

KELLY MITCHELL CONSULTING

**JOINT EXPERT- MONITORING REPORT
AMERICANS WITH DISABILITIES (ADA)**

BABU V. AHERN

Consent Decree Sixth Status Report

Case No. 5:18-cv-07677-NC

DRAFT-April 4, 2025

INTRODUCTION

This report serves as the first report filed by this expert in monitoring the Babu v. County of Alameda, Consent Decree within the Santa Rita Jail (SRJ) and addresses the Americans with Disabilities Act (ADA) related provisions of the Consent Decree (CD) assigned to Kelly Mitchell Consulting for monitoring.

This report is based on document and data review for the reporting period of July 1 to December 31, 2024, an onsite tour conducted December 2-5, 2024, as well as interviews with staff and incarcerated people. Prior reports were also reviewed to maintain continuity in review and reporting.

I appreciate the time the staff spent familiarizing me with the facility, processes, and procedures to allow for the most effective reporting. This report is formatted to allow for a Summary of Ratings, followed by detailed findings and recommendations. Material utilized in evaluation will be referenced throughout the document.

This expert has provided input in several areas which address policies, procedures, documentation, and system improvements after the onsite tour. These will be discussed under each provision.

FREQUENTLY UTILIZED ACRONYMS

ACSO- Alameda County Sherriff's Office

ADA-Americans with Disabilities Act

AFBH-Alameda Forensic Behavioral Health

BHI-Behavior Health Inmate

CD-Consent Decree

EC-Effective Communication

IDD- Intellectually and Developmentally Disabled

IDI- Intellectually Disabled Inmate

LD- Learning Disability

LOC-Level of Care

RH-Restrictive Housing

SMI-Serious Mental Illness

SRJ-Santa Rita Jail

SUMMARY OF RATINGS

The chart below reflects an overview of the specific provisions with standardized rating codes:

- SC-DC Substantial Compliance – Recommend Discontinuation of Monitoring.
- SC Substantial Compliance
- PC Partial Compliance
- NC Non-Compliance
- IN/YR-N/A Implementation Not Yet Required – Not Applicable

Requirement	Rating
508. Development of written policies and procedures.	PC
509. Disciplinary process for incarcerated persons designated as SMI.	PC
510. Practice of seeking an opinion on the level of discipline, use of disciplinary diets, timelines for disciplinary proceedings, and the imposition of Discipline. Placement in a higher classification.	SC-DC
1000. Working with Joint Expert in the development and implementation of policies, procedures, forms, and training.	PC
1001. Employment of a full-time, dedicated ADA Coordinator.	SC
1002. ADA Coordinator and/or her or his staff personally meeting with each newly identified individual within 14 days of designation.	PC
1003. ADA-related training for staff.	IN/YR – N/A
1004. The ADA Coordinator staffing.	SC
1005. The ADA Unit staff certification course	SC
1006. Effective Communication Policy.	PC
1007. ADA staff meeting with incarcerated persons with SMI diagnosis or a cognitive, intellectual, or developmental disability in advance of any disciplinary.	NC
1008. Development and implementation of healthcare screening questions.	PC
1009. Referrals to the ADA Unit for incarcerated persons with Psychiatric Disabilities.	PC

1010. Issuance of the Jail Handbook orientation materials, including instructions on how to request disability-related accommodations, how to contact the ADA Coordinator, and how to file a grievance regarding ADA-related issues.	SC
1011. Provision of reasonable modifications and accommodations.	PC
1012. Provision of Effective Communication, therapeutic and/or protective housing unit, counseling/therapy (group and individual), medications, and Qualified Mental Health Professional input prior to removing privileges and/or otherwise imposing discipline and any modifications necessary to ensure equal access to programs.	PC
1013. Provision of reasonable accommodations for learning-related disabilities.	PC
1014. Provision of reasonable accommodations for individuals with cognitive, developmental, and/or intellectual disabilities.	PC
1015. Implementation of an electronic, real-time networked tracking system.	PC
1016. Provision of Psychiatric Disabilities report to Housing unit, education, and program office staff.	PC
1017. Security classification for incarcerated persons with Psychiatric Disabilities.	SC
1018. Access to yard and day room and recreation time for incarcerated persons with Psychiatric Disabilities.	PC
1019. Equal access to all programs, activities, and services for incarcerated persons with Psychiatric Disabilities.	PC
1020. Requests for reasonable modifications independent of the grievance system (“ADA Request”).	PC
1021. Grievance system that provides for prompt and equitable resolution of complaints by individuals with Psychiatric Disabilities who allege disability-related violations.	PC
1022. The ADA Coordinator and ADA Unit review of ADA-related grievances.	PC

FINDINGS AND RECOMMENDATIONS

The following findings and recommendations include language from the Consent Decree provisions assigned for monitoring by the ADA Joint Expert. The specific provision language is followed by the Expert's findings and recommendations.

*References to policies and procedures include all forms and attachments included with the policy.

Disciplinary Process

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

Finding: Partial Compliance

(Note: Previously rated as "Partial Compliance")

Policies:

- ACSO Detention and Corrections Policy and Procedure - 16.01 Disciplinary Procedure (Revision Date: August 28, 2023)
 - Procedures currently being revised to include revision of related forms and tracking
- ACSO Policy 1.14 Americans with Disabilities Act (Revision Date: January 28, 2025):
 - Current revision was sent for final review during this reporting period and was published in January 2025.
 - Current published version does not yet fully address Intellectually and Developmentally Disabled or the electronic tracking system.
- AFBH Policy 407-1-4 Adult Forensic Behavioral Health Disciplinary Incident Response (Date of Approval July 8, 2024)
 - Will require revision to ensure alignment with ACSO Detention and Corrections Policy and Procedure -16.01 Disciplinary Procedure

Training:

- ACSO Detention and Corrections Policy and Procedure - 16.01 Disciplinary Procedure
 - Modifications to forms and tracking systems will require training. Anticipated to be finalized by the next rating period.
- ACSO Policy 1.14 Americans with Disabilities Act- Training implementation anticipated March 2025.
- AFBH Policy 407-1-4 Adult Forensic Behavioral Health Disciplinary Incident Response Training- Anticipated to be finalized during the next reporting period.
 - Will require updating to align with changes to 16.01-Disciplinary Procedure.

Metrics and Assessments:

1. *Monitoring of ACSO Policy 1.14 Americans with Disabilities Act for content consistent with this CD provision.*

The Joint Expert completed a formal review of the draft policy and provided feedback on language and inclusion of requirements of the CD during this cycle. The policy was published in January 2025 and

training has been scheduled to begin in March 2025. It is anticipated the policy will be revised to include additional language to address screening, adaptive supports, and programs and services for the Intellectually and Developmentally Disabled (IDD) prior to the next reporting cycle.

2. *Monitoring of ACSO Policy 16.01 Disciplinary Procedure for content consistent with this CD provision.*

This policy has been implemented, and the existing content is consistent with the CD. The forms and tracking have been identified for revisions, which should assist in increased compliance and ongoing monitoring (to include tracking for the IDD, and individuals experiencing unusual behavior).

3. *Monitoring of AFBH Policy 407-1-4-Adult Forensic Behavioral Health Disciplinary Incident Response for content consistent with this CD provision.*

This policy has been implemented, and existing content is consistent with the provisions of the CD. It is anticipated that this policy will be revised prior to the next round to align with modifications to ACSO Policy 16.01 and to include specific areas to address the IDD and individuals exhibiting unusual behavior.

Recommendations:

1. ACSO Policy 1.14- ADA- Working in collaboration with the ACSO/AFBH and the contracted healthcare provider, finalize development of the IDD program and revise policy and procedures, implement revision, and incorporate into multidisciplinary training.
2. ACSO Policy 16.01 – Disciplinary Procedure - Finalize collaborative ACSO/AFBH workgroup, which is evaluating revisions to the Disciplinary Forms and Tracking and incorporate the joint experts recommended modifications to the Disciplinary Process policy, forms, and tracking. Implement training which will assist ACSO/AFBH in meeting the provisions of the CD and documenting compliance.
3. AFBH Policy 407-1-4-Adult Forensic Behavioral Health Disciplinary Incident Response- Finalize the collaborative ACSO/AFBH workgroup, which is evaluating revisions to the Disciplinary procedures, forms, and tracking to increase compliance with provisions of the CD. Align policies and implement multi-disciplinary training.

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

(a) whether the reported behavior was related to mental illness or adaptive functioning

deficits, including whether the behavior was related to an act of self-harm.

(b) any other mitigating factors regarding the individual’s behavior, disability, or circumstances that should be considered.

(c) whether certain sanctions should be avoided due to the individual’s underlying disability and/or mental health needs. The ACSO shall further ensure recommendations regarding whether the mental health of the individual impacted their actions are appropriately considered and proper interventions provided to Behavioral Health Clients and avoid punishing Behavioral Health Clients for manifestations of their disabilities. To the extent ACSO chooses to not follow the Qualified Mental Health Professional’s recommendations, ACSO shall document and explain in writing why the recommendation was not followed.

Finding: Partial Compliance

(Previously rated as “Partial Compliance”)

Policies:

- ACSO Detention and Corrections Policy and Procedure- 1.14- ADA (Published January 28, 2025)- Pending Intellectual and Developmentally Disabled revision.
- ACSO Detention and Corrections Policy and Procedure - 16.01 Disciplinary Procedure (Revision Date: August 28, 2023). – Currently under review for revision
- ACSO Detention and Corrections Policy and Procedure - 13.01 Medical and Behavioral Health Care (Revision Date: March 1, 2020). Will require revision for Intellectually and Developmentally Disabled screening, treatment, accommodation/adaptive supports and program and services.
- AFBH Policy 407-1-4 Adult Forensic Behavioral Health Disciplinary Incident Response (Date of Original Approval July 8, 2024)-will require review for alignment with ACSO policy 16.01.

Training:

- ACSO Americans with Disabilities Act Training - Anticipated implementation of training in March 2025. Revisions to IDD language anticipated in the next reporting period.
- ACSO Disciplinary Procedure - Modifications to procedure, forms and tracking systems will require training which is anticipated to be finalized by the next rating period.
- AFBH Adult Forensic Behavioral Health Disciplinary Incident Response Training is anticipated to be finalized during the next reporting period.

Metrics:

1. Monitoring of ACSO Policy 1.14 - ADA for language consistent with the CD.
2. Monitoring of ACSO Policy 16.01- Disciplinary Procedure for language consistent with the CD.
3. Monitoring of AFBH Policy 407-1-4 Behavioral Health Disciplinary Incident Response for language consistent with the CD.
4. Review of Disciplinary Tracking Log
5. Review of a random sampling of no less than 10 percent of the total disciplinary packages* ¹(for the disabled population covered under the consent decree) per each rating period by the following categories:
 - a. IDI- *if less than 10 total for the rating period, then all disciplinaries for this population shall be reviewed.
 - b. LD-*if less than 10 total for the rating period, then all disciplinaries for the population shall be reviewed
 - c. SMI
 - d. BHI

*The following 2 categories will be monitored in future rating periods as tracking was not yet available to clearly identify qualifying reports.

- e. Class members who are identified as requiring clinical input and accommodation due to a psychiatric disability. Current tracking is based on LOC versus identified disability.
- f. Individuals who were not part of the above classifications but exhibited unusual behavior during the violation.

¹ Disciplinary packages include the following forms: PD-631, PD-96, PD-96a, PD-427, PD-631, and ACSO-550 as appropriate.

Assessment:

The County has developed a comprehensive Disciplinary Policy that includes language consistent with this provision. A sample of 100 Disciplinary packages were reviewed for this round to determine whether ACSO and AFBH complied with the requirement to include Qualified Mental Health Professionals in the disciplinary process related to SMI clients, and for BHI who are not SMI, if the ACSO notified Qualified Mental Health Professionals of the initiation of the disciplinary process, to include the basis for the disciplinary action, and including them in the disciplinary process as appropriate. This assessment included review of all forms and documentation associated with the Qualified Mental Health Professionals input into the process and the ACSO's consideration of the input. A summary of the findings to include disciplinary trend analysis for context on the total number of disciplinary cases are included below:



Statistical Percentages and Metrics of Reviewed Disciplinary Packages

	Percentage
SMI Percentage	22%
BHI Percentage	78%
IDI Percentage *This does not confirm there were no IDD disciplinaries, but rather a lack of identification	0%
1 Referred to AFBH	100%
2 SMI Referrals Received AFBH Input	100%
3 BHI Packages with Qualified Behavioral Health Input	78%
4 BHI Referrals Documented as Clinically Not Warranted for Input	22%
5 Clinician Recommendations in Accordance with Policy	99%
6 Clinicians Did Not Recommend Avoidance of Sanctions	66%
7 Hearing Officer Considered AFBH Input on Sanctions	10%
8 Hearing Officer Documented Consideration of AFBH Recommendations	10%
9 Hearing Officer Documented Collaboration with AFBH	10%
10 Hearing Officer Documented Reasons for Not Following MH Recommendations	0%
11 Disciplinary Written for Refusal of Treatment/Medication or Self-Injurious Behavior	0%
12 Total Disciplinaries Mitigated by Hearing Officer	43%

Highlights of Disciplinary Analysis

- There is substantial compliance in the referral of packages to AFBH for review.
- AFBH has significantly increased compliance in clinical review and documentation this round.
- AFBH Input into SMI Disciplinaries has increased dramatically.
- There is a significantly low percentage of compliance for Hearing Officer responsibilities. A priority should be made to provide additional training to Custody staff involved in the Disciplinary Hearing and Review process.
- A substantial number of ADA disciplinaries (43%) are mitigated. An assumption could be reached this mitigation is due to clinical input being considered, but documentation is unclear to substantiate. Revisions to current tracking, forms and training on documentation should provide ability for further analysis in the next monitoring round.
- Tracking documents need revision to clearly identify the total ADA population covered by the CD. The categories currently tracked are only a portion of the population (Ex: does not include LD, or identification of IDD).
- The ACSO and AFBH are currently collaborating on revisions to the Disciplinary process, and it is anticipated modifications to the forms, tracking and associated training will allow for a more substantive analysis in the next reporting period to include inclusion of IDD and unusual behavior tracking.
- Based on the document review for this rating period there was no evidence that SMI/BHI/IDI clients were subjected to discipline for refusing treatment or medications or if engaging in self-injurious behavior or threatening such.

Recommendations:

- 1) Recommend continued collaboration on revisions to the Disciplinary Process Policies and Procedures.
- 2) Recommend additional training for Hearing Officers, SRJ Operations Captain, the Classification Lieutenant, and respective designees on requirements of documentation of consideration of AFBH input, collaboration on discipline, mitigation, and if they disagree reasons why input was not followed.
- 3) Recommend the development of self-auditing tools for quality assurance.

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

Finding: Substantial Compliance-Recommend discontinuation of monitoring.

(Previously rated as "Substantial Compliance")

Policies:

- ACSO Detention and Corrections Policy and Procedure - 16.01 Disciplinary Procedure (Revision Date: August 28, 2023). Quality improvement *revisions and training pending*.

Training:

Training is currently provided as part of ACSO's Correctional Officer training that is mandated for newly hired correctional officers upon updates to policies and procedures for all staff with responsibilities for duties associated with the policy and procedure.

Class counsel advised this monitor that they were not provided with the disciplinary training material in 2023 or dates of training.

Metrics:

- Monitoring of Policy 16.01 Disciplinary Procedure for language consistent with the CD.
- Review of 10% of Disciplinary Reports for documentation of staff authoring disciplinary having input in the recommended discipline.

Assessment:

The County has continued to maintain substantial compliance in this provision and has established a comprehensive Disciplinary Procedure Policy which includes language specific to this provision eliminating the requirement that staff authoring reports make a recommendation to the Hearing Officer regarding sanctions. The policy also clarified ACSO's disciplinary hearing timelines to include requiring the ADA Unit to meet with ADA identified incarcerated individuals in advance of the hearing. "The ADA coordinator will meet with the incarcerated individual and utilize EC to ensure they understand, can participate and can communicate with the Disciplinary Officer. If the individual requires additional assistance a council substitute may assist in the rule violator. the ADA staff may be requested to assist." The ACSO no longer uses disciplinary diets and approval for utilization has been removed from policy. Disciplinary Training is incorporated into Annual Training. Upon review of 100 disciplinary reports over this rating period there was no evidence of the staff authoring the disciplinary having input in the recommended discipline.

Recommendations:

The Expert finds that the County has been in substantial compliance with this provision for the last 3 ratings periods (equating to a period of 18 months). Accordingly, the Expert recommends the parties consider

requesting this provision be terminated from the Consent Decree. In the meantime, the Expert will reduce monitoring of this provision in future reports.

It is recommended the County provide class counsel the training material for review and comment and dates of future training so they may observe if they choose.

Americans with Disabilities Act (ADA)

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

Finding: Partial Compliance

(Previously rated as “Partial Compliance”)

Policies:

- ACSO Detention and Corrections Policy and Procedure - 1.14 Americans with Disabilities Act (Revision Date: January 28, 2025) to include the following forms:
 - Inmate Disability Evaluation Form
 - Intake Medical Form
 - ADA Coordinator Review Form
 - ADA Disability Tracking Form
 - ADA Record of Contact Form
 - ADA Request for Accommodation Form
 - ADA Unit Interview Form
 - Documentation of Effective Communication Form

- ACSO Detention and Corrections Policy and Procedures:
 - 8.26 Special Restraints
 - 9.03 Special Security Inmates- Protective Custody/Gang Drop Out Inmates
 - 9.07 Deprivation of Authorized Items-Activities
 - 9.11 Effective Communication
 - 10.32 Post Order – ADA Coordinator
 - 11.09 Inmate Release Process
 - 12.01 Intake Classification
 - 12.03 Classification PREA
 - 16.03 Grievance Policy-Pending revision
 - 17.05 Inmate Communication, Mail and Visiting
 - 18.03 Inmate Orientation
 - 18.09 Educational Program Planning- will require revision to include IDD support language once developed
 - 18.10 Vocational Training Programs-will require revision to include IDD support language once developed
 - 18.11 Social Services Programs
 - 18.12 Recreation & Inmate Activity Program and Planning-will require revision to include IDD support language once developed
 - 18.14 Inmate Tablet Access

- AFBH Policy and Procedures *Although these were approved for publishing, experts are still providing review and feedback.
 - 407-1-4 Disciplinary Incident Response- Published July 8, 2024
 - 407-1-5-Santa Rita Jail Intake -Published July 8, 2024
 - 407-2-1 Identifying and Diagnosing Serious Mental Illness-Published July 8, 2024
 - 407-2-2 Re-entry Services for Clients with a Serious Mental Illness-Published July 8, 2024
 - 407-2-3- Preventing Suicide and Self Harming Behavior-Published July 8, 2024
 - 407-2-4-Effective Communication-Published July 8, 2024
 - 407-2-7-Santa Rita Jail Referral-Published July 8, 2024

Training:

- ADA Training - Multidiscipline training implementatio
- Behavioral Health Disciplinary Incident Response – training anticipated in next reporting period.
- A comprehensive review of training records for the above policies will be reported in the next monitoring report.

Metrics:

- Monitoring of Policies listed above and associated forms for language consistent with the CD.
- Monitoring of Training consistent with the CD.

Assessment:

There has been significant advancement in the revision and implementation of policies and procedures during this reporting period. Of specific note was the work put forward to revise and implement the ADA Policy which has been published shortly after the reporting period (January 28, 2025). While the policy has been published, there is an agreement between parties to add specific language regarding services and supports for IDD class members as procedures and forms are developed. Steps taken during this reporting period to establish a comprehensive IDD program include:

- Multidiscipline workgroups have been established to focus on coordination between the ADA Unit and AFBH, with updates to progress reporting during standing weekly meetings.
- A Disability Screening and Assessment Policy and Procedure has been drafted, to include an associated Behavioral Health and Adaptive Support Form.
- I-Pads for test administration were ordered and received and testing instruments for screening have been ordered.
- The AFBH have created tracking tools which incorporate screening, referral, and adaptive support information to include detailed information on source of IDD identification.
- The AFBH's Psychologist has been instrumental in developing quality management practices which included identification of concern with delays in the intake process once additional IDD screening questions were piloted. This item has been agendized for multidiscipline mapping of duplicative questions between ACSO, AFBH, and the contracted healthcare provider to ensure the continued mandates with intake screening timelines are met.

Recommendations:

- 1) Multi discipline training on ACSO Policy 1.14 should proceed as planned **to begin in March 2025**, with a goal of all required staff to have completed the training within 90 days of policy implementation (January 28, 2025). It is noted this expert anticipates this training will take longer than the 90 days due to the number of staff requiring training. A full training implementation plan should be presented for review with updates provided monthly, to include the total number of staff trained and remainder to be trained.

- 2) Procedures for the identification and screening of the IDD population, along with provision of care, accommodations, adaptive supports, and programs and services should be finalized in the next reporting cycle. This should include the formalization of Adaptive Support Logs.
- 3) Finalize revision of policies and procedures requiring incorporation of IDD support language and completion of required training.

ADA Coordinator

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

Finding: Substantial Compliance

(Previously rated as "Substantial Compliance")

Policies:

- ACSO Detention and Corrections Policy and Procedure - 1.14 Americans with Disabilities Act (Revision Date: January 28, 2025).
- ACSO Detention and Corrections Policy and Procedure -10.32 Post Orders-ADA Coordinator (Revision Date: August 28,2023).

Training:

Nationally Recognized ADA Coordinator Training

Assessment:

The County has established an ADA Unit which has consistently met the requirements of this provision. In addition, the ADA Coordinator Post Order 10.32, includes all responsibilities outlined in this provision of the CD. The employee in the position of ADA Coordinator has received nationally recognized ADA Coordinator training and ongoing recertification.

Interviews with the ADA Coordinator, Compliance Unit Sergeant, Lieutenant, Captain, AFBH staff, Housing Unit staff and class members confirmed the ADA Coordinator is knowledgeable regarding his responsibilities, performs required interviews, provides inmate supports to the ADA designated class member, completes documentation, maintains tracking, and is available to multidiscipline staff with questions regarding the provision of ADA accommodations and adaptive supports, as required by this provision. He is not redirected to non-ADA responsibilities. This was further verified by review of the following documents:

A total of 25 Record of Contacts with ADA designated class members

A total of 25 ADA Incarcerated Person Interview Forms

A total of 24 Weekly ADA Tracking Forms

A total of 20 ADA related Grievance Referrals and associated documentation

A total of 100 Disciplinary Packages for documentation of ADA Coordinator meeting with individuals in advance of the hearing as outlined in the CD

Recommendations:

There have been two (2) consecutive findings of Substantial Compliance. Although it has been identified that the ADA Coordinator was not meeting with individuals in advance of disciplinary hearings, this specific area is covered under provision 1007 with a rating of NC. It is therefore recommended to continue the substantial compliance rating and monitoring in the next reporting period.

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

Finding: Partial Compliance

(Previously rated as "Partial Compliance")

Policies:

- ACSO Detention and Corrections Policy and Procedure - 1.14 Americans with Disabilities Act (Revision Date: January 28, 2025).

Training:

Training is scheduled to be implemented in March 2025 for all existing and all newly hired custody staff.

Metrics:

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

- Incarcerated Person Interviews.

Assessment:

Prior to this reporting period there has been ongoing discussion regarding the ADA’s definition of psychiatric disability and concern the ACSO/AFBH currently defined categories of disability were not fully addressing the totality of the population as intended in the CD. There has been concern expressed that the staff are not meeting with people who have non-SMI psychiatric disabilities including as an example, individuals with anxiety disorders, post-traumatic stress disorders, substance use disorders, obsessive-compulsive disorders or other disabilities not otherwise covered by SMI and IDI definitions.

During the document review for this reporting period, there are individuals outside of the SMI, IDI, and LD definition being identified by specific diagnosis within tracking logs and documentation (ex: Aspergers, Dementia, Attention-Deficit/hyperactivity disorder). It was discovered these individuals are often being documented in the BHI category and some are documented through healthcare screening referrals. The ADA Staff should utilize referrals from clinical screening, identification, and notification to determine who meets the criteria for the 14-day reviews. Therefore, if a referral from the clinician provides documentation of a disability, and an accommodation or adaptive support need the ADA Coordinator can utilize this information in determining the need to meet with the class member within the 14 days as mandated. The language in current policies and procedures addresses this provision, so it is the application of the procedures that requires additional refinement to ensure identification, referral, and tracking.

Initial meetings have been held to formalize mapping of the population covered by the CD, to ensure individuals are being screened, tracked, and afforded the necessary accommodations/adaptive support. It is anticipated this provision will see significant improvement in the ability to track this population and provide a better means for collection of proof of practice, during the next reporting period.

Notwithstanding the above, a review and analysis of current practices for the 14-day and 60-day reviews was completed. A sample of 105 Records of Contact and ADA Interview Forms for 69 individuals were reviewed for this reporting period. This included 51 SMI, 18 IDI individuals, and 57 Initial 14-day and 48 60-day Reviews.

Compliance Data Review Summary

14-day Review	Completed Timely ²			
	Yes	No	No Documentation ³	Released prior to Review ⁴
SMI	94%	6%	6%	14%
IDI	91%	8%	0%	13%

60-day Review	Completed Timely			
	Yes	No	No Documentation	Released prior to Review
SMI	91%	9%	5%	22%
IDI	100%	0%	0%	39%

In addition to the document review a total of 20 interviews with class members were completed:

Summary of Class members’ interviews:

- During interviews, 16 individuals were familiar with and could refer to the ADA staff by name more than 80% of encounters. When asked how they can reach out to the ADA staff 18 of 20 were able

to immediately provide an example. The remainder of the class members (who were willing to be interviewed) were able to advise if they had utilized any of the forms, or processes identified in policy to address concerns or needs for accommodation/adaptive supports: (ex: request for interview, grievance form). Three (3) class members refused to be interviewed. There reasons for refusal included: They were tired and didn't want to speak, they already talk to plenty of ADA staff, and 1 individual where effective communication could not be established based on his disability.

- Observation of one 60-day interview performed by the ADA Coordinator showed full compliance with the provision in the instance observed and an application of effective communication with excellent examples of specific services the class member could utilize upon his release.
- The only concern that was expressed by 8 individual class members and 3 custody staff regarding the lack of tablets available for all individuals. In speaking with the ACSO staff, there has been a delay in providing them to all class members upon intake. This delay has been up to 120 days. A new tablet contract has been initiated, and it is anticipated this delay will be remedied in the next reporting period.
- It is further noted there were a significant number, 5 of 20, ADA class members interviewed who expressed they had forgotten their passwords for the tablets and needed them reset. While onsite I observed multiple occurrences of custody staff immediately addressing the issue by having the password reset.

Recommendations:

1. Complete multidiscipline mapping of the process for identification, screening, referral and provision of programs and services to the IDD, and individuals identified as having a disability per the ADA definition. Expedite the implementation of the Real Time ADA Tracking System within ATIMS and ensure the related interview information (14-day initial and subsequent 60-day meetings) is tracked within the system.
2. Make appropriate modifications to the ADA unit tracking list to better and more easily assess timelines and compliance (for this Provision) of recent/past due dates for ADA Coordinator 14 day and 60-day follow-up interviews. Recommend adding additional columns for each subsequent 60-day review.
3. Reduce redundancy in completing an ADA interview Form and a Record of Contact for each 14 day and 60-day review. The ADA Interview Form appears to have been developed to meet the provisions of the CD. Recommendation is to utilize it for the 14- and 60-day reviews.
4. Revise the ADA Weekly tracking forms to provide for the specific accommodations and adaptive supports as provided through clinical referral to the ADA office. Utilize this information to determine class members who require 14- and 60-day reviews.
5. Develop a self-monitoring tool to review referrals and determination of need for the 14- and 60-day reviews and timely completion.
6. Evaluate if there is an alternative solution to accommodate class members with their pins. Examples may be shortening the numbers or allowing a pin that has numbers the individual is familiar with.

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

Finding: Implementation Not Yet Required – Rating N/A

(Previously rated as “Implementation Not Yet Required - Rating N/A”)

² This is the percentage of documents available for review. If the document was not available, it will total as percentage of the sample under “No documentation”. The percentage of release prior to review are of the sample records.

³ Percent to total of complete sample size, where no documents could be located.

⁴ Percent to total of complete sample size, where the incarcerated individual was released prior to review period.

Policies:

- ACSO Detention and Corrections Policy and Procedure - 1.14 Americans with Disabilities Act (Revision Date: January 28, 2025):

Training:

Initial training scheduled to begin in March 2025, and to be completed within 90 days of policy implementation. In my opinion the completion of all staff training will not occur within the 90 days.

Metrics:

ACSO Detention and Corrections Policy and Procedure - 1.14 Americans with Disabilities Act.

Training Material for Policy 1.14.

Training Records.

Assessment:

This Consent Decree provision continues to be “Implementation Not Yet Required – Rating N/A” for this rating period but is anticipated to be rated during the next monitoring round as policies and procedures have been published and training material developed.

The ADA Coordinator (and Compliance Unit) has previously reported they currently provide one (1) hour of ADA training to all new staff (custody – academy and lateral transfers) at SRJ via a PowerPoint presentation. They further conduct refresher training to sworn staff (including lieutenants and sergeants). This training will be supplemented with the newly revised ADA Training which includes language consistent with the CD and incorporates information in the newly published ADA Policy 1.14.

The ADA Joint Expert has consulted on the training and the training material will be shared with the class counsel. The initial class will be in a training for trainers’ format with instruction provided by the monitor in coordination with the ADA Coordinator. Class counsel will be invited to observe/monitor initial training implementation which is scheduled to begin in March 2025.

Recommendations:

1. Complete training implementation on ADA Policy 1.14. Develop a training implementation plan and provide monthly updates on total staff who have been trained and the total number still requiring training and report to the monitor via a monthly report.
2. Continue to work on revisions to the ADA Policy 1.14 and training modules for IDI/LD components.

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

Finding: Substantially Compliant

(Previously rated as “Substantial Compliance”)

Although this provision has been rated as “Substantial Compliance” for 2 rating periods, it is recommended for continued monitoring based upon the potential expansion of the IDI, LD, and psychiatric disability populations due to revised screening and referral processes that are being developed and implemented, along with the recent enactment of Proposition 36 yet unmeasured impacts. The monitors have concerns that the workload associated with the potential increase of identified populations, which require tracking, monitoring, and support from the ADA Unit, as well as the necessity to increase compliance for Provision 1007 may require additional staffing.

Policies:

- ACSO Detention and Corrections Policy and Procedure - 1.14 Americans with Disabilities Act (Revision Date: January 28, 2025).

Training:

N/A

Metrics:

- Policy 1.14 Americans with Disabilities Act.
- Policy 10.32 Americans with Disabilities Act Coordinator (Post Order) (Issued August 28, 2023).
- Interviews of ADA Unit Staff.

Assessment:

The Americans with Disabilities Act (ADA) Unit at the Santa Rita Jail is currently staffed by four staff who maintain ADA Coordinator certification. The Agency members accredited to serve in an ADA capacity are supervised by the Compliance Captain and Compliance Lieutenant. To date, the four ADA Accredited Coordinators are the unit Sergeant, two Sheriff Deputies, and a Sheriff’s Technician. The County provided proof of practice that the ADA Coordinator position was not vacant at any time during the rating period.

This expert specifically considered the potential for expanded workload should the population serviced expand based upon increased screening and referral of IDI, LD, and additional psychiatric disabilities, the need to meet compliance with Provision 1007, and the potential expansion in population associated with Proposition 36. Research estimates that between 4-10% of incarcerated populations have an intellectual disability⁵. Based upon this data the jail could anticipate an increase in class members identified.

Recommendations:

1. Continue to monitor supported population data to ensure sufficient staffing.
2. Develop an internal monitoring mechanism for long-term sustainability.

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

⁵ TheMarshallProject.Org – Prison Is Even Worse When You Have A Disability Like Autism
<https://www.themarshallproject.org/2020/11/02/prison-is-even-worse-when-you-have-a-disability-like-autism>

Finding: Substantial Compliance

(Previously rated as "Partial Compliance")

Policies:

- ACSO Detention and Corrections Policy and Procedure – 1.14 Americans with Disabilities Act (Revision Date: January 28, 2025):

Training: N/A

Metrics:

- Reviewed ACSO Detention and Corrections Policy and Procedure – 1.14 Americans with Disabilities Act.
- Staff interviews (ADA Unit).

Assessment:

The County has established policies and procedures and post orders which appropriately address this provision. The ACSO ADA Unit Staff who provide primary and secondary ADA Coordinator duties continue to provide proof of ADA Coordinator certifications (completion of the University of Missouri ADA Coordinator Training Certification Program) and recertifications meeting compliance with this provision. As this is the first rating period as Substantial Compliance, this provision will be monitored in the next reporting period for sustainability.

Recommendations:

- 1) ADA Unit staff should continue to obtain continuing education courses or re-certification.

Effective Communication

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

(a) identifying individuals whose cognitive, intellectual, or developmental disability pose barriers to comprehension or communication.

(b) promptly providing reasonable accommodation(s) to overcome the communication barrier(s); and

(c) documenting the communication including the method used to achieve effective communication and how the relevant staff person determined that the individual understood the encounter, process, and/or proceeding.

Finding: Partial Compliance

(Previously rated as "Partial Compliance").

Policies:

- ACSO Detention and Corrections Policy and Procedure - 1.14 Americans with Disabilities Act (Revision Date: January 28, 2025)
- ACSO Policy 9.11 Effective Communication (Revision Date February 6, 2024).
- AFBH Effective Communication Policy 407-2-4 (Date of Original Approval July 8, 2024)

Training:

A training implementation plan has been developed, and it is anticipated training will be complete by the end of the 2025 year. Training material and dates for proposed training will be provided to the class counsel for review and ability to observe training.

Metrics:

- ACSO Detention and Corrections Policy and Procedure - 1.14 Americans with Disabilities Act.
- ACSO Policy 9.11 Effective Communication
- AFBH Effective Communication Policy
- Staff interviews (from multiple custody and non-custody disciplines)
- Weekly ADA List Review
- Document Review- Clinicians Gateway for health encounter records, Disciplinary, Grievance, ADA Interview, documents.

Assessment:

Significant advancement has been made in establishing effective communication in policies, procedures, and practice. A review of documents demonstrate EC is being provided and documented during disciplinary processes and hearing summaries; an onsite review of classification and pre-release encounters showed effective communication being applied in real time. During the next reporting period focus on EC in all programs and services to include healthcare, religious activities, and academic/vocational education processes will be reviewed. There is a need to develop a process for the collection, tracking, and reporting of documented encounters in program and service areas until such time as the real time electronic system is implemented.

Interviews with AFBH leadership acknowledged training and full implementation of the EC policy is scheduled to occur through the end of 2025. During the next reporting period there will be a focus on AFBH and contracted healthcare provider effective communication documentation.

Recommendations:

- 1) Complete AFBH EC Training.
- 2) Complete design and implement real time electronic system which will allow for documentation, tracking and reporting.
- 3) Work with Joint Monitors on the development of a comprehensive collection, tracking, and reporting system for compliance with Effective Communication.

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

Finding: Non-Compliance

(Previously rated as “Non-Compliance”)

Policies:

- ACSO Detention and Corrections Policy and Procedure - 1.14 Americans with Disabilities Act (Revision Date: January 28, 2025):
- ACSO Policy 10.32 Americans with Disabilities Act Coordinator (Post Order) (Issued Date: August 28, 2023).
- ACSO Policy 16.01. Disciplinary Procedure (Revision Date: July 11, 2022). Under Revision.

Training:

Disciplinary Training

Metrics:

- Policy 1.14 Americans with Disabilities Act.
- Staff interviews Disciplinary Unit and ADA Staff.
- Disciplinary Package Reviews.

Assessment:

ACSO Policy 9.11 Effective Communication identifies EC techniques and cites examples of applicable types of encounters for use, documentation, and tracking.

Assessment:

The County continues to maintain a non-compliant rating for this provision. Review of disciplinary packages for the rating period found the ADA unit was notified from the Disciplinary Unit of violations that may result in an increase in security level or more restrictive housing in 100 percent of the disciplinaries reviewed. However, the ADA unit staff did not meet with the alleged rule violator in advance of the hearing in 100% of the packages reviewed. In order to determine the root cause of the continued non-compliance the Joint Monitor met with the ADA Unit Staff and found they have been participating in the Restrictive Housing Committee held weekly where recommendations of increase in security level/placement in more restrictive housing are held. They believed this met the provision, as the decision on if the disciplinary will result in restrictive housing is made by the committee at this time. Discussions were held with the unit to explain the intent of the provision and the requirement for personal interaction with the rule violator prior to the hearing to effectively communicate what will happen in the process and determine if accommodation is necessary to afford due process. It is anticipated this process will be corrected prior to the next monitoring tour.

It is noted the inclusion of the ADA Unit Staff in the Restrictive Housing Committee serves as a best practice as these trained staff can ensure committee decisions do not result in discrimination or denial of equal access to services, programs, or activities. They can further provide recommendations to the committee on reasonable accommodations or adaptive supports.

Recommendations:

- 1) The ADA Unit staff should begin meeting with those individuals with a SMI diagnosis or a cognitive, intellectual, or developmental disability, who have effective communications needs in advance of the disciplinary hearing that may result in an increase in security level and/or placement in more restrictive housing. They should not wait until a Restrictive Housing Unit Committee hearing is held.
- 2) ACSO should ensure effective communication and tracking of this provision is included in the design of the real-time electronic management system.

Intake & Orientation

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

Finding: Partial Compliance

(Previously rated as "Non-Compliance")

Policies:

- ACSO Detention and Corrections Policy and Procedure - 1.14 Americans with Disabilities Act (Revision Date: January 28, 2025).
- ACSO Detention and Corrections Policy and Procedure - 11.02 Intake Procedure (Revision Date: December 1, 2019).
- ACSO Detention and Corrections Policy and Procedure - 13.02 Inmate Medical/Health Appraisal Screening, Special Clinics, Communicable Diseases, Quarantines, and Terminally Ill Inmates (Revision Date: October 20, 2020).
- ACSO Detention and Corrections Policy and Procedure - 13.01 Medical and Behavioral Health Care

Training:

- Multidiscipline training material is being developed.

Metrics:

- Policy 1.14 Americans with Disabilities Act.
- Policy 11.02 Intake Procedure.
- Policy 13.02 Inmate Medical/Health Appraisal Screening, Special Clinics, Communicable Diseases, Quarantines, and Terminally Ill Inmates.
- ACSO Memorandum, titled, "Identification of Intellectual and Learning Disabilities" (dated January 25, 2024).
- Staff interviews (e.g., ITR and other areas).
- Observe the Custody Intake Screening process by an Intake Deputy
- Observe the Medical Intake Screening process by a Nurse.
- Observe the AFBH Intake Screening process.
- AFBH (Santa Rita Jail) Brief Initial Assessment Form.
- ACSO Intake/Receiving Screening Form (PD-803) (Revised July 8, 2019).
- ACBH Behavioral Health Suicide Risk Assessment.
- Behavioral Referral Form 1312.
- Inmate Disability Evaluation Form.
- Medical contract provider (Well path) Receiving Screening Alameda County Questionnaire.
- Intake/Receiving Screening Form.

- Classification Screening Form.
- ADA Weekly List
- Five-Keys (School and Programs) Continuing Student Demographics Form
- Five-Keys (School and Programs) Student Enrollment Form

Assessment:

This County, during this reporting cycle, has demonstrated a commitment to establishing the appropriate policies, procedures and practices required by this provision by identifying dedicated staffing for the development of screening tools, policies and procedures and establishing provision of services for these class members. Review of Custody, AFBH, and medical contractor intake screening found appropriate intake questions have been established, apart from full development of an IDD screening tool. The AFBH ADA Compliance Psychologist has developed and implemented a secondary testing for those identified as potentially having an intellectual disability. There have also been internal chart reviews and internal dialogue working towards the development of the ADA tracking of adaptive support and plans. This Joint Expert is working with the ACSO, AFBH, medical contract provider, and program and service providers to map initial and secondary screening procedures and provision of programs and services.

Additional work has been initiated with the ACSO and contracted Education staff on developing a process for Release of Information from class members, so assessment and documented provision of programs and services information can be shared for tracking, monitoring and evaluation while maintaining the mandates of the Federal Educational Rights and Privacy Act (FERPA).

Review of the Weekly ADA Tracking Lists identified a concern with referrals to AFBH and some notations of diagnosis being included in the Accommodations field. It is critical this field is utilized to appropriately document the clinically identified accommodation and adaptive support needs until such time as an automated real time system is implemented.

It is anticipated that policies, procedures, and training will be implemented in the next reporting period.

Recommendations:

- 1) Finalize the policy and procedures for the initial and secondary IDI screening/testing/evaluation, provision of services and accommodation/adaptive support processes.
- 2) Revise the Weekly ADA Tracking to list accommodation/adaptive support needs versus “Referral” or Diagnosis (ex: Autism).
- 3) Continue to provide updates regarding the enhanced ATIMS tracking system, including having the system functionality to identify all class members and for staff to log pertinent information as appropriate, e.g., monitoring and provision of adaptive supports and/or reasonable accommodations.

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

Finding: Partial Compliance

(Previously rated as "Partial-Compliance")

Policies:

- ACSO Detention and Corrections Policy and Procedure - 1.14 Americans with Disabilities Act (Revision Date: January 28, 2025):
- ACSO Detention and Corrections Policy and Procedure - 11.01 Introduction to Intake, Transfer, Release, and Records (Revision Date March 1, 2020).
- ACSO Detention and Corrections Policy and Procedure - 11.02 Intake Procedure (Revision Date December 1, 2019).

Training:

- Training on ACSO Policy 1.14 is scheduled to begin in March 2025.

Metrics:

- Policy 1.14 Americans with Disabilities Act.
- Post Order 10.32 Americans with Disabilities Act Coordinator.
- Inmate Disability Evaluation Form (Revised April 2022) Review.
- Staff Interviews (custody and non-custody staff from multiple disciplines).

Assessment:

This provision remains in partial compliance as the ADA Policy has just recently been revised and training has not yet been implemented. However, review of documentation and staff interviews show comprehensive intake and referral processes and 14-day, and 60-day review processes are initiated, tracked, and monitored (see Provision 1007 for a more detailed assessment to these processes), and review of a random sample of 105 Record of Contact Forms and ADA Interview forms identified documentation of referrals to and from AFBH. Of specific note, there are three (3) records of additional follow-up by ADA staff after they had made an AFBH referral to ensure the class members' needs were met. It is anticipated this provision will move to Substantial Compliance in the next reporting period.

Recommendations:

- 1) Full implementation of ADA Training within 90 days of publishing ADA Policy 1.14 (January 28, 2025)
- 2) Continue work on Identifying screening and referral methods which provides for individualized assessment for individuals who meet ADA definition of psychiatric disability, not only those who are SMI/IDI to include documentation of necessary accommodations and adaptive supports
- 3) Ensure the real time ADA tracking module includes the ability to provide for screening, referral, tracking and monitoring.

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

regardless of whether assistance is requested, ADA Unit Staff shall assist the individual in understanding the rules of the Jail.

Finding: Substantial Compliance

(Previously rated as "Partial Compliance")

Policies:

- ACSO Detention and Corrections Policy and Procedure - 1.14 Americans with Disabilities Act (Revision Date: January 28, 2025).
- ACSO Detention and Corrections Policy and Procedure - 18.03 Inmate Orientation (Revision Date October 30, 2020).

Training:

- Effective Communication training has been initiated, and ADA Policy 1.14 training is scheduled for implementation in March 2025.

Metrics:

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

Assessment:

This provision has moved from partial compliance to substantial compliance during this reporting period. The Inmate Rules and Information (Jail Orientation Handbook) is provided (or at least offered) to all new arrivals via hard copy and is available on the electronic tablet. Reportedly, class members may also request another hard copy from an agency member and/or through the message request process. All new arrivals are required to sign an Intake Classification Form that acknowledges receipt (or offering) of the Orientation Jail Handbook and documentation of acknowledgement is maintained. As identified under Provision 1002, and as verified through the review of 105 Record of Contact Forms and/or ADA Unit Interview forms, the ADA Unit staff are consistent with appropriately documenting they establish EC and inform class members on jail operations and rules of the jail.

Additionally, (4) of the five (5) class members interviewed regarding this provision recalled receiving an orientation handbook with 3 producing the document to prove they were in receipt. One (1) individual was not sure if she had received a handbook but recalled meeting with the ADA Unit Staff and explained topics such as how to contact the ADA unit and how to file a grievance. Further document review verified; she effectively utilized both systems during this reporting period. This monitor will revise the selection criteria for randomly selecting individuals to interview to increase the total number for this provision in subsequent tours to provide a more comprehensive subset.

Recommendations:

1. Finalize training on ADA Policy 1.14.

Provision of Reasonable Modifications

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

Finding: Partial Compliance

(Previously rated as "Partial Compliance")

Policies:

- ACSO Detention and Corrections Policy and Procedure - 1.14 Americans with Disabilities Act (Revision Date: January 28, 2025).

Training:

Multidiscipline ADA training is scheduled to begin in March 2025.

Metrics:

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

Assessment:

Significant advancement has been made in this provision through the finalization of ACSO Policy 1.14 which clearly outlines the reasonable accommodation process. The ADA Unit has established and maintains filing and tracking systems for all class members with identification of accommodations, referrals for accommodation, and documentation of accommodations and adaptive supports provided. They further maintain and provide Weekly ADA Lists which provide information on the class members identified with accommodation and Adaptive Support needs. However, for psychiatric disabilities the accommodation section is often filled with AFBH Referral versus the specific accommodation needs which provides little value to the individuals receiving the information. It is further noted there continues to be a significant workload associated with the manual tracking and monitoring processes utilized due to the lack of a real-time automated system.

In December 2024, the ACSO developed and distributed an Essential Job Function Memorandum for all jobs, and accommodations in program and job assignments is covered in the newly developed ADA training which is scheduled to begin in March 2025. During the preparation of this report was identified the memorandum was not shared with the class counsel prior to releasing it. My recommendation is this should be provided for comment as soon as possible.

A full review of consideration of essential job functions will be evaluated during the next reporting period as the recent development and distribution of the Essential Job Function occurred in December 2024 and there was not sufficient documentation to provide for a comprehensive review during this reporting period.

Recommendations:

- 1) Revise the Weekly ADA List to identify specific accommodation needs versus AFBH Referral or diagnosis information.
- 2) Fully implement training on ADA Policy 1.14.
- 3) Increased focus should be placed on the development and implementation of the real time system with an expectation for the vendor to provide projections and monthly updates to the progress of development.
- 4) Provide monitors with design specifications for the real-time system to ensure all provisions of the CD have been included to not further delay compliance.
- 5) Share the Essential Job Duties and Functions Memo with the Class Counsel for review.

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

Finding: Partial Compliance

(Previously rated as "Partial Compliance")

Policies:

- ACSO Detention and Corrections Policy and Procedure - 1.14 Americans with Disabilities Act (Revision Date: January 28, 2025):
- ACSO Policy 9.11 Effective Communication (issued February 6, 2024).

Training:

Implementation of ADA Policy 1.14.

Metrics:

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

Assessment:

Increased movement towards compliance has been identified for this provision due to the establishment of Effective Communication policies and training for both the ACSO and AFBH during this reporting period. AFBH anticipates full implementation of their EC policy during the next reporting period and a full review of training documentation as well as EC in healthcare and programs in services will be completed by the end of 2025. In addition, significant improvement has been seen in Qualified Mental Health Professionals providing input into the disciplinary process. Refer to provision 509 for a more detailed assessment.

There has additionally been progress in developing and expanding designated therapeutic and/or protective housing units with appropriate counseling/therapy programs and services. For further assessment on this specific area as well as access to necessary medications I refer to Dr. Montoya's Monitoring report for this period.

Interviews with program and services staff identified a need to develop a tracking and data collection process for monitoring of accommodations and adaptive supports within non-health care programs and services.

Recommendations:

- 1) Continue working toward the establishment of a real time ADA Tracking System. In the interim continue the distribution of the Weekly ADA List which should include required accommodations/adaptive supports.
- 2) Finalize training on EC.
- 3) Provide additional training to custody staff on documentation requirements during the disciplinary process to include the consideration of Qualified Mental Health Professionals input.
- 4) Establish a tracking and data collection process for monitoring of accommodations and adaptive supports within non-health care programs and services.
- 5) Ensure contracted program and service providers receive training on the provision of accommodations and adaptive supports to include documentation requirements.

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

Finding: Partial Compliance

(Previously rated as "Partial Compliance")

Policies:

- ACSO Detention and Corrections Policy and Procedure - 1.14 Americans with Disabilities Act (Revision Date: January 28, 2025).
- ACSO Detention and Corrections Policy and Procedure - 18.09 Educational Program Planning (Revision Date December 1, 2019).
- ACSO Memorandum, titled, "Identification of Intellectual and Learning Disabilities" (dated January 25, 2024).
- AFBH Effective Communication Policy 407-2-4 (Date of Original Approval July 8, 2024).

Training:

Training on ADA Policy 1.14 is scheduled to begin in March 2025. AFBH anticipates implementing EC training on Policy 407- 2-4 during the next reporting period for completion by the end of the year.

Metrics:

- ACSO Detention and Corrections Policy and Procedure - 1.14 Americans with Disabilities Act.
- ACSO Policy 9.11 Effective Communication
- AFBH Policy 407-2-4.
- ADA Unit Interview Form.
- Weekly ADA Tracking List.
- ACSO Staff Interviews.
- Incarcerated Person Interviews.

Assessment:

Significant movement has been observed for this provision due to the focus on publishing policy and procedures

and developing and implementing policies. ACSO Policies 1.14, 9.11 and AFBH Policy 407-2-4 have been finalized, and training is anticipated to be complete by the next reporting period.

In coordination with the Joint Expert a multidiscipline workgroup has been established to begin mapping the IDI and LD intake screening, secondary screening, and accommodation/adaptive support process. It is anticipated revised policy and procedures will be established during the next reporting period.

Further work has been initiated with the contract education providers for intake screening, documentation, and provision of accommodations in education. Although interviews with Five Keys staff identified intake screening, and accommodations and supports are being offered, they have expressed concerns with violation of the FERPA if they share individual information. It is anticipated that a procedure will be established this next reporting period to allow for the documentation and monitoring of accommodations and adaptive supports in programs and services.

Recommendations:

- 1) ACSO/AFBH must ensure a process is in place to identify learning disabilities and associated reasonable accommodations for individuals with documented learning disabilities.
- 2) ACSO (in conjunction with 5-Keys) have initiated discussions on the development of a process that allows for sharing of class members information that is also not in conflict with the FERPA.
- 3) Meetings are being initiated with all program providers to establish responsibilities for accommodation/adaptive supports for programs and services.
- 4) Ensure class member identified as LD are identified as such within the Weekly ADA tracking list and that the list includes their specific reasonable accommodation needs.

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

Finding: Partial Compliance

(Previously rated as "Partial Compliance")

Policies:

- ACSO Detention and Corrections Policy and Procedure – 1.14 Americans with Disabilities Act (Revision Date: January 28, 2025):
 - Additional Revision for IDI/LD procedures is anticipated in the next reporting period.
- Policy 9.11 Effective Communication (Issued Date: February 6, 2024).
- AFBH Effective Communication Policy 407-2-4 (Date of Original Approval July 8, 2024).
- ACSO Memorandum, titled, "Identification of Intellectual and Learning Disabilities" (dated January 25, 2024).

Training:

Training on the ADA Policy 1.14 is scheduled to begin in March 2025. Additional training will be required upon the establishment of IDI/LD procedures.

Metrics:

- Policy 1.14 Americans with Disabilities Act.
- AFBH Effective Communication Policy
- Weekly ADA Tracking List.
- Staff Interviews (custody and non-custody staff from multiple disciplines).
- Incarcerated Person Interviews.

Assessment:

This provision remains in Partial Compliance although there has been significant progress made in establishing the required policies and procedures, as well as tools for identification, tracking and monitoring. Provision 509 provides detailed information regarding disciplinary/misconduct hearings. Prior provisions have addressed the establishment of a workgroup to begin mapping an identification, referral, tracking and provision of programs and services procedures for the IDI/LD population. Initial discussions have been held on the concept of developing specialized housing units for the IDI population. Further analysis needs to be performed to review all IDI class members to include consideration of additional classification identifications and current housing. Upon initial review it appears there may be significant crossover with already identified therapeutic behavioral health units.

The AFBH has recently developed a screening process (initial and secondary screening/testing/evaluation) to appropriately identify intellectually and developmentally disabled class member and their respective adaptive support needs, recommended staff monitoring frequencies, and a tracking process for providing/monitoring adaptive supports services provided. Refer to CD Provision 1008 for more details. The contracted healthcare provider continues to utilize a screening tool to identify IDI individuals and refer to the ADA unit as appropriate.

Six (6) housing unit deputies were interviewed. All six were able to provide examples of how to provide accommodation and adaptive supports to assist IDI/LD individuals. Three (3) IDI class members were interviewed, and all were familiar with the ADA Unit Staff. They further noted the housing unit staff frequently help them with reading and writing. Two individuals requested assistance with resetting their pin on laptops and the housing unit staff immediately responded while on the unit.

It is anticipated this provision will improve to Substantial Compliance in the next reporting period.

Recommendations:

- 1) ACSO/AFBH must develop a process to identify cognitive/intellectual/developmental disabilities and associated adaptive support/reasonable accommodation needs for individuals with these disabilities. The process must include documented individualized assessments and support.
- 5) ACSO shall develop a tracking process for ensuring the provision of adaptive support/accommodations.
- 6) Finalize training on new policy/procedures within 60 days of revised policy.

Tracking

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

(1) to store historical information regarding an individual’s accommodation needs in the event the

individual is returned to custody multiple times;

(2) to list the current types of accommodations the individual requires; and

(3) to track all programs, services, and accommodations offered to incarcerated persons with Psychiatric Disabilities throughout their incarcerations including any accommodations they refused.

Access to the ADA Tracking System shall be made available to and shall be used by ACSO staff at the Jail who need such information to ensure appropriate accommodations and adequate program access for people with Psychiatric Disabilities. At a minimum, Classification Staff, the ADA Coordinator, and their staff, the Facility Watch Commander, Division Commander, Administrative Sergeant, Program Managers, and AFBH and medical staff shall have access to the ADA Tracking System. Clinical and ADA Unit staff shall be responsible for adding or modifying information regarding the nature of an individual's Psychiatric Disability and necessary accommodations, including accommodations identified at Intake and throughout the individual's incarceration. Clinical and ADA Unit staff may delegate the actual data entry piece to non-clinical or non-ADA Unit staff where appropriate. Prior to any due process events and clinical encounters, clinical and ADA Unit staff shall be required to view the information in the system to determine if the individual has a disability and what accommodations are to be provided. All housing unit deputies, clinicians, and program managers who interact with incarcerated persons shall be trained to properly use the ADA Tracking System within six (6) months of the roll-out of the ADA Tracking System.

Finding: Partial Compliance

(Previously rated as "Non-compliance")

Policies:

- ACSO Detention and Corrections Policy and Procedure - 1.14 Americans with Disabilities Act (Revision Date January 28, 2025):

Training:

Upon establishment of real time ADA tracking system training shall be provided.

Metrics:

- Policy 1.14 Americans with Disabilities Act.
- ACSO Staff Interviews.
- Weekly ADA Tracking List.

Assessment:

The development of a real time ADA tracking system continues to be delayed. Although a beta version of the system was provided for testing during this reporting period, staff were unable to complete testing due to system failure. The developer is working on modifications with the anticipation of an updated version for testing during the next reporting period. The Grievance Module is progressing well, and the monitor was provided with a demonstration while on site for this tour. The presentation demonstrated a system that will have great flexibility in development of tracking, monitoring, and compliance reporting. The Joint Monitors look forward to the implementation of the module.

A manual tracking system which is updated daily continues to be utilized in the interim. Medical Alert Flags and ADA Tracking Lists are available to staff to identify accommodation/adaptive support needs. The ADA List

continues to be distributed weekly. As noted under the previous provision, there is a need to appropriately identify and list specific accommodation and adaptive support needs on the Weekly ADA List, so all programs and services have the necessary information to provide support.

Recommendations:

- 1) Continue with the current process of input and distribution of information.
- 2) Revise the process to include all accommodation and adaptive support information for class members on the ADA Tracking List.
- 3) Develop an internal tracking and auditing tool to monitor compliance with where/how tracking is distributed.
- 4) The ACSO must finalize and implement the electronic, real-time networked tracking system, to include the grievance module, and all functionality to track, document and share internal information regarding an individual's disability(ies) and disability-related accommodations required by the CD Provisions.
- 5) Once implemented, ensure all staff is trained on how to access the real-time tracking system and how to use that information in the performance of their assigned duties.

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

Finding: Partial Compliance

(Previously rated as "Partial Compliance")

Policies:

- ACSO Detention and Corrections Policy and Procedure - 1.14 Americans with Disabilities Act (Revision Date January 28, 2025).

Training:

Training is scheduled to begin in March 2025.

Metrics:

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

Assessment:

This provision remains in partial compliance. Although the ACSO continues to provide weekly ADA Tracking Lists, as noted under prior provisions, the ADA Tracking List continues to identify referrals to AFBH and specific diagnosis information in the accommodations section of the report. This should be revised to accurately reflect accommodation/adaptive support information only.

During interviews, all staff interviewed were able to explain how they access disability and effective

communication and/or reasonable accommodation information through the ADA Tracking List as well as ATIMS Disability Flags. However, not all program providers have access to ATIMS and with the current lack of specific accommodation detail on the ADA List they are not aware of the necessary accommodations.

Recommendations:

- 1) Until the modifications to the ATIMS tracking system are finalized and implemented, the ADA Unit must continue providing hard copies of the current ADA Tracking List and ensure all staff are knowledgeable and have access to the ATIMS disability flags.
- 2) The ADA Tracking List must be monitored to ensure only appropriate accommodation and adaptive support information is included.
- 3) The ADA Tracking List be distributed daily for more timely transmission of accommodation information.

Housing Placements

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

Finding: Substantial Compliance

(Previously rated as "Partial Compliance")

Policies:

- ACSO Detention and Corrections Policy and Procedure - 1.14 Americans with Disabilities Act (Revision Date January 28, 2025)
- ACSO Detention and Corrections Policy and Procedure - 12.04 The Santa Rita Jail – Housing Unit Classification (Revision Date May 4, 2023).

Training:

Classification Training

Metrics:

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

Assessment:

During document review as well as onsite tours there was no evidence that the ACSO is currently housing an individual with a severe or profound cognitive, intellectual, or development disability in a more secure setting based solely on their disability. The Joint Monitor toured several units including; Restrictive Housing, THU, and THI units, and observed unit huddles. The discussions in the Restrictive Housing unit meetings and huddles demonstrated staff were collaborative and knowledgeable of the individuals in their units; there was clear communication aligned with individualized goals, with no evidence of having individuals housed inappropriately. There was evidence of proactive problem solving and a coordinated approach to care which provided additional assurance that should a placement occur, the individual case would be reviewed and appropriately documented.

During the onsite tour there was discussion regarding the clustering of IDI and cognitively impaired populations. The concern with clustering a small number of individuals is they can become more isolated and there can be a greater challenge in providing equal access to programs and services, which can create more restrictive housing than would otherwise be afforded based on their classification. In addition, further analysis should be completed to review other classification factors that may impact housing. For example, during the review it was determined there were several IDI class members who were housed in therapeutic behavioral health units based upon a mental health diagnosis, not specific to their IDI identification.

Recommendations:

1. Should the number of IDD class member increase, it is recommended the concept of clustering individuals in designated housing be discussed as part of a multi-disciplinary workgroup in coordination with Joint Experts.

Access to Out-Of-Cell Time and Yard

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

Finding: Partial Compliance

Prior Rating: Partial Compliance

Assessment

There is no evidence to suggest that class members with psychiatric disabilities are offered disparate access to out-of-cell time than non-disabled individuals with comparable classifications in the same housing units.

However, other than those class members who are housed in the therapeutic housing units and are identifiable as having a psychiatric disability due to their housing assignment, the out-of-cell tracking logs do not designate whether a class member has a psychiatric disability. The THU's have specific out-of-cell requirements pursuant to the CD. Refer to the Sixth Monitoring Report by Terri McDonald, Custody Joint Monitor, Provision 768. Refer to Expert McDonald's report, provisions 402-412 for additional detail concerning out-of-cell time.

Access to Programs and Work Assignments

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

Finding: Partial Compliance

(Previously rated as "Partial Compliance")

Policies:

- ACSO Detention and Corrections Policy and Procedure - 1.14 Americans with Disabilities Act (Revision Date January 28, 2025):
- Alameda County Sheriff's Office Detention and Corrections Policy and Procedure: Introduction to Inmate Services 18.01 (2 pages) (revised 12/1/19).
- Alameda County Sheriff's Office Detention and Corrections Policy and Procedure: Inmate Operational Programs and Services 18.02 (2 pages) (revised 10/30/20).
- Alameda County Sheriff's Office Detention and Corrections Policy and Procedure: Commissary Procedure 18.06 (9 pages) (revised 10/12/21).
- Alameda County Sheriff's Office Detention and Corrections Policy and Procedure: Religious Programming 18.07 (3 pages) (revised 12/1/19).
- Alameda County Sheriff's Office Detention and Corrections Policy and Procedure: Library Services 18.08 (2 pages) (revised 12/1/19).
- Alameda County Sheriff's Office Detention and Corrections Policy and Procedure: Educational Program Planning 18.09 (4 pages) (revised 12/1/19).
- Alameda County Sheriff's Office Detention and Corrections Policy and Procedure: Vocational Training Programs 18.10 (3 pages) (revised 12/1/19).
- Alameda County Sheriff's Office Detention and Corrections Policy and Procedure: Social Services Programs 18.11 (3 pages) (revised 3/1/20).
- Alameda County Sheriff's Office Detention and Corrections Policy and Procedure: Recreation and Inmate

Activity Program and Planning 18.12 (3 pages) (revised 3/9/23).

- Alameda County Sheriff's Office Detention and Corrections Policy and Procedure: Inmate Entertainment Systems 18.13 (3 pages) (revised 12/1/19).
- Alameda County Sheriff's Office Detention and Corrections Policy and Procedure: Inmate Tablet Access 18.14 (3 pages) (revised 2/9/23).
- Alameda County Sheriff's Office Detention and Corrections Policy and Procedure: Services for Released Inmates 18.16 (2 pages) (revised 10/12/21).
- Alameda County Sheriff's Office Detention and Corrections Policy and Procedure: Parenting Program 18.17 (5 pages) (revised 11/21/23).
- Alameda County Sheriff's Office Detention and Corrections Policy and Procedure: Legal Assistance Program 18.21 (3 pages) (revised 12/1/19).

Training:

ADA Policy 1.14 training is scheduled to begin implementation in March 2025.

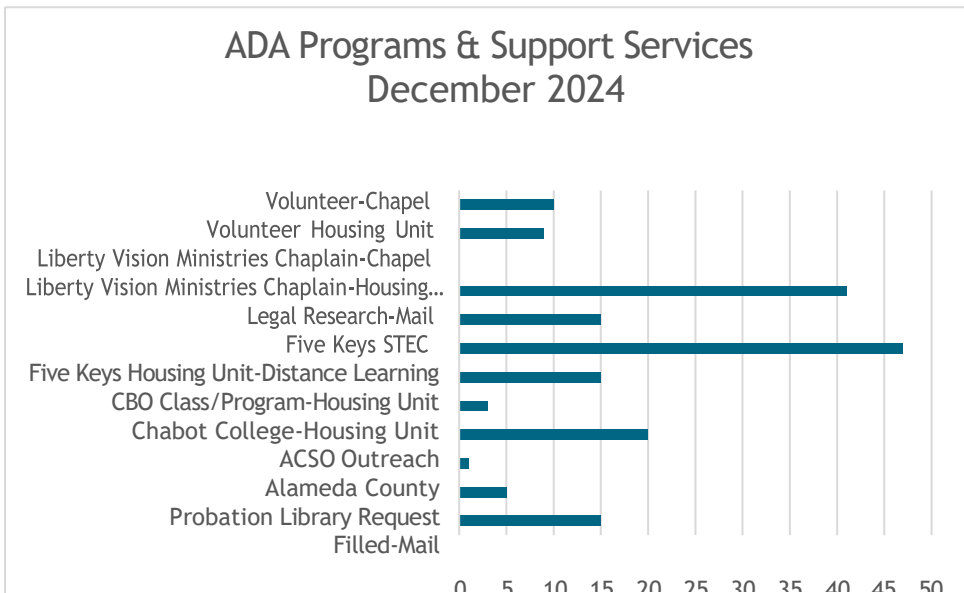
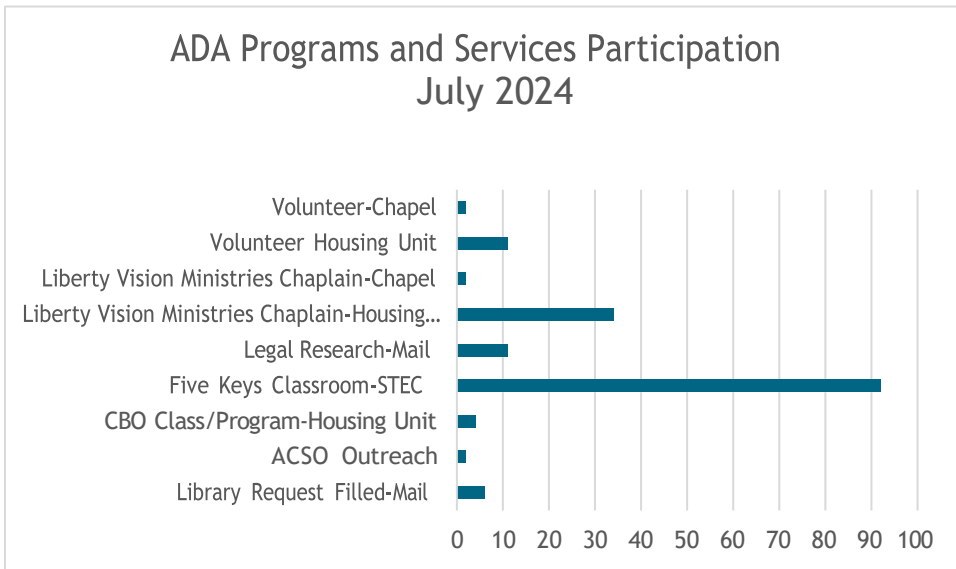
Metrics:

- Staff Interviews (custody and non-custody staff from multiple disciplines).
- Incarcerated Person interviews.
- Job Descriptions and Essential Functions
- Policy 1.14 Americans with Disabilities Act.
- Policy 18.01 Introduction to Inmate Services.
- Policy 1802 Inmate Operational Programs and Services.
- Policy 18.06 Commissary Procedure.
- Policy 18.07 Religious Programming.
- Policy 18.08 Library Services.
- Policy 18.09 Educational Program Planning.
- Policy 18.10 Vocational Training Programs.
- Policy 18.11 Social Services Programs.
- Policy 18.12 Recreation and Inmate Activity Program and Planning.
- Policy 18.13 Inmate Entertainment Systems.
- Policy 18.14 Inmate Tablet Access.
- Policy 18.16 Services for Released Inmates.
- Policy 18.17 Parenting Program.
- Policy 18.21 Legal Assistance Program.

Assessment:

The County remains in partial compliance during this reporting period as training on the ADA Policies as well as the need to develop IDI accommodation and adaptive support language into program and services policies and procedures has yet to be completed. During this review, a sampling of program and services participation data for the months of July and December 2024 was analyzed, as well as staff, and class member interviews were considered in assessment of compliance. It was evident from the data presented that the county affords ADA class members with access to programs and services as well as job assignments. These programs and services are provided via mail, within the housing units, in the chapel, and in the Sandy Turner Educational Center (STEC). Additionally, staff interviews identified concerted efforts to increase programming opportunities and to identify and develop additional program and job opportunities for the ADA class members. Analysis found for the month of July 42 ADA class members participated in 163 Programs and Services encounters. For the month of December, 76 unique ADA class members participated in 178 encounters. This shows a significant increase in

the number of class members participating in services, with most of the increase represented by an increase in Alameda County Probation and Chabot College encounters.



Education - (5 Keys, Chabot College):

Documentation reviewed shows that ADA individuals are assigned to educational programs in the housing units and STEAC. Interviews with staff identified there remain restrictions to off-unit program areas based on classification level, as well as THU class members from HU 9 and 24. Staff report they provide accommodations or adaptive supports as identified in flags in ATIMS as well as on the ADA Weekly Tracking List. Additionally, they confirm information through Regional Centers and Educational institutions regarding prior testing and identification of need for accommodation/adaptive supports. They further offer special education support services. As discussed under prior provisions, there is concern with the sharing of information which would assist in the ongoing monitoring of equal access. The Joint Monitor is working with the Program Unit, ADA staff, and

education contractors to develop a process for obtaining releases of information documents for those individuals enrolled in programs to better monitor the provision of services, accommodations, and adaptive supports.

Electronic Wireless Tablets

Interviews during the onsite tour identified a consistent concern with the length of time to obtain tablets. After much discussion and review of information it does not appear there is a difference in the length of time for an ADA class member to receive a tablet compared to any other designation.

However, the ACSO staff acknowledge there have been delays up to 120 days and a new vendor has been identified with assurance tablets will become more available. This will be a focus of review during the next monitoring period.

Reentry Programs

The monitors were updated on the status of Cal Aim initiatives and work which has begun on increasing reentry programs and services. Review showed there was clear documentation on reentry planning which begins at the 14-day review with the ADA Coordinator providing detailed information on services located in their communities and effectively communicating how they can access these services. In addition, AFBH has increased coordination for continuity of services upon release. There is a concerted multi-agency approach to improving the reentry process. I plan to provide further focus on this area during the next reporting period.

Incarcerated Person Work Assignments:

During the onsite review 2 SMI individuals were interviewed regarding their job assignments. Both were assigned jobs within the housing units. The individuals were able to clearly articulate their job assignments. As a full job listing with essential functions was developed in December 2024, a full analysis of assignments will be performed in the next reporting period. It is noted there continues to be a limited number of jobs available for the total jail population.

Recommendations:

- 1) The ACSO must continue to refine program and service tracking and work with the Joint Experts to standardize monthly reporting.
- 2) The ACSO must continue to work with the Joint Experts to standardize monthly reporting of work assignments to include evaluation for essential functions.
- 3) Until the real-time network ADA Tracking System is in place, the ADA Unit must, on a weekly basis, continue to provide program/services staff as well as contract providers (education, religion etc.) with a list of individuals with psychiatric, intellectual/developmental, and learning disabilities and their accommodation needs (e.g., Effective Communication, adaptive supports) so that staff can provide reasonable accommodations and adaptive supports as required.
- 4) Develop self-monitoring reporting tools for ongoing quality improvement that include trend analysis.

ADA Grievances and Requests

ADA Requests:

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

Finding: Partial Compliance

(Previously rated as "Non-Compliance")

Policies:

- ACSO Detention and Corrections Policy and Procedure - 1.14 Americans with Disabilities Act (Revision Date January 28, 2025):
- ACSO Policy 10.32 Americans with Disabilities Act Coordinator (Post Order) (Issued Date August 28, 2023).
- ACSO Detention and Corrections Policy and Procedure - 17.05 Inmate Message Requests (Revision Date December 1, 2019).

Training:

ADA Policy Training scheduled to begin in March 2025.

Metrics:

- Policy 1.14 Americans with Disabilities Act.
- Policy 17.05 Inmate Message Requests.
- ACSO Policy 10.32 Americans with Disabilities Act Coordinator (Post Order) (Issued Date August 28, 2023).
- ACSO Staff Interviews.
- Incarcerated Person Interviews.
- Document Review-Request for accommodations.

Assessment:

Although this review found there was an established mechanism for class members to request Accommodations outside the grievance process and the ADA Policy 1.14 contains language consistent with this provision, training has not yet been implemented, nor has a real time ADA tracking system been implemented delaying an increase in compliance.

As noted in prior provisions, the ADA Coordinator provides information on how to submit a request for accommodation during the 14-day reviews. During interviews with ACSO staff, (ADA Unit, Grievance Unit, AFBH) they are aware of the timelines associated with an emergent and non-emergent request. Tracking systems are maintained in the ADA Unit to monitor the receipt and timeliness of response.

Class member interviews found they were aware of how to request accommodation with over 50% of those interviewed, adding they can also contact housing unit staff for assistance if they require assistance.

Recommendations:

- 1) Finalize training on ADA Policy 1.14.
- 2) Ensure all ADA Requests and staff responses can be documented in the ATIMS ADA tracking system as it is designed.
- 3) Develop a self-monitoring and reporting quality assurance process.
- 4) Continue tracking and providing Joint Monitors with documentation to support compliance until the ATIMS ADA tracking system is implemented.

ADA Grievances:

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

Finding: Partial Compliance

(Previously rated as "Partial Compliance")

Policies:

- ACSO Detention and Corrections Policy and Procedure - 1.14 Americans with Disabilities Act (Revision Date January 28, 2025):
- ACSO Policy 10.32 Americans with Disabilities Act Coordinator (Post Order) (Issued Date August 28, 2023).

- ACSO Detention and Corrections Policy and Procedure - 16.03 Inmate Grievance Procedure (Revision in process).

Training:

ADA Policy 1.14 which is scheduled to begin March 2025.

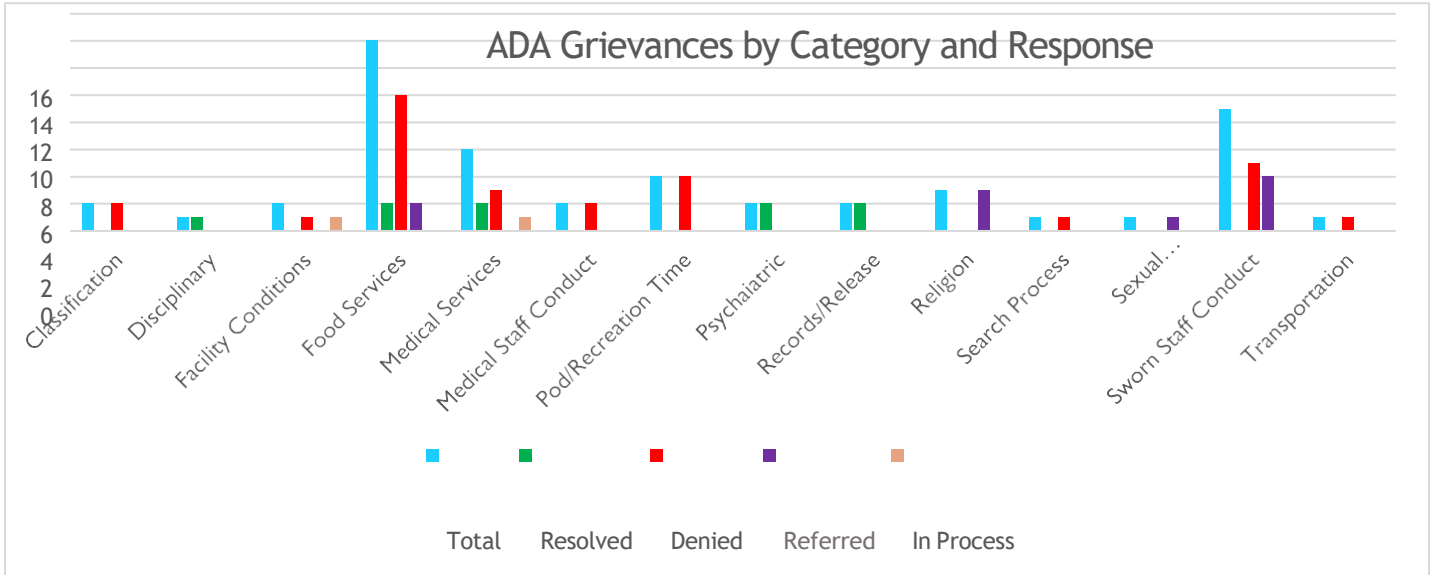
Grievance Policy Training (upon revision of policy).

Metrics:

- Policy 1.14 Americans with Disabilities Act.
- Policy 16.03 Inmate Grievance Procedure.
- ADA Grievances
- ACSO Staff Interviews.
- Incarcerated Person Interviews.

Assessment:

The ACSO has provided a draft Grievance policy to the Joint Monitors for review. It is anticipated they will establish a revised policy during the next reporting period. The Monitors were also provided with a presentation on the beta version of the automated Grievance Tracking System. This system addresses all requirements under the CD and will help establish self-monitoring for compliance. During this reporting period a total of 50 ADA Grievances by 17 unique individuals were reviewed with 18 of the 50 being submitted by 1 SMI class member. Following is a summary of findings:



The analysis found 48 of the 50 grievances filed during the review month were completed within the 30-day time constraint, with 2 pending at the end of the month and within time constraints. Review identified there is a process for referral of grievances to the ADA coordinator as well as for establishing grievances as ADA that were not initially identified by the class member. There was evidence of referrals to AFBH as required for SMI class members.

Proposed revisions to the Grievance process will assist in the ongoing tracking, review and monitoring of this provision.

Recommendations:

- 1) Finalize Policy 16.03 Inmate Grievance Procedure to include the requirements of related CD provisions.
- 2) Finalize Real Time Grievance Tracking System and Self-Monitoring reports and provide ongoing progress updates to the Monitors.

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

(i) review all ADA related complaints;

(ii) assign an ADA-trained staff person to investigate the complaints, and/or interview the individual to the extent his or her complaint or requested reasonable modification is unclear or consult with AFBH as appropriate; and

(iii) provide a substantive written response.

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

Finding: Partial Compliance

(Previously rated as "Partial Compliance")

Policies:

- ACSO Detention and Corrections Policy and Procedure - 1.14 Americans with Disabilities Act (Revision Date January 28, 2025):
- ACSO Policy 10.32 Americans with Disabilities Act Coordinator (Post Order) (Issued Date August 28, 2023).
- ACSO Detention and Corrections Policy and Procedure - 16.03 Inmate Grievance Procedure (Revision Pending).
- ACSO Detention and Corrections Policy and Procedure - 17.05 Inmate Message Requests (Revision Date December 1, 2019).

Training:

ADA Policy 1.14 is scheduled to begin in March 2025.

Metrics:

- Policy 1.14 Americans with Disabilities Act.

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

Assessment:

The ADA Unit continues to show concerted efforts to track, monitor, and respond to class members. Interviews with the ADA Coordinator confirmed he is knowledgeable on the timelines as outlined under this provision, confirmed he receives referrals from the ADA Unit and has a system for review within the mandated timelines. The ADA Unit maintains files of reviews to include referrals to AFBH for review. Refer to Provision 1021 for a more complete assessment of grievances. Inmate interviews supported the ADA Unit contacts as class members were able to refer to ADA staff by name as well as demonstrate effective communication has been established by referencing the reason for meeting. It is anticipated this provision will move to Substantial Compliance upon implementation of the Grievance Module.

Recommendations:

1. Continuing with implementation of Grievance Module.
2. Development of a Quality Management Self-Monitoring process.