration reflects that Mr. Webb, who
2 uses a wheelchair due to a below-knee amputation, was moved from Vista to Central
3 Jail because Vista was “not ADA compliant.” It is unclear whether, during his wait
4 to be transferred from Vista to Central Jail, Mr. Webb was provided with reasonable
5 modifications in the intake area. Incarcerated individuals typically wait in the
6 Receiving Screening area for hours before being processed. It is unclear as to
7 whether the Vista facility has accessible sanitary facilities, drinking fountains or
8 telephones for use by incarcerated individuals with disabilities as they wait to be
9 processed and transferred to Central Jail or Las Colinas. It is my understanding that
10 the wait time for incarcerated individuals at the weekends to be processed through
11 intake can extend to over 10 hours. It is also unclear whether wheelchair accessible
12 transportation between facilities is provided for incarcerated individuals with
13 mobility disabilities during this Receiving Screening process.

14 13. I am informed that male incarcerated people with mobility disabilities
15 are primarily housed at Central Jail in cell housing on the fifth floor, in cell housing
16 on the seventh floor, or in dorm-style housing in unit 8C on the eighth floor. I am
17 informed that incarcerated people who use a wheelchair but also require use of a
18 continuous positive airway pressure (“CPAP”) machine are housed in the medical
19 observation bed (“MOB”) unit at George Bailey, as that unit has the electrical
20 outlets necessary for using a CPAP machine. The MOB unit at George Bailey is
21 dorm-style housing, meaning that the incarcerated people in that unit sleep in bunks
22 distributed within a large room.

23 14. Based on my review of the declarations of incarcerated people and
24 policies and procedures provided to me, it is my opinion that the Sheriff’s
25 Department, the County, and the Sheriff’s contractors at the Jail are failing to
26 comply with the ADA and California’s Unruh Act with regard to their treatment of
27 incarcerated people with mobility disabilities. These violations and failures are
28 causing serious and immediate harm to individuals with mobility disabilities in the

1 Jail system.

2 15. Overall, the Sheriff's Department's policies and procedures are
3 excessively vague. They lack standards, timelines and requirements for follow-
4 through. They also use outdated terminology such as "telecommunication devices
5 for the deaf (T.D.D.)" that is no longer used by the disability community to describe
6 the Teletypewriter Device (TTY), suggesting a lack of attention to the evolving area
7 of disability access.

8 16. For example, Sheriff's Department DSB policy I.57, Transportation of
9 Inmates, states that "All deputies must be aware of related policies for transportation
10 of inmates, restraint equipment, escape procedures, universal precautions and
11 report/document processing." Nothing in the form refers to accommodation for a
12 disability that requires use of a wheelchair or other mobility assistive device. No
13 reference is made to the procedure required for safe transport of incarcerated
14 individuals who use wheelchairs. Specialized safety measures are required to secure
15 the wheelchairs for transport that protect both the incarcerated individual and their
16 wheelchair from harm, although according to Sheriff's Department DSB policy M.9,
17 Receiving Screening, all incarcerated individuals with mobility impairments are
18 transported from San Diego facilities to either the Central Jail or the Las Colinas
19 facility as a matter of policy.

20 17. In another example, Sheriff's Department DSB policy M.39, Disabled
21 Inmates, contains an improperly limited definition of disability under the ADA,
22 which is less favorable than that used under California's Unruh Act. California law
23 does not require a disability to "substantially" limit a major life activity. This
24 definition also includes other improper restrictions involving disabilities other than
25 mobility or lacks any definition for well-documented disabilities, which I will
26 address at a later time. The Unruh Act defines disability as "any mental or physical
27 disability as defined in Sections 12926 and 12926.1 of the Government Code."
28 Subsequently, Government Code Section 12926, j (1) states that "Major life

1 activities shall be broadly construed and shall include physical, mental, and social
2 activities and working.” The term “substantially limits” does not apply under Unruh.

3 18. DSB policy M.39 is deficient in other respects. The policy is based on
4 a definition of “Reasonable Accommodation.” This term exists in the ADA Statute
5 under Title I Employment. It does not exist in the ADA Statute applicable to ADA
6 Title II public entities. Reasonable accommodations for employees are evaluated on
7 a case-by-case basis, whereas Title II entities are required to provide accessible
8 programs, services and activities at all times, rather than as a matter of a request.
9 This higher standard for Title II is addressed through Reasonable Modifications
10 under the ADAAG. California Code of Regulations, Title 24, Part 2, Section 11B
11 (CBC) also regulates accessibility provisions and while these requirements are
12 extensive, they are minimum requirements. Even in cases where full compliance
13 with CBC requirements are met, programs, services and activities may not be
14 accessible to incarcerated individuals without modifications.

15 19. Another problem is that the Identification Procedure contained in M.39
16 states that “Based on their disability, each inmate covered under the ADA must be
17 reasonably accommodated through some means...” after Health Care staff have
18 made the determination of disability. It is unclear as to when this determination is
19 made. M.39 indicates that this determination is made after incarcerated individuals
20 are already housed in the facility which could result in the denial of essential
21 services at the time of intake and processing.

22 20. Instances may exist wherein incarcerated individuals become disabled
23 during their time of incarceration. M.39 states that “if sworn staff is unable to
24 accommodate ... housing recommendations [for people with mobility disabilities]
25 health staff shall be notified.” *Id.* at 2. However, the policy fails to explain what
26 would happen after notification to health staff, and how staff will ensure that
27 accommodations are provided to the incarcerated person. M.39 also states that “a
28 request for an assessment of accommodations will be forwarded to the MSD ADA

1 case manager for review ... [and] requests will be acted upon within 72 hours”
 2 *Id.* at 3. This wording fails to explain how an incarcerated person will be informed
 3 of the outcome and how the accommodation will be implemented in the Jail. The
 4 policy states that requests will be “acted upon” within 72 hours, but does not require
 5 that accommodations actually be provided within a set time frame.

6 21. M.39 refers to an “ADA grievance procedure,” although it does not
 7 specifically state that grievances can be used to appeal the denial of accommodation
 8 requests. *Id.* at 3. According to M.39, “grievances will be handled according to
 9 Detention Services Bureau Policies and Procedures Section M.1 and forwarded to a
 10 MSD supervisor or designee. All ADA related grievances will be forwarded to the
 11 MSD ADA case manager for processing.” This language violates the ADA’s
 12 requirement for a workable grievance procedure. 28 U.S.C. § 35.107(b). There is
 13 no explanation of how to file the grievance, how quickly a response will occur, who
 14 will act on the grievance, and whether the incarcerated person can appeal the
 15 decision.

16 22. To the extent the County expects incarcerated people with disabilities
 17 to use their grievance form (J-22), that form is also inconsistent with the ADA. The
 18 form confusingly states that a grievance only involves “the inmate’s health or
 19 safety” or prevention of “the inmate’s effective communication/participation in a
 20 legal hearing.” The form further states that other types of concerns are not
 21 grievances and instead are considered “an inmate request.” On the back, though, the
 22 form states that an inmate “can file a grievance for any reason or condition.” The
 23 boxes for a person to check to state the grievance topic do not identify “disability”
 24 or “ADA” concerns as among the topics to grieve. Nothing in the form refers to
 25 accommodation for a disability. This makes it unclear to the incarcerated person
 26 how to raise a disability-related grievance, let alone whether a disability-related
 27 concern is even a grievable topic. The lack of any way for an incarcerated person to
 28 identify the grievance as disability or ADA-related also leaves identifying the

1 grievance as an “ADA related grievance” (per M.39) up to the custody staff member
2 who receives it. M.39 provides no parameters for how custody staff will identify
3 ADA-related grievances that should be forwarded to the ADA case manager.

4 23. Other aspects of the grievance form are also confusing. The
5 instructions set forth varying response times depending on whether staff define the
6 concern as a grievance or a request. The instructions are also unclear on how the
7 appeals process would work. The grievance form states that a grievance may be
8 appealed, but does not explain *how* to file an appeal and ensure that it is properly
9 tracked. Finally, the instructions fail to explain what an incarcerated person would
10 do if a deputy or other staff member refuses to sign the form.

11 24. DSB policy Q.55, Property Received with Inmates, appears to provide
12 the primary direction to custody staff about how to address assistive devices that
13 incarcerated people bring with them when booked into Jail. That policy includes a
14 single paragraph on assistive devices, stating that “[m]edically indicated equipment
15 (e.g., prosthetic appliances, wheelchairs, canes, crutches, prescription eyewear,
16 hearing aids) will be evaluated by medical staff for the necessity to retain for use by
17 the inmate during confinement.” No mention is made of the provision of assistive
18 devices through a case-by-case analysis to ensure meaningful access to programs,
19 services and activities. The standard for the provision of assistive devices should be
20 access, not simply medical necessity per 28 CFR 35.130(b)(7). The policy provides
21 no guidance about when this evaluation will occur and what criteria medical staff
22 will apply to determine the “necessity” of an incarcerated person retaining their
23 assistive device. This policy also appears to improperly adopt a medical necessity
24 standard, which is inconsistent with the ADA’s reasonable modification standard,
25 and is therefore unlawful. Application of such a standard nearly guarantees that
26 people who need and are legally entitled to a reasonable modification for their
27 disability will be denied such modification in many cases.

28 25. The Sheriff’s Department has a separate policy on the retention of

1 assistive devices, but it is similarly problematic and overly cursory. The Sheriff's
 2 Department's Medical Services Division ("MSD") sets policies for Sheriff's
 3 Department medical and mental health staff, along with Jail medical and mental
 4 health contractors. MSD policy P.7, Prostheses, Orthoses and Other Aids, states:

5 Patients shall be allowed to keep/wear prescribed prosthesis, orthotic or aids
 6 to impairment unless it has been determined that it poses a risk to safety or
 7 security. Prostheses, orthoses or aids to impairment may be provided to
 8 patients upon request and if medically indicated. If a patient has previously
 violated the policy and was noncompliant with the use of a prosthesis,
 orthotic or an aid to impairment, clinical indication for the appliance will be
 re-evaluated.

9 This language raises many concerns:

- 10 • What are the procedures in place to determine whether an assistive
 11 device poses a risk to safety or security?
- 12 • Who is authorized to make this determination?
- 13 • How does staff training take place on this matter?
- 14 • What constitutes circumstances in which a patient has previously
 violated the policy?
- 15 • Who is authorized to make this determination?
- 16 • How does staff training take place on this matter?
- 17 • What constitutes noncompliance with the use of a prosthesis?
- 18 • Who is authorized to make this determination?
- 19 • How does staff training take place on this matter?

20 Without answers to these questions, the policy as drafted allows custody staff too
 21 much discretion to deny or remove needed assistive devices. The list of example
 22 assistive devices in this policy is also too short and not exhaustive, which fails to
 23 provide guidance to staff about the breadth and scope of what constitutes a disability
 24 aid. Finally, the section on housing recommendations consists of a single sentence
 25 stating that "[a]ppropriate accommodation for patients with prosthesis, orthotic or
 26 aid to impairment will be provided as indicated." That language is so vague and
 27 general that I am concerned it will not be effective in many instances. It does not
 28 provide examples or what types of housing accommodations are presumptively

1 appropriate or give any other guidance on how to determine whether a housing
 2 accommodation is appropriate or necessary. While housing accommodations often
 3 focus on the type of dormitory bunk beds or cell which will be assigned to the
 4 incarcerated individual, an essential element that must be determined is whether the
 5 sleeping modifications provided are located on an accessible route. It is unclear
 6 whether incarcerated individuals assigned to housing that is focused on bedding
 7 adequately addresses the question of whether the incarcerated individual can travel
 8 to the sleeping area and other programs, services and activities required to be
 9 accessible such as sanitary facilities, dining facilities, medical and dental care,
 10 telephone services, social visits, trustee jobs or work release, recreation, religious
 11 services, veterans services, library services and education.

12 26. By contrast to San Diego’s vague procedure, the California Department
 13 of Corrections and Rehabilitation (“CDCR”) has a policy on durable medical
 14 equipment (“DME”) that provides far greater guidance to staff and far greater
 15 protection to incarcerated people with mobility disabilities. According to the CDCR
 16 policy, “healthcare staff will issue and remove DME and medical supplies as
 17 ordered by the licensed practitioner.” The policy defines numerous types of DME
 18 that are used by people with disabilities, including canes, walkers, wheelchairs,
 19 CPAP machines, therapeutic shoes, pressure-reducing mattresses, wheelchair
 20 gloves, and wheelchair seat cushions. This type of specificity is important to have
 21 in ADA policies. The policy also says that “custody staff may not remove DME
 22 from the inmate patient unless it poses an immediate threat to safety and security,
 23 being used as evidence in a crime, or due to a healthcare provider’s
 24 determination. ... In the event DME is temporarily removed, healthcare staff will
 25 be consulted for an interim accommodation.” Protections such as these, including
 26 the language “immediate threat,” are wholly missing from the Sheriff’s
 27 Department’s policies. CDCR’s policy also provides that:

28 ... [I]t is the expectation that staff utilize sound correctional decision

1 making in determining the reasonableness of the [inmate patient's]
 2 request, and understand that they should provide reasonable
 3 accommodations without relying on a Chrono or medical prescription.
 4 Examples of accommodations may include, but are not limited to:
 5 providing the [inmate patient] a shorter path of travel, allowing the
 6 [inmate patient] extra time/short breaks while getting to/from programs,
 7 extra time during meals, additional showers, providing additional set of
 8 clothing and/or linens if soiled.

9 By contrast, here again, the Sheriff's Department's policy lacks specificity and fails
 10 to provide sufficient guidance to custody or medical staff about how to
 11 accommodate mobility disabilities through assistive devices and alternative means
 12 such as shorter paths of travel, breaks when moving from place to place, and extra
 13 showers for those with incontinence, a condition that often affects wheelchair users.

14 27. CDCR also posts clear directions in the housing units informing staff
 15 that they shall not take away medically prescribed healthcare appliances except
 16 under narrow circumstances which can be appealed. I am not aware of any similar
 17 poster or instruction on display in the Jail.

18 28. CDCR also has a wheelchair inspection and repair program. Under this
 19 program, staff are regularly required to inspect the wheelchairs of incarcerated
 20 people with disabilities for various issues and initiate a repair with a wheelchair
 21 contractor. I am not aware of any similar system of logging inspections and repairs
 22 in San Diego's jail system.

23 29. Because incarcerated people who need wheelchairs are clustered at
 24 Central Jail, it is vital that the Jail have working elevators so that these individuals
 25 can access professional visit rooms and other programs or be evacuated in case of an
 26 emergency. However, the County's DSB Policy G.3, "Elevators," lacks guidance to
 27 follow when elevators are not functioning. The policy vaguely states that "repair of
 28 elevators is a great concern and will be handled expeditiously" but does not define
 "expeditiously" or provide a timeframe for repairs. Nor does the policy provide
 guidance to staff on how to request service and what alternative method should be
 used when the elevators are not functioning. The policy also vaguely states that

1 “[p]reventative maintenance shall be scheduled and completed in a timely manner.”

2 Here again, no definition is given for “timely manner.” There is no response time
3 for the vendor to perform repairs or maintenance and there is no explanation or
4 guidance on what alternative access plan exists when the elevators are not
5 functioning. The Central Jail’s facility-specific procedure for elevators, G.3.C.1,
6 “Elevators,” is also problematic. The version I received is heavily redacted. It
7 states that:

8 If an elevator malfunctions and stops working during normal working
9 hours, [the Central Command Center] CCC will notify the operations
10 deputy and the on-duty watch commander of the malfunction. If the
11 problem is not immediately fixed and further work is required, CCC
will again notify the operations deputy and watch commander. When
the elevator has been repaired and has resumed normal operations,
CCC will notify the operations deputy and watch commander.

12 This policy fails to provide any detail about how the elevator will be repaired, how
13 quickly that will occur, and what are the alternative accommodations for people in
14 wheelchairs when the elevator is not functioning.

15 30. As noted above, male incarcerated people in wheelchairs are not
16 accepted at Vista and must be booked at Central Jail. This is problematic because I
17 am informed the elevators are frequently broken at Central Jail and the elevator
18 policies are insufficient to ensure their prompt repair. Nor do there appear to be any
19 policies providing an alternative method of access for those in wheelchairs when the
20 elevators are not functioning. Nothing in the form refers to the provision of
21 evacuation wheelchairs or similar devices to be used by staff to evacuate
22 incarcerated individuals with mobility disabilities in the case of an emergency, or
23 for use in instances when elevators are not in service and undergoing repairs or
24 maintenance. Segregating wheelchair users at Central and Las Colinas is also
25 problematic because Vista has desirable programs, including one for veterans and a
26 few cells for transgender individuals. In fact, a document, entitled “San Diego
27 County Sheriff’s Detention and Reentry Facilities Classes and Programs,” was
28 provided through a Public Records Act request and indicates that a total of 71

1 programs, services and activities are provided in San Diego County jail facilities,
 2 but only 16 are provided in the Central Jail. The lack of a working elevator and
 3 wheelchair accessible transportation combine to prevent access to these programs,
 4 services and activities for incarcerated individuals who are housed in segregated
 5 housing at the Central Jail. The Sheriff's Department's policies discriminate against
 6 people with mobility disabilities by preventing them from accessing desirable
 7 programs at other facilities.

8 31. Because regulations implementing the ADA require a public entity to
 9 accommodate persons who are identified as having a disability, a tracking system is
 10 a necessary part of compliance. The Sheriff's Department must ensure incarcerated
 11 persons with disabilities and their required accommodations are properly identified
 12 to ensure staff are aware of incarcerated persons with disabilities and their
 13 accommodation needs and ensure they receive accommodations as required by the
 14 ADA. In addition, the Sheriff's Department must be aware of the disabled
 15 population and their accommodation needs in the event of a need to move or
 16 evacuate the incarcerated population during an emergency. If Sheriff's Department
 17 and contractor staff are not aware of the incarcerated persons with disabilities and
 18 their accommodation needs during an emergency, the incarcerated persons are at a
 19 heightened risk for harm. I am informed that the Sheriff's Department stated in
 20 response to a California Public Records Act request that it does not have a central
 21 system to track people with disabilities.

22 **B. The Sheriff's Department's ADA Training Materials are**
 23 **Inadequate**

24 32. In connection with this assignment, I was provided training materials
 25 from the Detentions Training Unit produced by the Sheriff's Department pursuant to
 26 the California Public Records Act. The Sheriff's Department's training materials on
 27 ADA compliance do little to remedy the problems with the Department's vague and
 28 limited ADA policies. Furthermore, the training materials reference federal ADA

1 standards which contain an improperly limited definition of disability, which is less
2 favorable than that used under California's Unruh Act. These materials also lack
3 other important distinctions and definitions that apply in California which present
4 more stringent standards in comparison to the ADA.

5 33. One training bulletin, Briefing Training, states that "Screening for
6 disabilities begins at intake." The next sentence in the document discusses housing
7 accommodations, which indicates that a gap exists in policy and procedures or staff
8 training to ensure that incarcerated individuals with disabilities are identified at
9 intake for reasonable modifications, as needed, and for appropriate housing
10 assignments. Accessible cells are defined in two types in housing units: cells with
11 mobility features and cells with communications features. Nothing in the form
12 indicates that policies or practices exist to set standards for Jail staff to apply when
13 determining how to provide requests for modifications for incarcerated individuals
14 who request housing cells that are accessible.

15 34. Nothing in the form refers to the provision of wheelchair accessible
16 sanitary facilities (toilet rooms or showers), drinking fountains, telephones or
17 service counters in the intake area, and interview rooms with desks in the intake
18 area. Nothing in the form refers to accessible systems for essential services at intake
19 such as livescan. Nothing in the form indicates the provision of accessible seating
20 that is integrated with typical seating in the waiting area or prior to intake within the
21 Sallyport or similar areas when overflow seating is made necessary during times of
22 high volume intake of incarcerated individuals, such as at the weekend.

23 35. One training bulletin for custody staff, "Americans with Disabilities
24 Act (ADA) in Detention Facilities," provides only a broad overview of the ADA.
25 The instruction on housing incarcerated people with disabilities states that custody
26 staff "play a role" in housing incarcerated people with disabilities. The bulletin
27 provides that if a person cannot be accommodated in their current housing
28 assignment, "MSD [medical] staff shall be notified so that a reassignment can

1 occur.” The bulletin provides no guidance to staff on how to determine when a
 2 person’s housing assignment cannot accommodate them and what to do to ensure
 3 they are accommodated. The bulletin also suggests that incarcerated people may be
 4 “segregated **because** of their physical disabilities” (emphasis added). This language
 5 is discriminatory.

6 36. Another training bulletin, “Americans with Disabilities Act (ADA)
 7 Aids to Reduce Effects of Impairment,” does not add further detail to the Sheriff’s
 8 Department’s policies on taking assistive devices from incarcerated people with
 9 mobility disabilities. Rather, it merely restates the language of the MSD policy
 10 P.7—“Inmates shall be allowed to keep/wear prescribed prosthesis, orthotic or aids
 11 to impairment unless it has been determined that it poses a risk to safety or
 12 security”—without providing any further insight on what procedures custody staff
 13 should apply to determine when an assistive device poses a risk to safety or security.
 14 The training bulletin adds no detail to the vague policy.

15 37. These training materials suggest that the Sheriff’s Department’s
 16 training on the ADA and disability accommodations for incarcerated people are
 17 wholly deficient. A robust training program would include in-person interactive
 18 trainings every six months with far greater detail than the two documents I was
 19 provided.

20 **C. In Practice, the Department is Harming Incarcerated Individuals**
 21 **with Mobility Disabilities by Denying Them Equal Access to**
Programs, Services and Activities

22 38. As reflected in **Exhibit B**, I reviewed the declarations of the following
 23 incarcerated individuals with mobility disabilities: Christopher Nelson, Daniel
 24 Webb, Ernest Archuleta, James Clark, Darryl Lee Dunsmore, Nikki Yach, and Dion
 25 Buckelew. These seven individuals are not likely to be the only incarcerated
 26 individuals with disabilities in San Diego County facilities. Considering the fact
 27 that an estimated 4,000 to 5,000 incarcerated individuals are housed in San Diego
 28 County jail facilities, statistics indicate that many more individuals who are

1 incarcerated in these have disabilities. The Centers for Disease Control (CDC) have
2 reported that 13.7% of all Americans have functional disability types that involve
3 serious difficulty walking or climbing stairs. An additional 3.7% of Americans have
4 difficulty dressing or bathing. These groups combined amount to 17.4% of all
5 Americans who have mobility disabilities or require access improvements to use
6 sanitary facilities. Calculations on a low estimate of individuals incarcerated in
7 County jails with these functional disability types indicates that 696 individuals who
8 are incarcerated are housed in these facilities that do not provide meaningful access
9 to programs, services and activities including basic functions such as toileting,
10 showering, eating and moving around. The implementing regulations for the ADA,
11 28 C.F.R. § 35.130(a), require that no qualified individual with a disability shall, on
12 the basis of that disability, be excluded from participation in or be denied the
13 benefits of the services, programs, or activities of a public entity, or be subjected to
14 discrimination by any public entity.

15 39. The declarations indicate that individuals with mobility disabilities are
16 being denied access to the Jail's programs, services and activities and discriminated
17 against, which is not surprising given the vague policies and inadequate training
18 materials I reviewed, as discussed above.

19 40. At Central Jail, where individuals with mobility disabilities are
20 clustered, I understand that elevators are available to transport incarcerated people to
21 program areas, such as the social and professional visiting areas. However, the
22 declarations from incarcerated people indicate that these elevators are frequently
23 broken, and incarcerated people are either forced to take the stairs to access those
24 programs or are denied access. For example, Ernest Archuleta uses a wheelchair
25 due to neck and knee conditions that make it difficult for him to walk.
26 Mr. Archuleta, who is 63 years old, was forced multiple times to take the stairs to
27 the professional and social visit area because deputies told him the elevator was
28 broken. No alternate means of travel was offered such as an evacuation wheelchair

1 for use in an emergency, which a non-functional elevator may constitute. In 2019,
2 Mr. Archuleta fell and struck his head while taking the stairs, and suffered pain for
3 months thereafter. In March 2022, with the elevator apparently not working,
4 Mr. Archuleta was forced to take the stairs again to a meeting with Plaintiffs'
5 counsel. Christopher Nelson, who also uses a wheelchair, missed an important
6 professional visit in 2021 because the elevator in Central Jail was broken and
7 custody staff did not accommodate Mr. Nelson's professional visit via other means.

8 41. In another instance, deputies did not allow Mr. Archuleta a wheelchair
9 for a presentencing hearing and tried to force him to walk. Because Mr. Archuleta
10 cannot walk long distances on his own, the hearing was postponed.

11 42. The declarations I have reviewed indicate that even though incarcerated
12 people with disabilities are clustered at Central Jail, the crowded housing units at
13 Central Jail are often not accessible to people with mobility disabilities, nor are
14 other programs and services at the jail. Each of the housing units in which
15 incarcerated people who use wheelchairs are normally housed—floors 5, 7, and 8—
16 are inaccessible to people in wheelchairs. On a daily basis, people in wheelchairs in
17 these units have to place themselves at risk of physical harm simply to access basic
18 services like a desk, telephone, the toilet, shower, and dayroom tables.

19 43. In unit 7B, where Ernest Archuleta was housed, Mr. Archuleta's cell
20 had no grab bars to enable transfer to the toilet, which put him at danger of falling
21 when transferring to the toilet. Under California Building Code, California Code of
22 Regulations, Title 24, Part 2, Section 11B-604.5, grab bars are required at toilets
23 (side and rear wall). It is not known if compliant wheelchair turning space or
24 transfer space adjacent to the toilet (side, diagonal or front depending on capabilities
25 of the incarcerated individual) is provided to facilitate safe transfer in addition to
26 required grab bars. The dayroom tables in 7B also apparently lack open seating
27 spaces at tables with fixed seating to allow wheelchair access. Under California
28 Building Code, California Code of Regulations, Title 24, Part 2, Section 11B-902.4,

1 fixed seating at dining or work surfaces are required to provide compliant toe and
2 knee clearance, and clear floor space to accommodate the wheelchair width and
3 depth. The surface height of the dining table or desk is also regulated for
4 accessibility for incarcerated individuals who use wheelchairs or for those of short
5 stature. It is unclear whether compliant tables or desks would be compliant with the
6 removal of one or more fixed seat. There is one designated “ADA” cell in 7B, but
7 Mr. Archuleta and other wheelchair users were not placed in the cell. Mr. Archuleta
8 was incarcerated for approximately two and a half years in those conditions.

9 44. The same problems are present in other areas of Central Jail where
10 wheelchair users are housed. Christopher Nelson uses a wheelchair due to
11 deterioration in his hips and knees, as well as a spinal injury he had prior to his
12 incarceration. In 5A, Mr. Nelson was in a three-person cell, and a stool was bolted
13 in front of the desk. To use the desk, Mr. Nelson had to transfer to the stool. He fell
14 while trying to transfer in July 2021 and hurt his wrist. Stools are also bolted to the
15 ground in front of the telephones in 5A, which forced Mr. Nelson to have to transfer
16 to those stools. Likewise, all of the dayroom tables—where incarcerated people eat
17 and socialize—have benches bolted in front of them. They have no cut-out space
18 for a person in a wheelchair to roll up and use the table. Under California Building
19 Code, California Code of Regulations, Title 24, Part 2, Section 11B-902.4, a fixed
20 stool at a dining or work surface would prevent the provision of compliant toe and
21 knee clearance, and clear floor space. It is unclear whether the desk has compliant
22 surface height, toe and knee clearance or clear floor space to allow for a wheelchair
23 width and depth to fit under the desk. Dion Buckelew similarly could not access the
24 telephones and dayroom tables when housed in 5A.

25 45. The shower in 5A had no shower chair or stool, which meant that
26 Mr. Nelson had to stand in the shower and take very brief showers, until the pain in
27 his hips became too much to bear. Under California Building Code, California
28 Code of Regulations, Title 24, Part 2, Section 11B-608.4, fixed seats are required in

1 showers.

2 46. Mr. Nelson was later moved to unit 8C, a dorm-style housing unit that
3 houses many people with disabilities, including mobility disabilities. Despite this,
4 8C appears to lack sufficient accessible features for people with mobility
5 disabilities. The toilet in 8C that James Clark uses does not have grab bars, causing
6 Mr. Clark to frequently fall when he transfers from his wheelchair to the toilet. The
7 telephones in 8C also have fixed stools in front of them, and the telephone receiver
8 cords are not long enough for Mr. Clark and Mr. Nelson to reach them from their
9 wheelchairs. This means that Mr. Clark and Mr. Nelson must transfer from their
10 wheelchairs to the stool to talk to loved ones. Mr. Clark has been unable to transfer
11 himself some days, causing him to miss telephone calls. Both Mr. Clark and
12 Mr. Nelson fear falling while transferring. It is unclear whether the telephone
13 controls are located within accessible reach ranges. Under California Building
14 Code, California Code of Regulations, Title 24, Part 2, Section 11B-704, public
15 telephones must provide wheelchair access, which is defined as clear floor space to
16 accommodate wheelchairs, parallel or forward approach that accommodates
17 wheelchairs, operable parts that are accessible, minimum cord length and volume
18 control capabilities.

19 47. Mr. Nelson's declaration states that at any given time, there are as
20 many as 10-15 wheelchair users in 8C. This large concentration of wheelchair
21 users, combined with very limited accessible space in 8C, contributes to regular
22 denials of access to programs and services. Although 8C has two showers, only one
23 is suitable for individuals with mobility disabilities like Mr. Clark who must use a
24 shower chair. In 8C, there are so many people with wheelchairs who must use only
25 that shower that Mr. Clark is often unable to take a shower because there is not
26 enough time for all of the wheelchair users to take a shower. When incarcerated
27 individuals with mobility disabilities are segregated into units, which appears to be
28 the practice here, relying on minimum ratios for elements that enable essential

1 services such as toileting and bathing requiring the provision of accessible plumbing
2 fixtures such as lavatories, urinals, toilets and showers where only one accessible
3 fixture is provided constitutes discrimination under the Unruh Act and ADA.

4 48. In contrast to 5A and 7B, 8C has one dayroom table with space for
5 wheelchair users to roll up to the table. However, that one dayroom table is not
6 sufficient for the number of wheelchair users in 8C. The other tables have benches
7 in front of them that prevent wheelchair users from accessing the table top.
8 Accordingly, as Mr. Clark, Mr. Nelson, and Dion Buckelew report, the many
9 wheelchair users must compete for the limited number of seats at the one accessible
10 dayroom table. Mr. Clark, Mr. Nelson, Mr. Buckelew and the other incarcerated
11 people in wheelchairs who do not get one of those seats must eat food out of their
12 laps. These are daily indignities and dangers that these individuals have been
13 subjected to for months while in the Jail.

14 49. The Sheriff's Department's practice of clustering people with mobility
15 disabilities at Central Jail places incarcerated people in unsafe situations. Nikki
16 Yach is a trans woman who, until recently, was housed at Central Jail with men,
17 including a male cellmate. Ms. Yach was groped by her first male cellmate at
18 Central Jail and fears further attacks. Ms. Yach also has multiple sclerosis and
19 requires a wheelchair to move around when her MS relapses. When she reported
20 the assault and was moved out of Central Jail to Vista, which has a few cells for
21 transgender individuals, Ms. Yach had to give up her wheelchair. When Ms. Yach
22 asked for her wheelchair back, she was moved from Vista back to Central Jail,
23 including to the very unit where she had previously been assaulted by a male
24 cellmate. Because Vista cannot house people with wheelchairs, Ms. Yach was not
25 housed at a facility that both feels safe for her gender identity and that
26 accommodates her need for a wheelchair.

27 50. Research indicates that the Enhanced Observation Housing ("EOH")
28 unit at the Central Jail, which was created in response to the very high number of

1 people who have attempted suicide and committed suicide while incarcerated in San
2 Diego County Jail, employs discriminatory practices in regards to incarcerated
3 individuals with disabilities. According to a clinician who worked there, the EOH
4 unit is defined by extreme deprivation and isolation. Incarcerated individuals in
5 mental health crisis who are forced into the EOH are not allowed wheelchairs,
6 assistive devices, or even prostheses in violation of the ADA. According to the
7 declaration submitted by former mental health clinician Jennifer Alonso, “[p]eople
8 with physical disabilities, including people with mental health treatment needs, face
9 problems with accessibility and accommodations in ways that I found
10 upsetting. For example, I am aware that patients with physical disabilities placed in
11 the EOH unit at the Central Jail have had their mobility assistive devices removed,
12 without any alternative accommodation provided. Custody staff confiscated the
13 prosthetic limb belonging to one man held in EOH at the Central Jail. I recall seeing
14 him having to hop around, including when I came by to try to meet with him.” In
15 addition, Ms. Alonso indicated that basic elements essential to safely transfer to
16 toilets or shower seats were lacking in the EOH and PSU units: “I also observed that
17 there is lack of accessible features in mental health units, like the EOH unit at
18 Central Jail. Cells lack grab bars next to the toilet and showers lack bars or chairs to
19 help people with mobility disabilities.”

20 51. Policies of segregating incarcerated individuals with mobility
21 disabilities in the Central Jail are discriminatory. The practice of forcing
22 incarcerated individuals in mental health crisis to live in housing without the use of
23 their mobility assist device is barbaric.

24 52. Other areas of the Jail system where people with wheelchairs are
25 housed are also not accessible. As stated above, a small number of people with
26 mobility disabilities who use wheelchairs are apparently placed in the medical
27 observation bed (“MOB”) unit at George Bailey. That unit has electrical outlets
28 required by CPAP machines. Declarant Dion Buckelew is a wheelchair user who

1 also uses a CPAP machine for his sleep apnea. Mr. Buckelew, however, is not able
2 to navigate the MOB housing unit. The spaces between the bunks are too narrow
3 for Mr. Buckelew to travel. The United States Department of Justice ADA/Section
4 504 Design Guide for Accessible Cells in Correctional Facilities serves as a guide in
5 designing accessible elements within detention cells. This Design Guide was first
6 published in 2006 and was updated in 2020. *See*
7 <https://www.ada.gov/accessiblecells.htm>. Mr. Buckelew's wheelchair also does not
8 fit through the doors of the communal bathroom in the MOB. Under California
9 Building Code, California Code of Regulations, Title 24, Part 2, Section 11B-223,
10 medical facilities must be accessible to incarcerated individuals with disabilities,
11 including the provision of an accessible route to sanitary facilities. To perform basic
12 activities like using the toilet, Mr. Buckelew must rely on other incarcerated people
13 to help him fold up his wheelchair and transfer from his bed to the chair to the toilet.
14 People with mobility disabilities can be put at risk when they have to rely on other
15 incarcerated people to assist with their disability needs. The shower chair in MOB
16 is so flimsy that Mr. Buckelew has fallen multiple times while transferring from his
17 wheelchair to the chair. Under California Building Code, California Code of
18 Regulations, Title 24, Part 2, Section 11B-610 requires shower seats to provide
19 structural strength to withstand at least 250 lbf of horizontal or vertical force. The
20 dayroom in the MOB also has limited table space for wheelchair users.

21 53. In addition, based on my review of the declarations, the Sheriff's
22 Department and its medical contractors appear to not provide needed assistive
23 devices, to fail to effectively replace assistive devices, and to take away assistive
24 devices when not warranted. These practices are harmful, but not surprising given
25 the deficiencies in the Sheriff's Department's policies and procedures identified
26 above. These problems are exacerbated by the lack of a workable disability
27 grievance procedure.

28 54. In March 2021, Christopher Nelson was initially provided a wheelchair

1 with very small wheels and no arm rests. Mr. Nelson had to push himself around
2 with his feet, which was very painful due to Mr. Nelson's hip condition and spinal
3 injury. He often had to rely on other incarcerated people to push him around, which
4 placed him at risk of abuse and exploitation by other incarcerated people.
5 Mr. Nelson did not receive a replacement wheelchair until July 2021, four months
6 after he arrived and was given the inadequate wheelchair.

7 55. In March 2022, Jail staff did not quickly replace James Clark's broken
8 wheelchair; in fact, I am informed it was only repaired after he met with Plaintiffs'
9 counsel. Mr. Clark's experience demonstrates how important it is for the Sheriff's
10 Department to have a functional process to promptly provide replacement assistive
11 devices. Mr. Clark fell three times in the days he was waiting for a replacement
12 wheelchair and using a broken wheelchair, causing injuries to his elbow. Mr. Clark
13 could not travel long distances in the broken wheelchair and had to borrow another
14 person's wheelchair for the meeting with Plaintiff's counsel. This failure is not
15 isolated. Named plaintiff Darryl Dunsmore had to wait months to receive a
16 replacement when the assistive spoon he used broke, and also had to devise his own
17 writing utensil because the Sheriff's Department confiscated his custom writing
18 utensil when he arrived at the Jail.

19 56. Mr. Dunsmore's declaration indicates that Jail staff have confiscated
20 his assistive devices on multiple occasions. Mr. Dunsmore has a rare form of
21 arthritis, and uses a wheelchair to get around, as well as other assistive devices to
22 write, eat, and drink. Mr. Dunsmore's disability waxes and wanes. When he is
23 feeling better, regular physical activity helps him stay mobile. In 2018, the Sheriff's
24 Department confiscated multiple assistive devices after they saw Mr. Dunsmore
25 exercising. This caused Mr. Dunsmore to decompensate and he was placed into a
26 restrictive isolation cell at Central Jail for several days. The toilet had no grab bars
27 in the cell, which made it very hard for him to use the restroom and caused him to
28 sometimes urinate or defecate on the floor of that cell. Mr. Dunsmore now feels he

1 has to “stay debilitated to prevent myself from being even more debilitated without
2 my assistive devices.” In 2019, Jail staff again confiscated a number of
3 Mr. Dunsmore’s assistive devices, including his cane for the duration of his
4 incarceration into 2021.

5 57. The Sheriff’s Department’s confiscation of Mr. Dunsmore’s assistive
6 devices indicates that Jail staff failed to adequately track Mr. Dunsmore’s specific
7 disability and the assistive devices he needs. Similarly, for months, the Sheriff’s
8 Department failed to communicate and track that named plaintiff Josue Lopez is
9 Deaf and requires use of a sign language interpreter.

10 58. I am also concerned by the reports that Mr. Dunsmore’s cane was
11 confiscated because, along with other declarations, it suggests the Jail may have a
12 practice of not permitting incarcerated people with mobility disabilities to have use
13 of multiple mobility assistive devices even when indicated or requested as an
14 accommodation. Like Mr. Dunsmore, Ernest Archuleta was not permitted to have
15 multiple assistive devices. When Mr. Archuleta asked for crutches, which he
16 wanted to use to help build up strength in his legs, Jail staff wrote that they would
17 “replace the wheelchair with a pair of crutches.” Mr. Archuleta chose to keep his
18 wheelchair because he needs it, including when having to traverse long distances.
19 The denial of access to crutches that would allow him to build strength in his legs in
20 appropriate circumstances constitutes a wrongful blanket denial of an assistive
21 device for which Mr. Archuleta has indicated a preference for using and that
22 facilitates meaningful access for him.

23 59. From reviewing the materials provided to me, I am aware of numerous
24 other issues with the Sheriff’s Department’s and County’s compliance with the
25 ADA and Unruh Act. For example, the Sheriff’s Department appears to lack
26 adequate policies, procedures, and practices to accommodate and ensure effective
27 communication with incarcerated people who are Deaf or hard of hearing. The
28 problems identified in this declaration only begin to scratch the surface of the

1 deficiencies with the Jail's disability program and policies. This declaration is
 2 necessarily limited to the problems relevant to Plaintiffs' instant motion. At other
 3 points in the case, I will review the entirety of the Jail's ADA policies, procedures,
 4 practices, and training, and offer my opinions on those.

5 **D. Steps the Sheriff's Department Must Take Immediately to Provide**
 6 **Disability Access**

7 60. Given the level of human misery the Sheriff's Department's and its
 8 medical contractors' policies and practices are causing, these Defendants must take
 9 immediate steps to improve disability access for people with mobility disabilities.
 10 There are a number of steps the County and Sheriff's Department can take in the
 11 short run. At the Central Jail, the County and Sheriff's Department should
 12 immediately update or improve their elevator repair contract to ensure emergency
 13 service and revise their policies to include instructions for staff on how to access and
 14 expedite repairs.

15 61. Vertical Access: These Defendants should create a plan for
 16 transporting people in wheelchairs to programs when the elevator is not functioning.
 17 The plan should include moving programs to the same floor as the incarcerated
 18 people in wheelchairs when elevators are inoperable to provide programmatic
 19 accessibility. The plan should also spell out in detail how people in wheelchairs will
 20 be evacuated in the event of a fire, riot, or medical emergency. The Sheriff's
 21 Department should purchase emergency evacuation chairs for use in an emergency,
 22 and potential use to transport incarcerated individuals with mobility impairments
 23 when elevators are non-functional.

24 62. Use of Existing Accessible Cells: At Central Jail, the Sheriff's
 25 Department should start housing incarcerated individuals with disabilities in the
 26 existing ADA-accessible cell in 7B and should begin making alterations to the other
 27 cells that house people in wheelchairs. Where incarcerated individuals are
 28 segregated into single housing units, cells in those units should be altered to comply

1 in a number that would serve existing incarcerated individuals and additional
2 individuals who could be incarcerated at any time.

3 63. Dayroom Tables: The Sheriff's Department can also easily remove
4 fixed seats from dayroom tables to allow people in wheelchairs to use the tables in
5 numbers adequate to allow the existing incarcerated individuals to sit at a table for
6 meals and other activities. Measurements must be taken to ensure that CBC
7 requirements for toe and knee clearance, and surface height are provided at the
8 tables where space is made open. Another concern is to avoid creating sharp edges
9 when cutting metal table or stool surfaces that either could potentially come into
10 contact with the legs of users, or cause damage to floor surfaces that result in
11 changes in level (trip hazards) where bolts or other securement have been removed
12 with fixed stools.

13 64. Dayroom Telephones: The Sheriff's Department can easily purchase
14 longer telephone receiver cords so that people in wheelchairs can use telephones
15 blocked by fixed stools. Per CBC, at least one fixed stool or 5% overall should be
16 removed in each units where incarcerated individuals are currently housed. In
17 segregated units, the ratio may need to be increased to accommodate the number of
18 users.

19 65. Desks in Cells: The Sheriff's Department can easily remove the fixed
20 seats in front of desks in cells that block wheelchair access to ensure that
21 incarcerated individuals are not forced to transfer onto a small stool and risk injury.
22 This simple alteration should be performed to provide an accessible desk for each
23 incarcerated individual who uses a wheelchair. While removing the fixed stool is
24 essential, measurements must be taken to ensure that the existing desk surfaces
25 provide compliant wheelchair access. CBC requirements for toe and knee clearance
26 that correlate with clear floor space requirements under desk surfaces must
27 accommodate wheelchair width and depth to allow a wheelchair to pull under the
28 desk surface, and compliant desk surface height at the current mounting location

1 must also be verified. If desk surfaces are not large enough to allow a wheelchair to
2 fit under the surface between side braces or similar, or the surface is not mounted at
3 an accessible height, new desk surfaces may be necessary or existing desks may
4 need to be remounted to comply. Another concern for the alterations process is to
5 avoid damage to cell floor surfaces when removing fixed stools that could result in
6 non-compliant changes in level (trip hazards) within required clear floor space after
7 bolts or other securement have been removed.

8 66. Shower Seats: The Department should also purchase sturdy shower
9 chairs that comply to CBC requirements for structural strength and make them
10 available to all incarcerated people with mobility disabilities for use when
11 showering to facilitate safe transfer. These chairs are not expensive.

12 67. Accessible Route: The Sheriff's Department can also reposition fixed
13 furniture such as bunk beds or other elements which may be bolted to the floor in
14 the medical observation unit at George Bailey to enable people in wheelchairs free
15 circulation through that unit by way of an accessible route. These changes can also
16 reduce the impact on staffing needs where assistance was previously required by
17 incarcerated individuals with disabilities. These and other modifications to current
18 processes are especially critical because I am informed that the San Diego jails are
19 woefully understaffed. Without adequate staffing, incarcerated people with
20 disabilities may be left to languish on inaccessible toilets or on the floor after they
21 fall.

22 68. Training: The Sheriff's Department must revise its ADA training and
23 policy on assistive devices used by people with mobility disabilities. The policy
24 should more clearly state that incarcerated people are entitled to these devices, that
25 they should be kept in good repair, and that they can only be removed if there is an
26 immediate threat to safety or security and in consultation with medical staff. The
27 policy should also include an inspection and repair process, in addition to alternative
28 accommodations if such devices must be temporarily removed. Revisions to these

1 policies and training materials should be relatively cost-free and require little time
2 given the exemplars that are available from CDCR.

3 69. Grievance Policy: The Sheriff's Department should immediately revise
4 its grievance policy to clarify that it includes disability issues, including clarification
5 on the right to file a grievance when assistive devices have been taken from
6 incarcerated individuals for what is described as disciplinary action. The
7 instructions for using the form must also be clarified. Staff training must be
8 provided on how to respond to disability grievances and ensure accommodations are
9 granted in an expeditious manner. Without staff training, the denial of services will
10 continue. Without a clear and effective grievance procedure, individuals with
11 disabilities like those who have submitted declarations here will continue to suffer
12 needlessly due to the Jail's failure to accommodate their disabilities.

13 70. Renovating Cells: The County and Sheriff's Department can also
14 begin the planning process to renovate cells, dormitory housing areas and associated
15 sanitary facilities at Vista, and other facilities and to end the practice of segregation.
16 The US Department of Justice has provided Design Guidelines since 2006 to
17 facilitate the design and construction of compliant alterations to existing facilities
18 and new construction as referenced in <https://www.ada.gov/accessiblecells.htm>.
19 Efforts to provide compliant cells in these facilities should begin as soon as possible.
20 In the meantime, minor but meaningful barrier removal can be carried out by
21 County maintenance staff, in addition to the removal of fixed stools at desks, fixed
22 seating elements to create space for wheelchair use at tables and relocation of desk
23 surfaces discussed previously. These additional barrier removal projects can be
24 accomplished until alterations to achieve full compliance are complete:

25 a. Grab Bars: installing grab bars at toilets and in showers can
26 reduce the risk of falls when transferring and also reduce the burden on staff to
27 assist incarcerated individuals who require assistance to shower due to the lack of
28 these required transfer devices.

1 b. Dispensers: Relocating these elements to provide access to the
2 controls or mechanisms that operate the dispensers or allow incarcerated individuals
3 to approach within required clear floor space that accommodates wheelchairs within
4 required reach ranges.

5 c. Shelves: Relocating these elements to allow incarcerated
6 individuals to approach shelves within required clear floor space that accommodates
7 wheelchairs within required reach ranges.

8 d. Communication Systems: Controls that operate communication
9 systems can be relocated within required clear floor space that accommodates
10 wheelchairs within required reach ranges

11 e. Mirrors: Where mirrors are provided, relocating them so that the
12 bottom edge is low enough for incarcerated individuals to see their reflection in
13 compliance with the ADA and CBC.

14 f. Drinking Fountains: Providing a cup dispenser where a low
15 fountain is not provided for incarcerated individuals who use wheelchairs or who are
16 short in stature as an interim solution until two fountains in each housing unit are
17 installed (high for standing persons and low for those of short stature/wheelchair
18 users).

19 **II. Need for Access to Additional Information and Monitoring**

20 71. To assess how the new policies and procedures and training are
21 implemented and whether the Sheriff's Department moves into a position of
22 compliance with the ADA and Unruh Act, I would need to review additional
23 information. This could take the form of a Person Most Knowledgeable deposition
24 transcript and interviews with custody officers from housing units, staff assigned to
25 medical intake triage, classification staff, staff that provides medical, mental health
26 and dental treatment, staff assigned to the education department, veterans program,
27 religious programs, education programs, program facilitators/providers, trustee job
28 and work supervisors, Case Management staff, and any ADA coordinators at the Jail

1 or within the County, where experience dictates. I would also need to review the
2 Sheriff's Department's electronic tracking system, JIMS, maintenance records for
3 elevators and unredacted versions of its policies and procedures.

4 72. I would also like to inspect all six of the facilities currently in use to
5 assess ADA and Unruh Act compliance. An urgent matter exists with the Rock
6 Mountain facility. Considering the information in the assessment report provided
7 and the costly nature of alterations, a timely inspection of the facility will allow
8 verification of compliance in ongoing alterations that could help the County avoid
9 costly change orders or instances where new construction must be demolished and
10 replaced due to non-compliance. The status of this project is especially concerning.
11 Typically, such an inspection would include all areas used by incarcerated
12 individuals, although a spot-check inspection in the Rock Mountain facility would
13 provide verification of either full compliance or necessary changes to existing plans,
14 all to the benefit of the County. If allowed access to these facilities, I could make
15 recommendations on which particular assets and features should be renovated in the
16 short term to alleviate the potential for recurrent harm, as well as the timing and
17 urgency of these renovations. I can also provide input on how to provide
18 programmatic accessibility, which may reduce the amount of physical barrier
19 remediation necessary within this detention system.

20 I declare under penalty of perjury under the laws of the State of California
21 that the foregoing is true and correct to the best of my knowledge, and that this
22 declaration is executed at Lancaster, California this 28th day of April, 2022.

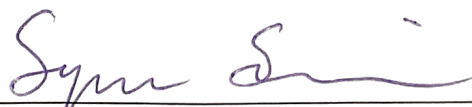
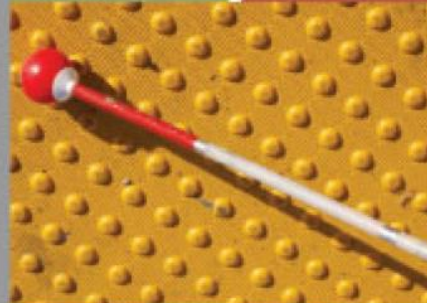
23
24
25 
26 Syroun Sanossian

EXHIBIT A

SZS ENGINEERING ACCESS

STATEMENT OF QUALIFICATIONS

April 27, 2022



ROSEN BIEN GALVAN & GRUNFELD LLP

STATEMENT OF QUALIFICATIONS

Sacramento Office
770 L Street, Suite 950
Sacramento, CA 95814
Tel: 916.669.8750
Fax: 866.670.4961
www.szs-engineering

Palo Alto Office
3000 El Camino Real
Building 4, Suite 200
Palo Alto, CA 94306
Tel: 866.694.7637
Fax: 866.670.4961

April 27, 2022

RE: Statement of Qualifications

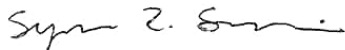
Dear Gay Grunfeld,

We are pleased to submit our qualifications for your review. SZS specializes in ADA Access Compliance with expertise in assisting clients with complaint resolution and legal action. Risk management is an overlying focus with an essential role in every project that we deliver. Our experience ranges from the evaluation of barriers to access in a wide array of facilities including the public rights-of-way. Our methodology is designed not only to assess facilities, but to provide a comprehensive approach to the entire remediation process. From assessment to plan review, construction monitoring and maintenance practices, policy practice review and development, SZS can ensure that our clients have the tools they need to reduce risk while achieving compliance.

The SZS team is comprised of in-house staff. Our firm has four California Certified Access Specialists (CAsp) who can work on this project. SZS is a California certified SBE, and DBE certified firm.

Please contact me with any questions you may have. I am the company officer empowered to bind SZS Engineering Access, Inc. to any contract awarded.

Sincerely,



Syroun Z. Sanossian, Principal
SZS Engineering Access, Inc

STATEMENT OF QUALIFICATIONS**1. EXECUTIVE SUMMARY**

The fundamental goal of the ADA is to ensure access to civic life for people with disabilities. Regulations and statutes intended to ensure equal protection under the ADA in Title II facilities are complex. SZS can provide the expertise necessary to navigate this process successfully.

We focus entirely on the Accessibility Space because we believe that public entities can benefit from expert consultation when considering the expenditure of public funds to improve access and how to best make those determinations. We also see disabled access is a fundamental right that can have a profound impact on individual lives. Our goal is to ensure that public funds are used to construct accessible facilities the first time, rather than as a corrective measure.

Nationwide, facilities must be usable to and accessible by people with disabilities¹. It isn't just about the ADA, and assuming that compliance is about one federal law alone can expose public entities to risk. This is where our expertise comes into play. We often provide services as a neutral party for both plaintiff and defendant, as a trusted resource. SZS also ensures that staff members perform research on a constant basis to stay abreast of changes in statutes, regulations and case law. This enables our decision-making process to remain at the cutting edge of innovation.

CASp Inspection Expertise

ADA Access Compliance is our focus, not a side business. Our services focus on improving access using a comprehensive approach to the assessment, maintenance, and design process to create a realistic plan for remediation.

State of the Art Technology

Innovation sets us apart. We have not been doing things the same way for the past 30 years. Field data contained in our customized database is designed to be used as a stand-alone platform neutral tool compatible with software that public entities use daily to reduce the learning curve required to maintain records over time. Also, we do not charge a fee for software licensing. Our database will be turned over with no kill switches or other tricks to charge our clients fees far into the future. GIS mapping contained in our standard reporting is performed in-house with state-of-the-art technology and ERSI ArcGIS® software in-house for seamless integration of data with existing GIS data layers and will be provided in a customized geodatabase.

Litigation and Risk

We take risk management seriously. That expertise informs our assessment and design process because we know all too well where the problems arise, and we have the know-how to help clients revise their policies and practices to ensure that the same issues do not crop up in the future. We have assisted clients with cases in state and federal courts, including federal class action lawsuits and have worked as an Independent Licensed Architect (ILA) for US DOJ Project Civic Access cases. We have also resolved complaints for clients under the

¹ California Government Code 4450b. <http://www.leginfo.ca.gov/cgi-bin/displaycode?section=gov&group=04001-05000&file=4450-4461>

STATEMENT OF QUALIFICATIONS

purview of the Federal Highway Administration (FHWA) and the US Department of Justice and Department of Education - Office of Civil Rights (OCR). Our expertise and common-sense approach enables our clients to conserve their efforts and resources by implementing cost-effective, tested methods to resolve conflicts.

Training

The only constant in the field of ADA Access Consulting is **change**. A successful project, in our experience, always involves a significant training effort. SZS has provided training on the local, state and federal level, as part of professional service agreements and on a pro-bono basis for many organizations and institutions of higher learning. We know that an educated client will be more likely to understand the importance of implementing the important concepts on which our recommendations are based, so that they can go on to construct barrier-free facilities into the future.

A Trusted Source

We obtain new projects primarily through client recommendations. That fact speaks to both our work product and our commitment to client services. Our systematic approach to ADA Access Compliance goes far beyond providing code deviation reports. Our efforts include Performance Standards (PS) based on a theoretical framework within a practical methodology that encourage actions to streamline design and construction, reduce time and expense while providing a higher degree of usability. We believe that it is the most effective way to improve access while conserving public funds. Our expertise is based on far more than opinions.

Social Responsibility

SZS takes an active part in efforts to improve our profession by employing student interns each summer and providing pro-bono training seminars on ADA Access Compliance on the local, state, and international level. Our efforts in *early education* have had a positive effect on our profession at large.

Project Experience

Our team members bring a wealth of professional experience to our clients by having worked with the federal Access Board developing federal standards, as disability compliance officers, plan reviewers, building inspectors, architects, civil engineers and GIS analysts for state and local agencies. SZS also has built significant working relationships with ADA Title II entities across the nation in preparing Master Access Plans and ADA Transition Plans and Self-evaluations for state and local agencies.

Our process is interactive; we provide methods and tools starting with assessment reports, but almost as important as the reporting, are the tools and methods that we teach our clients to use to improve efforts to streamline projects and improve outcomes for people with disabilities. One of the best ways that your organization can develop a dynamic and interactive community is by improving access for people with disabilities. But first, we must work to change the status quo.

In our past professional work, our team members routinely saw a staggering level of non-compliance in existing facilities, as well as in new construction and alterations projects, which

STATEMENT OF QUALIFICATIONS

signifies a major financial impact on public entities with little or no improvements to benefit people with disabilities. Compliance is the exception, not the rule. Our clients have realized that they have needed much more information than what they were accustomed to getting and the concept of developing and applying performance standards started to take shape. We started this firm with this reality in mind. The attitude of *business as usual* in design and construction needs to change and we work to help clients do just that.

SZS has worked with state and local agencies, law enforcement, community colleges, K-12 school districts, universities, and health care organizations to improve essential parts of their process, such as reviewing and updating standard construction details, inspection procedures, performing plan review and through instruction on the application of performance standards and universal design principles.

Today, we are a team of two dozen professionals working with clients throughout the nation. The services we provide are intended to help our clients deliver a comprehensive approach to ADA Access Compliance:

- ADA Self-Evaluations & Transition Plans
- ADA Access Compliance Plan Review
- Certified Access Specialist (CASP) Assessments
- CASP Plan Review
- Construction Monitoring
- Complaint Resolution
- Litigation Assistance
- Accessible Web Design and Auditing
- Training

The key to our approach is a comprehensive assessment process. Our team understands that minimum code requirements are not the only information to use when determining whether or not barriers to access exist, or if facilities are usable by and accessible to people with disabilities. In fact, reliance only on minimum code standards can be risky. Other standards and guidance exist and we have the expertise to ensure that clients have the information necessary to make informed decisions that not only improve access, but reduce risk as part of structured settlement agreements and into the future.

Our staff is not only able to produce reports detailing each barrier to access, but we also produce an essential part of each of our reports; an executive summary describing findings that barrier data records may not clearly illustrate. This summary section of each report describes in written format our findings, how they are prioritized and why, and where the most significant issues exist.

Knowledge is Power

We know that when a client receives lengthy assessment reports that they can feel overwhelmed. Weeding through code deviation reports can be difficult, so we make sure that our clients get exactly what they pay for; information in a clear, concise and easy to use format that they can apply to projects with little effort.

STATEMENT OF QUALIFICATIONS

SZS efforts do not end at that point. Without the use of fully compliant standard construction details and construction monitoring for alterations and new construction, barrier remediation may not result in accessible facilities. Our experience in performing plan review for more than 200 different A/E firms provides our firm with a wealth of knowledge on the standard of practice for architects and engineers. Reliance on minimum code requirements can overlook the actual needs and functionality of built elements that could be improved through simple changes.

We do not believe that the use of a cookie-cutter system fully serves the needs of our clients. Accurate field surveying involves both the use of trained experts who can precisely scope and identify physical barriers to access found in any given facility while considering building function and usage. No field investigation should be completed without both sets of information.

Our process focuses on the initial capture of all data for existing barriers as essential to the process of evaluating program access and barrier prioritization. If field investigators make judgments in the field as to whether or not certain barriers require removal before the client is able to review all physical barrier information into comprehensive whole, crucial information may be lost. The as-built dimensions we obtain in the field are essential for assessing the severity of barriers and establishing cost estimates. The informed decisions made with those field measurements serve an integral part in our process.

Our unique correlation of physical characteristics and facility function depicted through the use of customized report templates with concise barrier descriptions, as-built dimensions, code references and photo documentation produces superior CASp inspection reports and ADA Transition Plan with the level of detail necessary to our discerning clients.

This project requires not only expertise in physical access requirements, but also an in-depth understanding of the affect that operational policies have on disabled access in public facilities. We have extensive experience in correlating remediation methods for physical access barriers with efforts to ensure that policies and practices are not inadvertently discriminatory.

2. SZS HOURLY RATES

Hours associated with this project will be billed on a time and materials basis.

| SZS ENGINEERING ACCESS, INC. - HOURLY RATES | |
|---|------------------|
| Expert Witness Testimony (SME) | \$ 350.00 |
| Policy & Practice Review and Development | \$ 350.00 |
| Principal/Senior Project Manager | \$ 200.00 |
| Project Engineer | \$ 200.00 |
| Sr. Project Architect | \$ 200.00 |
| Project Manager | \$ 180.00 |
| Project Coordinator | \$ 160.00 |
| GIS Analyst | \$ 160.00 |
| Field Investigator | \$ 130.00 |
| Technical Staff | \$ 80.00 |

STATEMENT OF QUALIFICATIONS**3. RESUMES****SYROUN SANOSSIAN, Principal**

Syroun Z. Sanossian is an ADA Access Compliance expert with graduate level training in both architecture and civil engineering. She started SZS in 2003 as a working principal with overall program management. She has acted as the disability compliance officer for the court construction and management department of the administrative office of the courts and program manager for ADA Transition Plan development with numerous public entities across the US. Litigation assistance, and policy and practice development are her primary focus in assisting clients with federal class action lawsuits, and Project Civic Access cases brought by the US Department of Justice, and Federal Highway Administration. She also serves as a voting member on the A18 National Standards committee for the American Society of Mechanical Engineers (ASME), which develops requirements for wheelchair lifts.

She provides services on a pro-bono basis to many non-profit entities including the Ronald McDonald House, as a commissioner on the San Mateo County Commission on Disabilities and provides training to local, state, and international organizations on various accessibility topics. Her hands-on management style defines the firm and continues to drive our staff to improve and expand their capabilities.

EDUCATION

| | |
|---|-------------|
| Architecture and Civil Engineering, Graduate Studies (Vor/Hauptdiplom) | 1992 – 1997 |
| • Technische Hochschule Darmstadt (TUD); Darmstadt, Germany | |
| • Rheinische Westfälische Technische Hochschule (RWTH), Aachen, Germany | |
| Graduate Studies, Architecture; University of Utah, Salt Lake City, UT | 1990 – 1992 |
| B.S. Political Science/Pre-Architecture, University of Utah | 1990 |

PROFESSIONAL AFFILIATIONS

DSA Certified Access Specialist (CASP) No. 69
 American Society of Mechanical Engineers (ASME), member
 ASME A18 National Standards Committee, voting member
 International Code Council (ICC), member
 Certified Access Specialist Institute (CASI), member
 Association of Pedestrian and Bicycle Professionals (APBA), member
 Association on Higher Education and Disability (AHEAD), member
 International Association of Accessibility Professionals (IAAP), member

EXPERIENCE

| | |
|---|----------------|
| • Principal, SZS Engineering Access Inc, Sacramento/Palo Alto, CA | 2003 – present |
| • Disability Compliance Officer, Administrative Office of the Courts (AOC), Office of Court Construction & Management (OCCM), San Francisco, CA | 2006 – 2008 |
| • Project Manager, Gilda Puente-Peters Architect, El Cerrito, CA | 2002 – 2003 |
| • Project Manager, 3D/International, Sacramento, CA | 2002 – 2003 |
| • Project Manager, Sally Swanson Associates (SSA), San Francisco, CA | 2000 – 2002 |
| • Field Investigator, Building Analytics, Glendale, CA | 1997 – 1999 |

STATEMENT OF QUALIFICATIONS**DETENTION AND CORRECTIONAL FACILITY PROJECTS**

Humboldt County Correctional Facility – A facility assessment including an ADA Assessment was performed at this facility in 2017 on behalf of Humboldt County. The project also included monitoring of alterations under a US DOJ Project Civic Access Consent Decree to ensure compliance with ADA and the CBC. This facility was built in 1994-1995 and is considered new construction which required it to fully comply at the time it was built with the ADA and CBC. SZS identified over 1200 code violations at this facility.

Monterey County Jail – SZS was retained as the neutral 3rd party expert serving both plaintiff and defendant in 2013 to perform an ADA Access Compliance Assessment of this facility identify barriers to access, physical and programmatic, and advise legal counsel on the necessary corrections to bring the facility into compliance.

Rio Cosumnes Correctional Facility - An existing wing in this facility was planned for renovation to reduce inmate overcrowding and increase the number of accessible cells. Sacramento County retained SZS in 2009 to perform an ADA/Access Compliance building assessment that was used in the design and construction documents provided by county-designated architects. SZS also performed plan review of the design documents.

Sacramento County Coroner's Office - Sacramento County retained SZS to perform ADA/Access Compliance plan review and complaint resolution for this new construction project in 2005.

Lorenzo Patiño Hall of Justice (Sacramento County Main Jail) - Sacramento County retained SZS to perform an ADA/Access Compliance building assessment as part of the update to the existing ADA Transition Plan for Sacramento County in 2005. This assessment was performed in conjunction with the ADA/Access Compliance assessment of the Gordon D. Schaber Sacramento County Courthouse performed the same year.

Gordon D. Schaber Sacramento County Courthouse - Sacramento County retained SZS to perform an ADA/Access Compliance building assessment as part of the update to the existing ADA Transition Plan for Sacramento County in 2005.

Sacramento County Juvenile Courthouse - Sacramento County retained SZS to perform ADA/Access Compliance plan review and construction monitoring for this new construction project in 2004-2006.

Sacramento County Juvenile Detention Center - Sacramento County retained SZS to perform an ADA/Access Compliance building assessment as part of the update to the existing ADA Transition Plan for Sacramento County in 2004.

Sacramento County Boy's Ranch - Sacramento County retained SZS to perform an ADA/Access Compliance building assessment as part of the update to the existing ADA Transition Plan for Sacramento County in 2003.

Carol Miller Justice Center - Sacramento County retained SZS to perform an ADA/Access Compliance building assessment for this facility as part of the update to the existing ADA Transition Plan for Sacramento County in 2003-2004.

Folsom State Prison (FSP) - A facility assessment including an ADA assessment was performed for this facility in 2002 on behalf of 3D/International under the direction of the California State

STATEMENT OF QUALIFICATIONS

Department of Corrections and Rehabilitation (CDCR).

Multiple ADA/Access Compliance building assessments have been performed for city clients as part of ADA Transition Plan project, all of which involved holding cells, and other elements common to detention areas. Further information can be provided upon request.

RECENT PROJECT EXPERIENCE**ADA TRANSITION PLANS AND SELF-EVALUATIONS – CITIES AND COUNTIES:**

- **City of Brisbane CA** 2020 – present
- **City of Menlo Park CA** 2020 – present
- **City of Fresno Transit Department (FAX)** 2016 – present
- **City of Palo Alto** 2016 – 2020
- **County of Lassen** 2017 – present
- **City of Capitola** 2017 – present

Prepared materials for kick-off meetings and subsequent meetings; assisted clients in developing statements of public commitment required by US DOJ to start the process, advised clients on publicizing process on city website and social media, maintained correspondence with clients, collaborated with clients on customization of SZS database tool for implementation process, advised clients on case law, state and federal regulations and provided training. Provided overall program management and oversight for Self-evaluation process. Developed questionnaires for public outreach, prepared public outreach presentation and held presentation in collaboration with clients, advised clients on prioritization process, annual phasing of transition plan and schedule. Provided training to staff. Ensured that program rollout was streamlined and cost efficient.

- **City of Sacramento Real Estate Division** 2019 – present

Prepared materials for kick-off meeting and subsequent meetings. Responsible for overall methodology and developed field manual and checklists for field investigators. Developed and tested database tool for field use. Worked with client to customize ADA Transition plan data collection and reporting.

- **City of Sacramento Public Works** 2019 – present

Prepared materials for kick-off meeting and subsequent meetings. Performed field investigations as CASp inspector. Responsible for overall methodology and developed field manual and checklists for field investigators. Developed and tested database tool for field use. Worked with client to customize ADA Transition plan data collection and reporting. Reviewed standard construction details and provided recommendations to make improvements.

ADA TRANSITION PLANS and MASTER ACCESS PLANS – UNIVERSITIES:

- **California State University, Sacramento** 2013 – present
- **California State University, Stanislaus** 2018 – 2019
- **California State University, Long Beach** 2010 – 2018
- **Chico State University** 2008 – 2010
- **California State University, Dominguez Hills** 2008 – 2010
- **Humboldt State University** 2008 – 2010
- **California State University, East Bay** 2008 – 2010
- **Fresno State University** 2008 – 2010
- **Cal Poly Pomona** 2008 – 2010
- **San Diego State** 2008 – 2010
- **California State University, Monterey Bay** 2008 – 2010

Developed protocol with CSU Office of the Chancellor to develop Plans. Collaborated with CSU

STATEMENT OF QUALIFICATIONS

to develop ADA Design Guidelines in 2011. Prepared materials for kick-off meeting and subsequent meetings. Responsible for overall methodology and developed field manuals and checklists for field investigators. Developed and tested database tool for field use. Worked with client to customize collection and reporting. Provided training to client staff including database training, field investigation training and provided materials and references to ADA Access Compliance statute and regulation. Corresponded with client to provide input and revisions, as needed during the process of finalizing reports. Collaborated with chief building official and ADA Coordinator on policy and practice development and implementation. Prepared and presented materials for public outreach process. Reviewed and approved final ADA Transition Plan reports.

CASp INSPECTION AND REPORTING

- **San Jose State University** 2008 – present
- **California State University, Los Angeles** 2008 – present
- **California State University, San Marcos** 2008 – present

Held meetings with key stakeholders on campus prior to inspections. Performed field investigations as CASp inspector. Worked with client to customize ADA Transition plan data collection and reporting. Corresponded with client to provide input and revisions, as needed during the process of finalizing reports. Collaborated with inspectors of record during construction. Reviewed approved drawings and provided punchlist document and verification.

PEDESTRIAN FACILITY ASSESSMENTS:

California State University Long Beach 2016 – 2017

Fresno State University 2008 – present

San Diego State University 2015-2016

Prepared materials for kick-off meeting and subsequent meetings. Performed field investigations as CASp inspector pursuant to litigation case. Responsible for overall methodology and developed field manuals and checklists for field investigators. Worked with client to customize CASp inspection data collection and reporting for litigation reporting. Provided materials and references to ADA Access Compliance statute and regulation. Corresponded with client to provide input and revisions, as needed during the process of finalizing reports. Reviewed and approved final CASp inspection reports.

ABA Assessment of the Pedestrian Facility – Undisclosed Federal Agency 2018 – 2020**Bus Stop Inventory/Design Improvements for Undisclosed Transit Agency - 2019 – present**

Responsible for overall methodology and development of field manuals and checklists for field investigators. Developed customized database tool for field use. Worked with client to customize ADA Transition plan data collection and reporting. Prepared materials for kick-off meeting and subsequent meetings. Provided materials, references and training on ADA Access Compliance statute and regulation to client and contractors working on existing projects. Reviewed final reporting and remediation schedule.

ILA Services pursuant to a US DOJ Project Civic Access Consent Decree 2017-2020

Managed responsibility and documentation required when serving as US DOJ approved Independent Licensed Architect (ILA) under the consent decree with mandated correspondence and reporting required by client and the US DOJ on monthly and bi-annual basis for 3-1/2-year consent decree timeline. Performed field investigations, plan review, construction monitoring and site inspections for alterations and new construction mandated by consent decree. Provided recommendations for standard construction details to improve standards and assist client in complying with the consent decree requirements for curb ramp compliance. Negotiated with the trial attorneys and inspectors at US DOJ Civil Rights Division on behalf of client to achieve more cost-efficient solutions for barrier remediation. Managed SZS architects and engineers required

STATEMENT OF QUALIFICATIONS

to report to the US DOJ within prescribed dates within the consent decree. Provided field training to client staff monthly to increase understanding of industry standard practices for data collection and ADA assessments and reporting pursuant to consent decree requirements, basis for construction tolerances and code requirements with the goal of improving likelihood that alterations and new construction would comply and thereby satisfy the terms of the consent decree. Provided recommendations to private building owners who leased facilities to the client to house the programs, services and activities operated by the client. Corresponded with and provided recommendations to legal counsel, building contractors, building inspectors, plan reviewers, architects, engineers, and administrators working for the client on their obligations under the consent decree. Provided input and training to Otis Elevator staff on-site and within corporate headquarters on basic elevator ADA accessibility requirements.

EXHIBIT B

INDEX OF DOCUMENTS REVIEWED BY SYROUN SANOSSIAN

| NO. | DOCUMENT NAME | DOCUMENT DATE |
|-----|--|---------------------|
| 1. | <i>Armstrong</i> Poster on Appliances | Not dated |
| 2. | California Correctional Health Care Services Revised Durable Medical Equipment Policy | March 5, 2020 |
| 3. | California Department of Corrections and Rehabilitation (CDCR) Memo re Wheelchair Safety and Security Inspection | May 11, 2016 |
| 4. | California State Auditor Report 2021-109: <i>San Diego County Sheriff's Department</i> – It Has Failed to Adequately Prevent and Respond to Deaths of Individuals in Its Custody | February 2022 |
| 5. | Declaration of Christopher Nelson | March 9, 2022 |
| 6. | Declaration of Daniel Webb | March 9, 2022 |
| 7. | Declaration of Darryl Lee Dunsmore | March 30, 2022 |
| 8. | Declaration of Dion Scott Buckelew | April 21, 2022 |
| 9. | Declaration of Ernest Archuleta | March 9, 2022 |
| 10. | Declaration of James Clark | April 21, 2022 |
| 11. | Declaration of Josue Lopez | October 19, 2021 |
| 12. | Declaration of Nikki Yach | April 19, 2022 |
| 13. | Letter from San Diego County Sheriff's Department to Shanel Assofi, Uprise Theatre re: Erich Louis Yach (Confidential / Redacted) | March 9, 2022 |
| 14. | Email thread between Sheriff's Department employees re Deaf Incarcerated Person (Redacted) | October 17-19, 2020 |

INDEX OF DOCUMENTS REVIEWED BY SYROUN SANOSSIAN

| NO. | DOCUMENT NAME | DOCUMENT DATE |
|------------|--|----------------------|
| 15. | San Diego County Sheriff, Detention Services Bureau, Detentions In-Service Training Unit Training Bulletin, Americans with Disabilities Act (ADA) Aids to Reduce Effects of Impairment (Redacted) | January 10, 2019 |
| 16. | San Diego County Sheriff, Detention Services Bureau, Detentions In-Service Training Unit Training Bulleting: ADA in Detention Facilities (Redacted) | February 10, 2017 |
| 17. | San Diego County Sheriff's Department Detention Services Bureau – Manual of Policies and Procedures, Number: G.03 Subject: Elevators | March 3, 2011 |
| 18. | San Diego County Sheriff's Department Detention Services Bureau – Manual of Policies and Procedures, Number: I.01 Subject: Emergency Alarm Systems (Redacted) | November 20, 2020 |
| 19. | San Diego County Sheriff's Department Detention Services Bureau – Manual of Policies and Procedures, Number: I.22 Subject: Lower Bunk/Lower Tier Assignment | December 9, 2020 |
| 20. | San Diego County Sheriff's Department Detention Services Bureau – Manual of Policies and Procedures, Number: I.47 Subject: Inmate Identification Wristbands and Clothing (Redacted) | December 30, 2020 |
| 21. | San Diego County Sheriff's Department Detention Services Bureau – Manual of Policies and Procedures, Number: I.57 Subject: Transportation Of Inmates | October 28, 2020 |

INDEX OF DOCUMENTS **REVIEWED BY SYROUN SANOSSIAN**

| NO. | DOCUMENT NAME | DOCUMENT DATE |
|------------|---|----------------------|
| 22. | San Diego County Sheriff's Department Detention Services Bureau – Manual of Policies and Procedures, Number: M.09 Subject: Receiving Screening | December 18, 2019 |
| 23. | San Diego County Sheriff's Department Detention Services Bureau – Manual of Policies and Procedures, Number: M.39 Subject: Disabled Inmates | March 27, 2020 |
| 24. | San Diego County Sheriff's Department Detention Services Bureau – Manual of Policies and Procedures, Number: N.01 Subject: Grievance Procedure | December 23, 2020 |
| 25. | San Diego County Sheriff's Department Detention Services Bureau – Manual of Policies and Procedures, Number: P.11 Subject: Hearing Impaired Inmates | December 27, 2018 |
| 26. | San Diego County Sheriff's Department Detention Services Bureau – Manual of Policies and Procedures, Number: Q.55 Subject: Property Received with Inmates (Redacted) | January 14, 2020 |
| 27. | San Diego County Sheriff's Department, Form J-22: Inmate Grievance/Appeal of Discipline | Rev. January 2015 |
| 28. | San Diego County Sheriff's Department, Medical Services Division, Operations Manual Number: MSD.F.1.2 Subject: - Lower Bunk / Lower Tier | December 9, 2020 |
| 29. | San Diego County Sheriff's Department, Medical Services Division, Operations Manual Number: MSD.P.07 Subject: Prostheses, Orthoses And Other Aids | March 30, 2017 |

**INDEX OF DOCUMENTS
REVIEWED BY SYROUN SANOSSIAN**

| NO. | DOCUMENT NAME | DOCUMENT DATE |
|------------|---|----------------------|
| 30. | San Diego County Sheriff's Department, Medical Services Division, Operations Manual Number: MSD.M.13 Subject: Medical Observation Beds | November 30, 2016 |
| 31. | San Diego County Sheriff's Department, Medical Services Division, Operations Manual Number: MSD.M.09 Subject: Medical Wristbands (Redacted) | December 23, 2015 |
| 32. | San Diego Sheriff's Department Detention Services Bureau – Las Colinas Detention and Reentry Facility Green Sheet, Number: P.11.L Subject: Hearing Impaired Inmates | January 23, 2019 |
| 33. | San Diego Sheriff's Department Detention Services Bureau – George Bailey Detention Facility Green Sheet Number: P.11.G Subject: Hearing Impaired Inmates | April 26, 2021 |
| 34. | San Diego Sheriff's Department Detention Services Bureau – San Diego Central Jail Green Sheet Number. G.3.C.1 Subject: Elevators (Redacted) | July 24, 20219 |
| 35. | San Diego Sheriff's Department Detention Services Bureau – San Diego Central Jail Green Sheet Procedure Number. P.11.C.1 Subject: Hearing Impaired Inmates (Redacted) | October 17, 2019 |
| 36. | US Department of Justice, Civil Rights Division, <i>Examples and Resources to Support Criminal Justice Entities in Compliance with Title II of the Americans with Disabilities Act</i> | January 2017 |
| 37. | Excerpts from Preliminary Injunction Briefing in <i>Hernandez v. Monterey</i> , 70 F.Supp.3d 963 (N.D. Cal. 2014) | August18, 2015 |

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| 40. | San Diego Sheriff's Department Response to Public Records Act, Request Number 12: San Diego Sheriff's Department Classes & Programs (Rev. Oct. 2021) | April 1, 2022 |
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