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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

JOHN ARMSTRONG, et al.,

Plaintiffs,

v.

EDMUND G. BROWN, JR., et al.,

Defendants.

Case No. C94 2307 CW

JOINT CASE STATUS STATEMENT

Judge: Hon. Claudia Wilken

CURRENT ISSUES

A. Accommodating Deaf Prisoners with Videophones

Defendants are required to provide reasonable accommodations, including the use of auxiliary aids, to deaf prisoners to ensure equally effective communication with the public. ARP § II.E.1. Many other state and county correctional systems have installed videophones. *See* Doc. 2655 at 2, n.1. As detailed exhaustively in past case management statements, Plaintiffs have attempted to work collaboratively and in good faith with Defendants for close to six years to have videophones installed to accommodate deaf prisoners. Defendants are committed to installing videophones at all institutions that house hearing-impaired class members and working on this matter with Plaintiffs' counsel.

Defendants reported at the April 25, 2017 meet and confer that 11 videophones have been installed and are in use throughout the Substance Abuse Treatment Facility (SATF), providing access for all areas housing deaf class members. Defendants' contractor has installed the cables for the video relay systems at Central California Women's Facility (6 videophones), R.J. Donovan State Prison (11 videophones), California Institution for Men (5 videophones), California Medical Facility (6 videophones), CSP-Los Angeles County (10 videophones), and CSP-Corcoran (7 videophones). Defendants' contractor is in the process of installing the cables at Deuel Vocational Institution (2 videophones), North Kern State Prison (5 videophones), CSP-Sacramento (2 videophones), San Quentin (5 videophones), and California Health Care Facility (10 videophones). Sixty-nine videophones will be installed at 11 institutions.

Defendants conduct bi-weekly internal meetings regarding the status of the installation schedule and will regularly update Plaintiffs' counsel on the installation progress. Defendants have sent out required notices to the California Correctional Peace Officers Association (CCPOA) for statewide labor negotiations regarding the videophone installations at all prisons other than SATF (these negotiations were separately completed) and hope to have any labor disputes resolved the week of May 22, 2017, at which point the equipment will be installed.

B. Video Remote Interpreting/Sign Language Interpretation in Programs

The *Plata* Receiver's office has installed video remote interpreting (VRI) equipment in all clinics in prisons that house deaf prisoners, and health care staff were trained on its use and the process for scheduling a sign language interpreter (SLI) from a different prison to provide interpretation services via the VRI equipment. The Receiver's office audits this process and will continue to share the results of their internal audits with the parties.

CDCR is in the process of installing VRI technology in education classrooms at prisons that house deaf class members. CDCR has signed a contract for VRI interpretation services, and equipment has been installed and is currently being used at SATF, RJD, CIM, and CMF.

Plaintiffs' Statement

As noted in the previous Case Status Conference report, Defendants stated that they did not intend to expand VRI to other programs such as volunteer and Division of Rehabilitative Programs offerings. Since that filing, counsel for Plaintiffs notified Defendants in an April 6, 2017 letter of deaf prisoners who reportedly were being denied access to self-help programs that would improve their chances of being granted parole, or "lifer programs" that the Board of Parole Hearings had suggested in denying parole, that the prisoner participate in before his next parole consideration hearing. *See* Exhibit 1, redacted. Additionally, deaf prisoners reported that they were told by institution staff that they could not have SLI assistance in programs designed to earn "Milestone Credits" and other good time credits pursuant to Proposition 57.

The parties have met and Defendants acknowledge that past court orders regarding sign language interpretation apply to programs led by non-CDCR employees. The Proposition 57 credit earning process for Milestone Completion, Rehabilitative Achievement, and Educational Merit credits starts on August 1, 2017, and Defendants are working on a solution to ensure that deaf prisoners are provided equal access to the programs that can help them gain their freedom more quickly. Defendants are proposing

(1) increasing the number of VRI/videoconferencing equipment; (2) better scheduling of programs to occur in spaces with VRI equipment; (3) expanding or revising contracts for SLI services; (4) identifying staff who may know sign language; and (5) teaching hearing prisoners American Sign Language to train them as SLIs.

Plaintiffs believe that the last two proposals are nonstarters (and unrealistic given the short timeframe). Relying upon prisoners or staff who may know some ASL is not sufficient to comply with the Court's orders, the ADA, and ARP regarding "qualified" SLIs. *See, generally*, Doc. 2345 at 4-5; Doc. 1045 at 3, 8-9. With regard to SLI contracts, Defendants have struggled with their contractors, and Plaintiffs note that the Court has reiterated at least twice that Defendants must "establish as permanent civil service positions qualified sign language interpreters for each prison designated to house prisoners whose hearing disabilities impact their placement. . ." Doc. 2345 at 5, *quoting* Doc. 1045 at 8.

Plaintiffs will continue to work collaboratively on this issue, with the assistance of the Court's expert Mr. Swanson. However, given the gravity of the potential denial of freedom and liberty to deaf class members if they cannot participate in lifer programs and programs designed to earn significant amounts of credit, if Defendants have not resolved this issue by the time the Proposition 57 credit earning begins on August 1, 2017, Counsel for Plaintiffs are fully prepared to seek the Court's assistance and further enforcement orders.

Defendants' Statement

In response to Plaintiffs' counsel's concerns about the failure to install interpreting equipment at prisons housing deaf class members, Defendants agreed to evaluate Plaintiffs' counsel's recommendation to install interpreting equipment at the California Correctional Women's Facility. Defendants will provide Plaintiffs' counsel with an update on their request and will continue to provide class members with accommodations to access these programs. During a meeting on April 14, 2017, Defendants clarified the timeframe for inmates to receive credits under Proposition 57. Specifically, eligible

inmates began receiving expanded good-time credits for complying with all the rules within a prison and performing duties as assigned on a regular basis on May 1, 2017. Beginning August 1, 2017, eligible inmates may also receive Milestone Completion credits, Rehabilitative Achievement credits, and Education Merit credits. As set forth in California Code of Regulations, title 15, section 3043(b) "All eligible inmates shall have a reasonable opportunity to participate in credit earning programs and activities in a manner consistent with the availability of staff, space, and resources, as well as the unique safety and security considerations of each prison." Accordingly, Defendants shall provide equal access to these programs for eligible Armstrong class members.

Defendants are exploring multiple methods of providing accommodations to these programs including: (1) increasing the number of VRI/videoconferencing equipment; (2) scheduling programs to occur in spaces with VRI equipment; (3) expanding or revising sign language interpretation services contracts; (4) identifying alternative technologies for sign language interpretation services; (5) providing additional staff sign language interpreters; and (5) teaching hearing prisoners American Sign Language and certifying them as interpreters. Defendants believe multiple types of accommodations are appropriate and reasonable given the size and location of the class members and the variety of programs they may participate in during their incarceration. Defendants note there is a population of approximately 70 inmates who utilize sign language for communication. Defendants believe that through review of the inmate's individualized needs and eligibilities, in combination with individualized planning of accommodations, Defendants will be able to provide access to appropriate programming for this population.

Defendants will continue to work collaboratively on this issue with Plaintiffs' counsel and Mr. Swanson. Defendants do not believe court intervention is necessary because the parties are engaged in a collaborative effort to address the issues.

C. Allegations of Abuse and Violence Against Prisoners

Plaintiffs' Statement

Over the past two years, Plaintiffs have asserted allegations of abuse and violations

of the rights of prisoners with disabilities at High Desert State Prison (High Desert), Central California Women's Facility (CCWF), and Salinas Valley State Prison (SVSP). Plaintiffs issued multiple reports regarding these prisons outlining violations that class members allege are occurring. Plaintiffs requested Defendants take concrete steps to remedy confirmed violations and change the culture at both prisons. Many of the allegations of abuse, violence, and retaliation documented in Plaintiffs' reports are directed at class members, and Plaintiffs assert that these allegations constitute evidence of a culture that discourages prisoners from asking for help and discriminates against people with disabilities. The parties are collaboratively working together to address the *Armstrong* and non-*Armstrong* related issues at these institutions.

The parties recently entered into a modified protective order regarding information obtained in the investigations at High Desert. Doc. 2674. This was a result of negotiations between Defendants and the California Correctional Peace Officers Association, after CCPOA sued CDCR in state court, challenging the validity of this Court's prior protective order. *Neves, et al. v. CDCR, et al*. (Sacramento County Sup. Ct. Case No. 34-2017-00206700). Plaintiffs have expressed frustration with not being provided detailed information regarding investigations underway at CCWF and SVSP, and have proposed that the protective order be amended to include those two facilities. Defendants have not provided a response to this request.

Defendants have implemented several changes at High Desert, including a change to key leadership positions at the institution, staff training, and changes to local policies. [1] While there has been some improvement, serious problems remain that are leaving class members vulnerable to verbal and physical abuse by staff and other prisoners. A team jointly selected by the parties has developed a comprehensive plan to reform the staff culture at HDSP in a way that hopefully will minimize if not eliminate some of these

[1] For a detailed description of the policy and personnel changes put into place at High Desert by CDCR, see Joint Status Statement, Doc. 2655 at 8-9.

issues. Plaintiffs believe that the plan represents the most promising avenue for reform and have not sought further judicial relief in anticipation that the plan would be approved. Although the plan was finalized several months ago, it has yet to be approved and implemented by Defendants.

With regard to CCWF, the parties jointly conducted interviews of approximately 150 randomly selected prisoners at CCWF on June 20-29, 2016, in an effort to identify systemic problems and any staff who may be violating prisoners' rights.[2] Plaintiffs' counsel visited the institution and interviewed prisoners again on October 20, 2016, and January 30 through February 1, 2017. Unfortunately, Plaintiffs alleged they discovered that reports of many of the same systemic problems of abuse and violence still exist. Further, Plaintiffs allege that many officers identified during prisoner interviews as being problematic and abusive are still working in the housing units. Plaintiffs' counsel provided CDCR a report summarizing the findings of the October interviews on December 8, 2016 and a report summarizing the January/February findings on February 17, 2017.

Defendants conducted inquiries for claims of staff misconduct at CCWF brought forward during Plaintiffs' tours and the subsequent interviews; all sustained allegations of staff misconduct are addressed through the Employee Discipline process, but to date, Defendants have not provided any meaningful or substantive information regarding the investigations and their outcomes. CDCR contracted with an expert in the field of Gender Responsive Strategies who has consulted with the U.S. Department of Justice in other jurisdictions, to identify shortcomings and recommend improvements to operational procedures and staff training. The expert and her team recently completed their on-site visits to the institution, but Defendants have not provided any reports or recommendations to Plaintiffs' counsel.

Therefore, Plaintiffs seek to amend the Modified Protective Order to include

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[2] For a detailed description of the policy and personnel changes put into place at CCWF by CDCR, see Joint Case Status Statement, Doc. 2671 at 3-4.

CCWF.

For over three years, Plaintiffs' counsel has raised concerns in tour reports for Salinas Valley State Prison ("SVSP") about problematic staff attitudes toward prisoners with disabilities and disregard for the *Armstrong* Remedial Plan requirements. Plaintiffs' counsel believes this attitude has resulted in a failure to accommodate prisoners with disabilities, and a culture of violence, intimidation, harassment, and retaliation at the prison. At the exit meeting after a monitoring tour in late August 2016, Plaintiffs reported serious and widespread allegations of staff misconduct throughout the institution, including harassment of class members, interference with class members' access to programs and services, and widespread refusal to provide class members with reasonable accommodations for their disabilities. On December 27, 2016, Plaintiffs provided a detailed report that documented allegations of retaliation against prisoners for communicating with Plaintiffs' counsel, the opening and reading of legal mail between class members and Plaintiffs' counsel after the monitoring tour, and physical and verbal harassment of Armstrong class members.

In March 2017, Plaintiffs' counsel returned to Salinas Valley State Prison for a monitoring tour during which monitors interviewed 125 prisoners – the vast majority of whom were *Armstrong* class members or individuals whom Plaintiffs' counsel believed should be *Armstrong* class members based on qualifying disabilities. The interviews yielded information that was highly consistent with Plaintiffs' counsel's December 2016 report. *Armstrong* class members reported excessive force, retaliation, and daily harassment and intimidation by custody officers on every yard of the prison. Dozens of *Armstrong* class members reported that officers intentionally announce their commitment offenses in front of other prisoners in order to jeopardize their safety. Monitors received multiple reports about custody officers encouraging or facilitating attacks on prisoners by other prisoners. On March 17, 2017, Plaintiffs' counsel verbally presented these findings to SVSP executive staff at an exit meeting at the institution. Plaintiffs' counsel anticipates producing a report on the March 2017 monitoring tour within the next few weeks.

Defendants reviewed the allegations detailed in Plaintiffs' December 27, 2016 report, and are taking affirmative steps towards addressing confirmed violations. Defendants provided Armstrong refresher training to over 600 employees, and surveyed use of force and staff misconduct reports for additional information. On February 28 through March 2, 2017, Defendants sent two teams of staff from headquarters and other prisons to conduct random interviews with prisoners at Salinas Valley who are not members of the *Coleman*, *Clark*, or *Armstrong* classes. Although Plaintiffs have requested information about the conclusions of those interviews, or details regarding their investigations to date, Defendants have not provided a substantive or comprehensive response about their findings.

Therefore, Plaintiffs seek to expand the Amended Protective Order to include SVSP. Plaintiffs reserve the right to seek this Court's assistance or to pursue separate litigation regarding the issue.

Defendants' Statement

Many of Plaintiffs' reported allegations do not involve Armstrong class members or do not involve violations of the ADA or the Armstrong Remedial Plan and Court orders. Therefore, Defendants do not believe these matters are properly before the Armstrong court. Nevertheless, Defendants are committed to addressing any reported instances of inmate mistreatment from any source, and have therefore expended substantial effort to address all of the allegations brought forward by Plaintiffs' counsel at High Desert State Prison, Central California Women's Facility, and Salinas Valley State Prison. At High Desert State Prison, Defendants have implemented several changes, including a change to key leadership positions at the institution, staff training, and changes to local policies. Defendants have worked collaboratively with Plaintiffs' counsel in the appointment of a team of correctional experts to develop a plan to address the parties' concerns. CDCR is currently considering the experts' recommendations on how best to implement the plans at High Desert.

With regard to Central California Women's Facility, Defendants have taken a

number of actions, including changing key leadership at the institution, auditing and making improvements to the inmate grievance process, revising local operating procedures, hiring an independent contractor in the area of Gender Responsive Strategies, and providing refresher training on a variety of topics relevant to interactions between staff and inmates. In addition, Defendants completed inquiries of more than 160 allegations that were the result of Plaintiffs' interviews in May and October 2016 and the parties' joint interviews in June 2016. Several of the inquiries resulted in referral to the Office of Internal Affairs for investigation. Several of those inquiries have already resulted in adverse action, and some of the inquiries resulted in additional allegations, which were pursued further. Notably, even when an allegation could not be confirmed, Defendants evaluated whether any local procedures or staff training issues could be improved to prevent similar allegations in the future, and took action accordingly.

Defendants have collaborated with Plaintiffs' counsel throughout this process. Defendants met with Plaintiffs on March 24, 2017, to provide an overview of the inquiry process, and the parties are scheduled to meet again on May 12, 2017. Defendants have appropriately balanced this collaborative effort with their duty to protect the confidentiality of personnel matters both to protect the privacy of CDCR employees, and to ensure the investigations are not adversely impacted. Additionally, Defendants continue to work through the allegations raised by Plaintiffs' interviews in January and February 2017. Finally, Defendants anticipate a draft report from the CDCR-contracted expert in the field of Gender Responsive Strategies, and will provide Plaintiffs with an update on that effort soon.

As to Salinas Valley State Prison, Defendants immediately began to look into the allegations detailed in Plaintiffs' August 2016 monitoring report that Defendants received on December 27, 2016. Defendants provided *Armstrong* refresher training to over 600 employees, examined use of force and staff misconduct reports, and sent two teams of staff from headquarters and other institutions to interview with non-*Armstrong* class members. For each allegation raised in Plaintiffs' August 2016 monitoring report, the institution

interviewed not just the identified inmate who raised the allegation, but also interviewed a number of inmates and staff who may have witnessed something relevant to the allegation. If an individual's name was not associated with the allegation, the institution interviewed a sample of inmates and staff in the housing area. CDCR administrators are currently reviewing the preliminary results of the inquiries to evaluate next steps. Defendants are also analyzing the information received during their interviews of non-*Armstrong* class members to address allegations received from Plaintiffs' counsel. Similar to the updates provided to Plaintiffs with respect to efforts at the Central California Women's Facility, Defendants will collaborate with Plaintiffs.

Defendants provided Plaintiffs' proposed amendments to the protective order providing for the production of High Desert documents to CCPOA for consideration. CCPOA does not agree to further amend the protective order to include CCWF and Salinas Valley.

As indicated above, a significant portion of Plaintiffs' allegations involve non-class members and non-ADA matters. Defendants have engaged in an extraordinary level of cooperation with Plaintiffs' counsel including to investigate allegations, hiring consultants, and taking discipline for confirmed violations. Defendants will continue to collaborate to the extent possible but are unwilling to have the *Armstrong* case stray from the core issue of addressing ADA compliance.

Defendants do not believe court intervention is necessary because the parties and court expert are collaboratively working together to address the issues and the existing employee disciplinary system is appropriate to address the allegations and confirmed violations.

The parties, with the assistance of the court expert, will continue to work collaboratively on these issues.

D. Parole Planning and Working With Class Members Preparing for Release

Plaintiffs' Statement

Plaintiffs have asserted that Defendants violate the ADA and the *Armstrong* Remedial Plans by excluding prisoners who use wheelchairs and other *Armstrong* class members from CDCR-funded community placements. *See* Doc. 2655 at 11-13. Plaintiffs also assert that by failing to provide paroling prisoners with disabilities timely assistance in obtaining Social Security disability benefits and by failing to provide other transition to parole services, "CDCR is operating its services, programs and activities in a manner that inevitably channels person with disabilities into repeated institutional confinement with no realistic opportunity to establish independent living in the community, in violation of the ADA and of the principles set forth in *Olmstead L.C. ex. Rel. Zimring*, 527 U.S. 581 (1999)." *Id.* at 12.

Plaintiffs have sent Defendants correspondence regarding multiple class members nearing parole who had not had their Social Security and other benefit applications started in a timely fashion, many of whom were concerned about being homeless on parole as a result. Plaintiffs have also requested discovery related to this issue, including a list of all community programs that house parolees under contract with CDCR, along with information about which ones are wheelchair accessible, and contracts and correspondence between CDCR and the University of California, San Diego (UCSD), which provides the social workers who are responsible for assisting prisoners in this transition to parole. Based upon a review of documents produced thus far, Plaintiffs believe that there are inadequate resources allocated to assisting parolees to apply for benefits while in prison and no statewide system for identifying accessible parole placements.

The parties agreed to work together on this issue in a smaller group which held its first in person meeting on March 29, 2017, and met again by telephone on May 3, 2017, with the assistance of Mr. Swanson, to address these concerns. At the meeting on March 29, 2017, and in a follow up e-mail on April 7, 2017, Plaintiffs requested a number of

different documents relating to this issue, including most critically (1) policies and procedures for placing disabled prisoners into transitional housing and treatment programs currently under contract, (2) an accounting of how many beds are available in existing transitional housing and treatment programs for parolees with different disabilities, (3) a program by program accounting, which Defendants indicated they are currently producing in cooperation with the CDCR's Division of Rehabilitative Programs (DRP) of the number of beds in each program for parolees and any exclusionary factors that exist for each program, and (4) detailed data and reports collected and generated by the Transitional Case Management Program (TCMP) contractor (which is required under the existing TCMP contract) regarding the timeliness of benefit applications.

Although Defendants provided Plaintiffs with some of the requested documents on Friday April 28, 2017, including policies on transportation of parolees and on the issuance of vouchers for short-term housing, Defendants have not yet provided many of the key documents requested by plaintiffs. For example, Defendants have not yet produced any of the 4 critical items listed in the preceding paragraph.

Defendants' Statement

Defendants offer pre-parole planning services to all prisoners before release from prison, including assistance with medical benefits and oftentimes, assistance with locating housing. Defendants contract with third-party private entities to provide community housing for eligible parolees, and these third-party entities are required by contract to provide housing and programming in accordance with the ADA and state and federal laws. In addition, Defendants provide referral services and assistance connecting parolees with non-CDCR funded community resources to obtain housing and other needed services. During the May 3, 2017 teleconference, Defendants provided that they are still in the process of gathering information responsive to Plaintiffs' requests. Defendants also stated that they are in the process of employing two TCMP Supervisor Strike Teams, that will each be comprised of 3 benefits workers and 1 supervisor, to prisons where there is a need for additional assistance. Defendants will continue to work with Plaintiffs' counsel and

Mr. Swanson to address these concerns. Defendants agreed to provide the remaining responsive information and documents by June 12, 2017, in advance of the next small work group meeting scheduled on June 19, 2017. Additionally, as provided in the response to Plaintiffs' counsel's correspondence regarding individual class members, Defendants are actively working to address the class members' individualized needs. Defendants will work with Plaintiffs' counsel to identify the scope to which this issue is related to the *Armstrong* litigation.

E. Alleged Discrimination in Program Assignments

Through letters and monitoring tour reports, Plaintiffs allege that prisoners with disabilities impacting placement are denied equal access to program assignments. Plaintiffs' counsel also reported, based on class member allegations, that prisoners with disabilities impacting placement do not receive equal access to the most desirable program assignments, including paid program assignments. Plaintiffs requested, and Defendants produced, informal data showing the numbers of prisoners with program assignments at each prison. Plaintiffs' counsel notified Defendants in early May 2016 that their analysis of CDCR's data shows that prisoners with disabilities impacting placement are not receiving equal access to program assignments when compared to prisoners without disabilities. Plaintiffs are also concerned that there is a disparity in paid positions received by people with disabilities impacting placement. Defendants did not have confidence in the data available at the time, and disagreed with Plaintiffs' interpretation that any disparity in the data is evidence of discrimination. Nonetheless, Defendants agreed to a standardized policy or training with uniform procedures for assigning inmates on job assignment wait lists and the interactive process of revaluating and providing reasonable accommodations needed to perform a particular job assignment.

The parties exchanged letter briefs on January 25, 2017, and met with Mr. Swanson on February 6, 2017, in an effort to resolve this issue. On February 13, 2017, Mr. Swanson produced his preliminary thoughts and presented additional questions for the parties to answer in writing on March 6, 2017, and the parties met again on March 9, 2017.

During the March 9, 2017 meeting, the parties agreed to convene a small work group to resolve this issue.

Defendants are committed to ensure equal access to assignments (e.g., jobs, education, vocation, self-help, voluntary assignments, and those recognized under Proposition 57) and believe the issue is best addressed through the implementation of Proposition 57.

Defendants report that they have begun the process of identifying and resolving problems at six of the prisons with the highest rates of disparities in program assignments identified by Plaintiffs' counsel. Defendants agree to provide additional training to all staff members involved in the assignment process and to track all existing and new programs in their computerized system for distributing assignments (SOMS). The parties plan to meet on June 9, 2017, to discuss Defendants progress on short-term fixes and training and to meet on July 10, 2017, to evaluate the data once all programs are entered into SOMS. Defendants agree to produce assignment data that can be filtered by type of assignment, including paid/non-paid, by type of disability, and by housing location. The parties agree to meet monthly to review data regarding assignments and to discuss and attempt to resolve apparent disparities in assignment rates as they arise. The parties plan to incorporate questions regarding disparities in assignment rates in to the Joint Audit Tool.

F. Accommodations for Prisoners with Learning Disabilities

In late March 2016, Plaintiffs' counsel notified Defendants of widespread failures to identify and accommodate prisoners with learning disabilities. As a result, Plaintiffs' counsel allege that these prisoners are serving longer sentences because they are unable to reach educational and vocational "milestones" that are necessary to earn credits to reduce their sentence, or that the Board of Parole Hearings wants them to achieve before granting parole. Defendants contend that the Board of Parole Hearings sometimes recommends inmates participate in education and vocational programming to assist the inmate to succeed when they parole, but does not make this a requirement for parole. Plaintiffs also believe that some Career Technical Educational and Prison Industries Authority training

programs have blanket exclusions for people who fall below certain reading levels, without any exceptions or accommodations for prisoners with learning disabilities.

The parties have met and conferred multiple times on this issue. Defendants have agreed to make changes through the Office of Correctional Education to improve the process for requesting school records and verifying people who allege a learning disability. The Office of Correctional Education revised the school transcript request form to include a special request for Individualized Education Plan and Special Education records. The Office of Correctional Education also prepared a form, which will be available to institutional staff, to document verified and non-verified learning disabilities, and requested accommodations related to the learning disability. Defendants are in the process of improving the 1824 process for people who allege learning disabilities. Finally, Defendants agreed to discuss what accommodations for inmates with learning disabilities may be needed in non-educational settings.

On January 24, 2017, Plaintiffs provided comments regarding Defendants' new draft policy on learning disabilities and a separate policy on effective communication that also addressed prisoners with learning disabilities. Defendants subsequently provided revised drafts of the policies. The parties held a conference call on April 28, 2017 on these two memos, during which the parties discussed in detail the comments and changes requested by Plaintiffs to each memo. The parties made progress during the call and Defendants anticipate presenting a new draft of each memo to Plaintiffs and Mr. Swanson in the near future. The parties continue to work together on these issues.

G. Accountability

In January 2016, Plaintiffs outlined their concerns of ongoing problems with Defendants' accountability process, including the failure to: (1) detect patterns of non-compliance; (2) identify systemic failures occurring across multiple prisons; (3) rectify problems that are repeatedly reported at some prisons; and (4) deter violations by ensuring consequences for staff members who are found to be in violation. In response to Plaintiffs' concerns, Defendants developed and presented to Plaintiffs in March 2016, a five-step plan

to address these concerns and improve operations related to staff accountability. The plan includes: (1) standardization of the inquiry process; (2) automation of the tracking of data and logs; (3) enhanced focus on the quality of inquiries; (4) a Non-Compliance Review Committee for quality control; and (5) the inclusion of headquarters level accountability to ensure that someone is held responsible when an institution fails to address serious and repeatedly reported problems.

Defendants have circulated memoranda and conducted training regarding the new inquiry and reporting process. Defendants conducted the first Review Committee meeting in September 2016, and continue to hold these meetings at headquarters. Defendants began work with an information technology contractor in October 2016 to create an automated system to track and log the accountability process. Defendants anticipate rolling out the new system in the next few months. In an effort to streamline the process, Plaintiffs have agreed to several important improvements which are aimed at focusing the attention and resources on the most significant allegations of noncompliance. Defendants drafted a policy memorandum that provides guidance regarding the new expectations for tracking allegations. Plaintiffs are reviewing that memorandum.

Plaintiffs remain concerned that Defendants' plan does not go far enough in requiring staff to go beyond the individual violations recorded on the logs and audited by the Non-Compliance Review Committee, to determine whether individual violations are indicative of a potentially larger systemic problem. The parties continue to meet and confer with the assistance of Mr. Swanson to develop a sustainable and meaningful accountability system that identifies problematic institutions and staff, and that promptly remedies violations of the ADA and *Armstrong* Remedial Plan. The parties met on March 13, 2017, and Plaintiffs' counsel and the court expert observed a Review Committee meeting on that day. Defendants agreed that Plaintiffs' counsel and Mr. Swanson can observe additional Review Committee meetings in the coming months.

H. Training of Staff on the ADA, ARP, and Disabilities

Plaintiffs believe that inadequate training of staff on ADA issues is a contributing

factor to the cultural problems uncovered at multiple institutions, as well as the failure to provide accommodations that has been documented systematically in tour reports of institutions from across the state. Furthermore, during monitoring tours, Plaintiffs' counsel has discovered that there are problems with the database previously used to track which staff require *Armstrong* training.

Defendants' information technology specialists are in the process of updating database systems, so that information regarding which staff members have received training can be tracked and monitored easily. This system will be piloted at Avenal State Prison and California Men's Colony in July, with the goal that the new system will be in place at all institutions by the end of the year.

Additionally, CDCR is drafting new training modules, with the goal of revamping and overhauling the *Armstrong* training. Plaintiffs reiterate their willingness to be involved in developing content for the training. Revisions to the training will encourage staff understanding of disabilities and lessen problems of culture and failures to provide accommodations that have been identified. The parties will work together on changes to current training. Defendants have agreed to provide drafts of these modules to Plaintiffs and Mr. Swanson as they are updated over the next several months.

I. Joint Monitoring Audit Tool

The parties continue to work together on drafting a joint audit tool for measuring compliance in this case. A draft of the completed tool was produced to Plaintiffs on April 5, 2017, and Plaintiffs are in the process of reviewing and providing comments. Five trial implementations of five draft sections of the tool were conducted at California Medical Facility, Salinas Valley State Prison, California State Prison Los Angeles, California Health Care Facility, and Mule Creek State Prison. In addition, "mini" trial implementations to test portions of the Joint Audit Tool were completed on February 28, 2017, March 21, 2017, and April 18, 2017. The parties have "mini" trial implementations to test the remaining sections of the tool scheduled for May 10, May 31, and June 1-2, 2017. The next trial implementation of the complete tool is scheduled for the week of

July 17, 2017, at Valley State Prison. The parties will continue to meet to revise the tool as needed.

Once the tool and trial implementations are complete and joint monitoring begins, Defendants believe that Plaintiffs' individual monitoring should end. Plaintiffs disagree that their individual monitoring should end, but will continue to work in good faith towards completion of an adequate joint monitoring tool.

J. ADA Workers

CDCR utilizes ADA workers to provide reasonable accommodations to prisoners with disabilities. ADA workers perform services including pushing prisoners in wheelchairs to medical appointments or helping prisoners with visual impairments to read or write. Plaintiffs contend that there are problems with the ADA worker program, including the training and supervision provided to ADA workers, the number of workers, and the pay scale for ADA workers. The parties have reached an agreement regarding revisions to CDCR's ADA worker program, governing memoranda, and training requirements. CDCR issued a new ADA worker memorandum to the institutions on December 12, 2016, but the portions of the memorandum relating to training and supervision of the workers by custody officers was postponed pending additional labor negotiations between CDCR and CCPOA. Negotiations have concluded and CDCR is currently updating the memorandum to provide that management staff will train ADA workers, and custody officers will supervise ADA workers. Plaintiffs also have raised the issue of CDCR not having ADA Worker programs in place at the Reception Centers across the state. The parties will continue to discuss this matter to identify a way to accommodate prisoners with disabilities at the Reception Centers. Plaintiffs will continue to monitor if the ADA worker program adequately serves class members' needs at institutions across the state.

K. ADA Structural Barriers and Master Planning Process

Construction is well underway at several of the designated institutions. Former Class Action Management Unit Director Mike Knowles is overseeing the process,

confirming agreed-upon changes, and reporting on construction progress and anticipated timeframes in monthly reports produced to Plaintiffs.

L. Parolees and Out to Court Prisoners with Disabilities on Parole and in County Jails

Plaintiffs have notified Defendants regarding their concerns about the provision of sign language interpretation services to deaf parolees, following a comprehensive review by Plaintiffs' counsel of parole field files. Plaintiffs allege that these parolee files show that deaf parolees are repeatedly denied access to programs and services and are not able to effectively communicate with their parole agents during due process encounters because of failures to arrange for sign language interpretation services.

Defendants agreed to improve their sign language contracts by centralizing contracts on a statewide level and recently executed new contracts for 2017 through 2018. Defendants provided Plaintiffs' counsel with a copy of the completed contracts on January 9, 2017. Plaintiffs' counsel believes that the contracts do not eliminate multiple problems identified in prior contracts – for example, the new contracts offer lower rates of pay for SLI services and fail to compensate SLIs for travel. Plaintiffs' counsel contends that these contract deficiencies will only make it more difficult to entice desperately needed interpreters for parole services.

Plaintiffs provided Defendants with a letter outlining deficiencies in the new statewide contract on February 27, 2017. Defendants responded to Plaintiffs' February 27, 2017 letter on April 17, 2017. Plaintiffs' counsel asserts that Defendants' April 17 letter is difficult to comprehend because it appears to assert that Defendants have no obligation to improve the SLI contracts through increased compensation for qualified interpreters, improved transportation reimbursement, expansion of the locations covered, and imposition of more serious cancellation penalties. Plaintiffs' counsel contend that Defendants' refusal to improve their SLI contracts will only perpetuate the years of failures documented by Plaintiffs' counsel. Defendants contend that the new SLI contracts are sufficient to meet the needs of sign language interpretation services required for deaf

parolees. Defendants followed the established procedures for securing vendor contracts for a state agency, and that the contracts provide remedies for breach. Contractors are expected to perform the services contemplated by the terms of the contracts, and when appropriate Defendants can seek remedy for non-performance.

Plaintiffs' counsel recently received a number of DPH field files from DAPO. Review of the field files for compliance with the SLI mandates of this Court and the *Armstrong* Remedial Plan is underway now. Plaintiffs' counsel maintains that only significant changes to the statewide sign language contract will remedy Defendants' repeated violations of ADA rights.

To assist parole agents in providing accommodations to parolees requiring sign language, Defendants have committed to installing webcams for video remote interpreter services in all 113 parole units. Defendants reported that equipment has been delivered to all parole offices, and they are currently working with the vendor to test the equipment. Defendants developed training for how to use the equipment. The vendor will also provide Defendants 24-hour services to remedy any issues staff has in accessing or utilizing the equipment once it is deployed. Defendants must complete labor notification and negotiations before the process can be implemented statewide. Plaintiffs do not consider webcams a sufficient solution. Defendants believe that webcams provide a level of accommodation that meets the requirements of the *Armstrong* remedial plan and court orders.

Defendants created a videotape of the *Armstrong* training for parole agents. Plaintiffs provided their comments after receiving the video and are awaiting an updated version.

In response to Plaintiffs' concern that out-to-court prisoners in county jails are not provided with the postcards to receive the forms (2275-CJ) to request accommodations, Defendants agreed to meet with out-to-court prisoner class members within three business days of their arrival at the county jail, provide those class members with a 2275-CJ form, and offer assistance in completing the form. Defendants are working to amend their Out-

to-Court Memorandum accordingly.

Plaintiffs' counsel alleges that Defendants are taking uncounseled admissions from parolees with developmental disabilities who are facing parole revocation. In letters from Jenny Yelin to Patrick Jones dated December 9, 2016 and December 14, 2016, and the January 6, 2017, Sacramento Jail Report, Plaintiffs detail these allegations regarding one class member. Plaintiffs assert that CDCR Form 1527 Voluntary Statement of Admission should not be signed without counsel present if there will be a loss of liberty as a result of the signing. In addition, the current form does not include a place to indicate how effective communication occurred. Defendants contend there is no legal right to counsel under these circumstances; that the class member's parole was not revoked solely on the basis of his signing the form, but that other factors contributed to his parole revocation; and that the vast majority of parolees who sign a Form 1527, without other accompanying violations, are not revoked on parole. Defendants also assert that the parolee is represented by counsel at the parole revocation hearing and can challenge the validity of any waiver by and through counsel. The parties met on March 29, 2017, and again by telephone on May 3, 2017, to discuss these issues. Plaintiffs' requests for information and Defendants' responses as discussed on May 3, 2017, are as follows:

- Plaintiffs' Request: How many DDP prisoners have signed voluntary waivers on a Form 1527? What are their names and when did they sign the forms?

  Defendants' Response: Form 1527s are not tracked and therefore this information is not readily obtainable.

- Plaintiffs' Request: Defendants will produce the record of supervisions for each such individual for the time of the waiver to review for effective communication.

  Defendants' Response: Because the Form 1527s are not tracked, Defendants are unable to respond to this request.

- Plaintiffs' Request: Defendants will let us know if the Parole Agent for a parolee with a developmental disability who signed a Form 1527 was put on the accountability log for failing to document effective communication.

  Defendants' Response: The Parole Agent was placed on the April 2017 accountability log for failing to document

effective communication.

- Plaintiffs' Request: Defendants will provide the policies and procedures for the Forms 1527.

  Defendants' Response: On April 28, 2017, Defendants produced Policy No. 15-01 regarding Urinalysis Testing (and the use of the Form 1527) and Policy No. 17-06 regarding effective communication generally. Defendants further provided that Policy No. 17-06 was a directive only and that DAPO is in the process of revising and updating its effective communication policy (No. 08-48).

- Plaintiffs' Request: Defendants will provide a list and copies of all other admissions forms in use by DAPO.

  Defendants' Response: The Form 1527 is the only type of admission form currently used by DAPO.

Plaintiffs ask that the practice of eliciting uncounseled waivers and admissions from prisoners with developmental, hearing, cognitive, mental and speech disabilities be discontinued. Defendants will continue its use of the Form 1527 but will make efforts to ensure that effective communication is used and documented when a parolee requiring effective communication signs the form.

M. Investigation of Los Angeles and San Diego County Jails

Letters from Plaintiffs' counsel dating back to 2014 allege a pattern at the Los Angeles and San Diego County Jails of denying disability accommodations to class members. Most recently, in a February 1, 2017 letter, Plaintiffs detailed allegations from multiple class members at these jails that they are without their required mobility accommodations. Plaintiffs detailed prisoners who were identified by CDCR as requiring accommodations and yet who are reporting they do not have canes, walkers, wheelchairs or other required accommodations in the jails. Plaintiffs allege that the failure of these jails to ensure that class members have their required disability accommodations evidences a problematic pattern at these jails. Plaintiffs, in their July 25th letter, and during the August 18, 2016 meet-and-confer, requested that Defendants investigate. Under the County Jail Plan, "Each Regional ADA Parole Administrator shall review CDCR 1824 grievances and determine if there is a pattern of denials of disability accommodations … at

a particular county jail facility. If a pattern is discovered, the Regional ADA Parole Administrator must write to the County's legal counsel (or designee) within five days of discovery and provide the evidence alleged." County Jail Plan at 7, June 21, 2012. In addition, "[t]he Regional ADA Parole Administrator shall assign one of their Parole Agent Supervisors to investigate the alleged deficiencies at the specific county jail." *Id.*

With respect to Los Angeles County Jail, Defendants maintain that because the county fails to respond to Defendants' request for information regarding allegations of denials of accommodations for individual class members, they are without sufficient information to determine the existence of a pattern of denial. Because they have not discovered a pattern of denials in Los Angeles County, Defendants assert they are not required under the Court's order to conduct an investigation. With respect to San Diego County Jail, Defendants maintain that a pattern of denials does not exist because information provided by the county, which was also provided to Plaintiffs' counsel in the form responses to tour reports, shows that county medical staff determined that class members did not need the requested accommodations within the county jail.

Plaintiffs maintain that a pattern of denials of disability accommodations exists in the two jails. Plaintiffs conducted additional discovery, including depositions of Los Angeles county staff members, and believe that the depositions confirm serious problems. Plaintiffs will detail these concerns in a letter once deposition transcripts have been obtained and may request the Court's assistance if Defendants continue to refuse to investigate. Defendants disagree that the depositions confirm that there is a pattern of denial of disability accommodations at Los Angeles County Jail; rather, the depositions confirm that Los Angeles County Jail addresses all requests for disability accommodations through its internal processes. The depositions further confirm that Los Angeles County Jail currently does not have a process in place for communicating information back to CDCR concerning individual requests for disability accommodations by parolees. In an attempt to improve communications between CDCR and Los Angeles County Jail, Defendants are in the process of setting up a meeting with Los Angeles County Counsel.

Defendants assert that they will continue to comply with the requirements of the Court's August 20, 2012 order and County Jail Plan.

DATED: May 15, 2017

Respectfully submitted,

PRISON LAW OFFICE

By: */s/*
Corene Kendrick

Attorneys for Plaintiffs

DATED: May 15, 2017

XAVIER BECERRA
Attornev General of the State of California

By: */s/*
Sharon A. Garske
Deputy Attorney General

Attorneys for Defendants

As required by Local Rule 5-1, I, Corene Kendrick, attest that I obtained concurrence in the filing of this document from Sharon A. Garske and that I have maintained records to support this concurrence.

DATED: May 15, 2017

/s/
Corene Kendrick

Exhibit 1

PRISON LAW OFFICE
General Delivery, San Quentin, CA 94964
Telephone (510) 280-2621 • Fax (510) 280-2704
www.prisonlaw.com

VIA EMAIL ONLY

April 6, 2017

Ms. Katie Riley
Mr. Patrick McKinney
CDCR Office of Legal Affairs

RE: *Armstrong v. Brown*
Sign Language Interpreters (SLI) or Video Remote Interpreting (VRI)
at Self-Help Programs and Religious Services

Dear Katie and Patrick,

At the parties' meet and confer on February 14, 2017, Plaintiffs' counsel raised the problem that deaf prisoners are unable to participate in many self-help or drug counseling programs due to a lack of sign language interpretation. These programs and groups occur in the evenings, and often are recommended by the Board of Parole Hearings to lifers, or are the basis for prisoners earning milestone credits.

Defendants took the position at the meeting (and in the Joint Case Management Statement, Doc. 2671 at ECF 14) that they will not use the Education Department's VRIs for non-educational programs such as volunteer and Division of Rehabilitative Programs offerings, and asserted that sign language interpretation services are not required for programs that are led by volunteers or fellow prisoners.[1]

Defendants' position is in clear violation of more than a decade's worth of Court orders regarding sign language interpretation at rehabilitative programs, the *Armstrong* Remedial Plan, and the Americans with Disabilities Act. *See, e.g.,* Jan. 18, 2007 Injunction, Doc. 1045 at 3 (deaf prisoners denied access to "education, work, and other programming" due to failure to provide SLIs); Oct. 20, 2009 Enforcement Order, Doc. 1661 at 2 ("Plaintiffs have demonstrated that Defendants have violated the rights of prisoners with disabilities under the ADA and Section 504 by … denying sign language interpreters to prisoners who need them in educational and substance abuse programs."); Feb. 3, 2010 Finding of Facts, Doc. 1700 at 5 ("Defendants continue to deny deaf inmates access to adequate sign language interpretation in educational programs" and "sign

[1] Defendants also agreed at the February meet and confer to provide a complete list of programs, including those offered by the Division of Rehabilitative Programs, but as of today we have not received such a list.

language interpretation may not be adequate in Defendants' substance abuse programs."); June 24, 2013 Order, Doc. 2345 at 23 (finding Defendants in violation of previous court orders for failing to provide SLI services during education and vocational classes). The Remedial Plan states "[i]t is the policy of CDC to ensure that all inmates, regardless of any type of disability, participate in educational/vocational, and work programs…" ARP § II.I.14(a); *see also* 28 C.F.R. Pt. 35 App. A, Sbpt. E. Thus, "[r]easonable modifications/accommodations shall be provided to ensure access …to participate in all programs, services, or activities including vocational assignments...[and] academic programs." ARP § II.I.16. Qualified sign language interpreters are a reasonable accommodation. ARP § II.F.

Defendants also assert that they are not required to provide SLI during these encounters because they are voluntary programs not taught by CDCR employees. The identity of the person teaching a program (and whether she or he is a CDCR employee) is not dispositive as to whether a class member needs the accommodation of an interpreter for the program, and in any event, using inmate interpreters has been found inadequate by the Court on at least three separate occassions.[2] Doc. 2345 at 20; Doc. 1700 at 4-5; Doc. 1045 at 3; Doc. 523 at 11. As the Court noted in 2010 regarding the use of unqualified interpreters,

> [S]ign language interpretation may not be adequate in Defendants' substance abuse programs. Plaintiffs provide an instance of a deaf inmate unable to follow the instructor in her substance abuse class. [] Like the inmates mentioned above, she reports that her inmate interpreter cannot keep up with the course instructor, which makes it difficult for her to engage in the class. [] In response to the inmate's request, Defendants provided her with written notes and lip reading, [], two techniques that this Court has found to be inadequate. . .

Feb. 3, 2010 Finding of Facts, Doc. 1700 at 5 (citations omitted).

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[2] The failure to provide interpretation assistance for religious services not only implicates the ADA, but also class members' First Amendment right of free exercise of religion, and their rights under the Religious Land Use and Institutionalized Persons Act ("RLUIPA"). RLUIPA prohibits any prison from imposing a substantial burden on a prisoner's religious exercise, unless it demonstrates the burden is "in furtherance of a compelling government interest" and is "the least restrictive means of furthering" that compelling government interest. 42 U.S.C. § 2000cc-1. The Fourth Circuit recently reinstated a prisoner's constitutional claim regarding the prison's failure to provide interpreters during religious programs and services. *See Heyer v. United States Bureau of Prisons*, 849 F.3d 202, 219 (4th Cir. 2017).

Defendants admit they do not provide effective communication during these programs. As a result, deaf prisoners are denied access to self-help programs that are necessary to obtain release for prison or are required in order to reduce their sentence through milestone credits. This can result in profoundly serious consequences, such as deaf life prisoners being denied parole because they are unable to demonstrate progress or have not participated in programs to gain insight into their past behavior, or deaf prisoners serving longer sentences because they are unable to obtain milestone credits. [3]

During last week's SATF tour, and while reviewing documents for next week's RJD tour, we came across multiple examples of this problem. Defendants must immediately begin providing required SLI services during all prison programs, including self-help, religious, and voluntary education programs so that deaf prisoners can participate meaningfully in programs required by the BPH, and in programs that offer milestone credits or additional good time credits pursuant to Proposition 57.

Given that the new time credits under Proposition 57 go into effect on May 1, 2017, time is of the essence in resolving this issue. We do not think we can wait until the meet and confer scheduled for April 25, 2017 to discuss the issues. We request that the parties have a telephone call the week of April 10 to discuss this matter.

Failure to Provide Interpretation at Lifer & Other Self-Help Groups

In an interview at SATF, **Mr. , DPH, DPS,** reported that in November 2016, the Board of Parole Hearings gave him a list of items that would make a grant of parole more likely, including attending self-help groups, such as anger management. However, SATF does not provide an SLI for those groups. Mr. has filed multiple Form 22s addressed to the ADA Office about not having working VRIs or SLIs at self-help classes. *See* Exhibit 1. According to a response to a Form 22 dated October 28, 2016: "At this time we do not provide SLI services for all voluntary self-help groups. You may request an Inmate interpreter through your meeting manager/facilitator."

In an interview at SATF, **Mr. DPH,** reported that the Board of Parole Hearings denied him parole in November 2016, stating that he needed to gain deeper insight into his commitment offense. Mr. would like to do so, but his requests for an SLI during lifer groups were denied. He received the following 1824 response on March 22, 2017: "The Thursday night group is a Lifer group. An interpreter has been requested through the contract

[3] We have raised this issue repeatedly in tour reports. *See, e.g.* May 2016 CCWF Tour Report at 13; July 2016 CMF Tour Report at 14; October 2016 SATF Tour Report at 6.

provider; however, the Office of Correctional Education owns the Video Relay Equipment and must approve the use of the equipment. If approval is granted by the Office of Correctional Education an interpreter will be scheduled for your Life groups." *See* Exhibit 2.

- ADA staff informed the PLO monitors on the tour that they hope to start allowing Mr. to use the VRI equipment at the Thursday lifer group sometime in April, but were not sure if that would happen.

A prisoner housed at RJD, **Mr. , DPH,** recently contacted Plaintiffs' counsel to report that he was writing on behalf of all of the deaf prisoners at RJD to tell us that they have been unable to participate in parenting classes, substance abuse classes, and other self-help programs, which has resulted in the deaf prisoners not being able to earn up to six weeks of milestone credits per year or get the certificates indicating successful completion of the program. He stated he also is in a college course that meets from 6 to 8 pm on Tuesdays, Wednesdays, and Thursdays, but reports that a contract SLI came to only one class in five weeks, and the VRI machine has not been brought in for his courses.

- We plan to investigate this matter further during the April 10-13, 2017 RJD tour.

Another RJD prisoner, **Mr. , DPH,** filed an 1824 (log 16-4756, Exhibit 3), reporting that he had been told by staff that he could not attend AA/NA classes on Monday evenings because there was no interpreter. The RAP response confirms that he currently is not in any self-help classes but SLI services would be provided when required.[4]

- We plan to investigate this matter further during the April 10-13, 2017 RJD tour.

Another RJD prisoner, **Mr. , DPH,** filed an 1824 (log 17-0066, Exhibit 4), reporting that he tested out of ABE II and would like to move to ABE III, but there is no VRI in the ABE III classroom. He also requests to participate in AA/NA groups and AVP. The RAP response confirms that there is no VRI in the ABE III classroom, but the institution or contractor SLI will be used in ABE III. The response instructs him to complete a form 22 asking to participate in AA/NA.[5]

- We plan to investigate this matter further during the April 10-13, 2017 RJD tour.

///
///

[4] The effective communication documentation for this RAP response shows that it was not provided by the sign language interpreter, but rather a correctional sergeant who "spoke slowly" and used written notes.

[5] There is no documentation of how effective communication was achieved in conveying this RAP response, and the EC box on the face of the 1824 is not marked.

Failure to Provide Interpretation at Religious Services

The pre-tour document production for RJD included two 1824s filed by deaf prisoners regarding the lack of interpretation services at religious programs. *See* Exhibit 5, logs 16-5202 and 16-5203. **Mr. , DPH,** filed log 16-5202, and **Mr. , DPH,** filed log 16-5203, both requesting an interpreter for Sunday weekly Protestant services. The RAP response to both appeals states "Your request is denied SLI is available for Vocational Educational due process and health care contacts."[6] Additionally, a DPH prisoner we interviewed at SATF who did not want us to use his name reported there is no SLI available for religious group services. He showed us a response by ADA staff to a Form 22 that stated "The institution does not provide interpreters for church groups. You may utilize a yard interpreter."

* * * *

We hope that the examples above illustrate for you that there is a clear violation of existing court orders, the Remedial Plan, and the ADA, and that the violation is causing harm to our deaf clients. While we committed to working cooperatively with the department to resolve issues, we are prepared to seek the Court's assistance to resolve Defendants' ongoing violation of its past orders. If we have to go to the Court, we will request an expedited hearing, in light of the potential adverse effect on deaf prisoners' ability to earn milestone credits for earlier release.

Please advise us of your availability the week of April 10 for a phone call about this issue, and we reiterate our request that you provide us the list of DRP programs, no later than April 14.

Sincerely yours,

/s/ Corene Kendrick

Corene Kendrick, Staff Attorney

cc: Counsel of Record
Ed Swanson
Joanne Chen, Wendy Locke, Tom Gilivich, Office of Legal Affairs
Sharon Garske, Bryan Kao, Janet Chen, Erick Rhoan, Danielle O'Bannon, OAG
Kelly Mitchell, Sadie Richmond, Adam Fouch, Laurie Hoogland, DAI
Lois Welch, OACC

[6] There is no documentation of how effective communication was achieved in conveying the RAP responses for either 1824, and "N" is circled in the EC box on the face of both 1824s.

Exhibit 1

STATE OF CALIFORNIA
INMATE/PAROLEE REQUEST FOR INTERVIEW, ITEM OR SERVICE
CDCR 22 (10/09)

DEPARTMENT OF CORRECTIONS AND REHABILITATION

SECTION A: INMATE/PAROLEE REQUEST

NAME (Print): (LAST NAME) (FIRST NAME)	CDC NUMBER:	SIGNATURE:

HOUSING/BED NUMBER:	ASSIGNMENT:	...NIC (I.E. MAIL, CONDITION OF CONFINEMENT/PAROLE, ETC.):
	CANTEEN	SLI AGENT

CLEARLY STATE THE SERVICE OR ITEM REQUESTED OR REASON FOR INTERVIEW: *(Its fifth time NO V.P. in AA/NA)*

ON Wednesday, Nov 2 2016 I WENT TO NA MEETING And V.P. WAS NOT Working But NA meeting need A Require Sign Canguage ~~Interpreter~~ person to come in NA meeting Because this meeting need Alot of Explain to me and help me to understand what's its mean By SLI person, Not V.P. I don't Agree with V.P. Being in Either AA or NA cause its not working that WAY.

METHOD OF DELIVERY (CHECK APPROPRIATE BOX) ****NO RECEIPT WILL BE PROVIDED IF REQUEST IS MAILED ****

☐ SENT THROUGH MAIL: ADDRESSED TO: _____ DATE MAILED: ___/___/___

☒ DELIVERED TO STAFF (STAFF TO COMPLETE BOX BELOW AND GIVE GOLDENROD COPY TO INMATE/PAROLEE):

RECEIVED BY: PRINT STAFF NAME:	DATE:	SIGNATURE:	FORWARDED TO ANOTHER STAFF? (CIRCLE ONE) YES NO
E. SCHWARTZ	11-2-16		

IF FORWARDED – TO WHOM:	DATE DELIVERED/MAILED:	METHOD OF DELIVERY: (CIRCLE ONE) IN PERSON BY US MAIL
ADA OFFICE (AW)	Nov. 2, 2016	

SECTION B: STAFF RESPONSE

RESPONDING STAFF NAME:	DATE:	SIGNATURE:	DATE RETURNED:
A SWEENY	11/7/16	A SWEENY	11/7/16

VRI is scheduled for all AA/NA classes. When the equipment is not working there is no staff interpreter or grounds to provide services. Your class facilitator will notify the ADA office ~~to~~ so the equipment can be repaired.

SECTION C: REQUEST FOR SUPERVISOR REVIEW

PROVIDE REASON WHY YOU DISAGREE WITH STAFF RESPONSE AND FORWARD TO RESPONDENT'S SUPERVISOR IN PERSON OR BY US MAIL. KEEP FINAL CANARY COPY.

SIGNATURE:	DATE SUBMITTED:

SECTION D: SUPERVISOR'S REVIEW

RECEIVED BY SUPERVISOR (NAME):	DATE:	SIGNATURE:	DATE RETURNED:

STATE OF CALIFORNIA
INMATE/PAROLEE REQUEST FOR INTERVIEW, ITEM OR SERVICE
CDCR 22 (10/09)

DEPARTMENT OF CORRECTIONS AND REHABILITATION

SECTION A: INMATE/PAROLEE REQUEST

NAME (Print): (LAST NAME) (FIRST NAME)		CDC NUMBER:	SIGNATURE:
HOUSING/BED NUMBER:	ASSIGNMENT: CANTEEN	HOURS FROM____ TO____	TOPIC (I.E. MAIL, CONDITION OF CONFINEMENT/PAROLE, ETC.): "SLI"

CLEARLY STATE THE SERVICE OR ITEM REQUESTED OR REASON FOR INTERVIEW:

Wonder if STAFF Sign Language Interpreter CAN come and Interpreter for ANY VEP "SELF-Help" Group? whenever "SELF-help" Groups open soon. Much Appreciate it.

METHOD OF DELIVERY (CHECK APPROPRIATE BOX) **NO RECEIPT WILL BE PROVIDED IF REQUEST IS MAILED **

☐ SENT THROUGH MAIL: ADDRESSED TO: DATE MAILED: ____/____/____

☒ DELIVERED TO STAFF (STAFF TO COMPLETE BOX BELOW AND GIVE GOLDENROD COPY TO INMATE/PAROLEE):

RECEIVED BY: PRINT STAFF NAME:	DATE:	SIGNATURE:	FORWARDED TO ANOTHER STAFF?
E. SCHWARDT	10-19-16		(CIRCLE ONE) YES NO
IF FORWARDED – TO WHOM:	DATE DELIVERED/MAILED:		METHOD OF DELIVERY:
ADA OFFICE (AW)	Oct. 19, 2016		(CIRCLE ONE) IN PERSON BY US MAIL

SECTION B: STAFF RESPONSE

RESPONDING STAFF NAME:	DATE:	SIGNATURE:	DATE RETURNED:
A Sweeny	10/20/16	A Sweeny	10/20/16

You are being provided with SLI services for your AA/NA classes.

SECTION C: REQUEST FOR SUPERVISOR REVIEW

PROVIDE REASON WHY YOU DISAGREE WITH STAFF RESPONSE AND FORWARD TO RESPONDENT'S SUPERVISOR IN PERSON OR BY US MAIL. KEEP FINAL CANARY COPY.

THIS is misunderstanding. I WAS TALKING ABOUT Groups in VEP "SELF-help" on EVERY Thursday + Friday SOON when it's READY. It's NOT ABOUT AA/NA, it's different Kind of Groups.

SIGNATURE:	DATE SUBMITTED:
	Oct. 23, 2016

SECTION D: SUPERVISOR'S REVIEW

RECEIVED BY SUPERVISOR (NAME):	DATE:	SIGNATURE:	DATE RETURNED:
A. Sweeny	10/28/16	A Sweeny	10/28/16

At this time we do not provide SLI services for our Voluntary self help groups. You may request an Inmate interpreter through your Meeting Manager/facilitator

Distribution: Original - Return to Inmate/Parolee; Canary - Inmate/Parolee's 2nd Copy; Pink - Staff Members Copy; Goldenrod - Inmate/Parolee's 1st Copy.

STATE OF CALIFORNIA
INMATE/PAROLEE REQUEST FOR INTERVIEW, ITEM OR SERVICE
CDCR 22 (10/09)

DEPARTMENT OF CORRECTIONS AND REHABILITATION

SECTION A: INMATE/PAROLEE REQUEST

NAME (Print): (LAST NAME) (FIRST NAME)	CDC NUMBER:	SIGNATURE:

HOUSING/BED NUMBER:	ASSIGNMENT:	TOPIC (I.E. MAIL, CONDITION OF CONFINEMENT/PAROLE, ETC.):
	CANTEEN	AA/NA

CLEARLY STATE THE SERVICE OR ITEM REQUESTED OR REASON FOR INTERVIEW:

I NEED A REAL LIVE PERSON to come and Interpreter for my AA/NA BECAUSE the V.P. IS NOT helping ANything and NOT Appropriate WAY in AA/NA Group. It's Best have Live person to come than V.P. THE STAFF in AA/NA AWARE this issue. much Appreciate it. Thank-you.

METHOD OF DELIVERY (CHECK APPROPRIATE BOX) ****NO RECEIPT WILL BE PROVIDED IF REQUEST IS MAILED ****

☐ SENT THROUGH MAIL: ADDRESSED TO: _____ DATE MAILED: ____/____/____

☒ DELIVERED TO STAFF (STAFF TO COMPLETE BOX BELOW AND GIVE GOLDENROD COPY TO INMATE/PAROLEE):

RECEIVED BY: PRINT STAFF NAME:	DATE:	SIGNATURE:	FORWARDED TO ANOTHER STAFF? (CIRCLE ONE) YES NO
E. SCHWINOT	10-5-16		

IF FORWARDED – TO WHOM:	DATE DELIVERED/MAILED:	METHOD OF DELIVERY: (CIRCLE ONE) IN PERSON BY US MAIL
ADA OFFICE (WARDEN)	Oct 5 2016	

SECTION B: STAFF RESPONSE

RESPONDING STAFF NAME:	DATE:	SIGNATURE:	DATE RETURNED:
A. Sweeny	10/20/16	A Sweeny	10/20/16

At this time there are no interpreters available to attend your class in person. Video remote interpreting is provided to you. Please notify your sponsor if the equipment is malfunctioning.

SECTION C: REQUEST FOR SUPERVISOR REVIEW

PROVIDE REASON WHY YOU DISAGREE WITH STAFF RESPONSE AND FORWARD TO RESPONDENT'S SUPERVISOR IN PERSON OR BY US MAIL. KEEP FINAL CANARY COPY.

SIGNATURE:	DATE SUBMITTED:

SECTION D: SUPERVISOR'S REVIEW

RECEIVED BY SUPERVISOR (NAME):	DATE:	SIGNATURE:	DATE RETURNED:

Distribution: Original - Return to Inmate/Parolee; Canary - Inmate/Parolee's 2nd Copy; Pink - Staff Members Copy; Goldenrod - Inmate/Parolee's 1st Copy.

* RETURN TO ADA OFFICE *

STATE OF CALIFORNIA
INMATE/PAROLEE REQUEST FOR INTERVIEW, ITEM OR SERVICE
CDCR 22 (10/09)

DEPARTMENT OF CORRECTIONS AND REHABILITATION

SECTION A: INMATE/PAROLEE REQUEST

NAME (Print): (LAST NAME) (FIRST NAME)	CDC NUMBER:	SIGNATURE:

HOUSING/BED NUMBER:	ASSIGNMENT:	HOURS FROM 8:30 TO 2:30	TOPIC (I.E. MAIL, CONDITION OF CONFINEMENT/PAROLE, ETC.):
	CANTEEN 2/W		AA/NA

CLEARLY STATE THE SERVICE OR ITEM REQUESTED OR REASON FOR INTERVIEW:

Can you please come and interpreter for my AA/NA Group on Every Tuesday NIGHT Time AT 6:00 pm. It's start on Sept 20th Thank-you.

METHOD OF DELIVERY (CHECK APPROPRIATE BOX) **NO RECEIPT WILL BE PROVIDED IF REQUEST IS MAILED **

☐ SENT THROUGH MAIL: ADDRESSED TO: _____ DATE MAILED: ___/___/___

☒ DELIVERED TO STAFF (STAFF TO COMPLETE BOX BELOW AND GIVE GOLDENROD COPY TO INMATE/PAROLEE):

RECEIVED BY: PRINT STAFF NAME:	DATE:	SIGNATURE:	FORWARDED TO ANOTHER STAFF? (CIRCLE ONE) YES NO
Logan	9-6-16	Logan	

IF FORWARDED – TO WHOM:	DATE DELIVERED/MAILED:	METHOD OF DELIVERY: (CIRCLE ONE) IN PERSON BY US MAIL
SLI Josh Shaewitz ADA OFFICE	Sept. 18, 2016	

SECTION B: STAFF RESPONSE

RESPONDING STAFF NAME:	DATE:	SIGNATURE:	DATE RETURNED:
A. Sweeny	9/21/16	A Sweeny	9/21/16

Staff interpreters are not required to work after hours. However, the contract agency will be notified and an interpreter will be scheduled for your class.

SECTION C: REQUEST FOR SUPERVISOR REVIEW

PROVIDE REASON WHY YOU DISAGREE WITH STAFF RESPONSE AND FORWARD TO RESPONDENT'S SUPERVISOR IN PERSON OR BY US MAIL. KEEP FINAL CANARY COPY.

SIGNATURE:	DATE SUBMITTED:

SECTION D: SUPERVISOR'S REVIEW

RECEIVED BY SUPERVISOR (NAME):	DATE:	SIGNATURE:	DATE RETURNED:

Exhibit 2

DRAFT

REASONABLE ACCOMMODATION PANEL (RAP) RESPONSE

RAP Meeting Date: 3/8/2017 **Date IAC Received 1824:** 2/17/2017 **1824 Log Number:** SATF-A-17-00777

Inmate's Name: **CDCR #:** **Housing:**

RAP Staff Present: ADA Coordinator D. Sanchez , Custody Appeals Representative C. Ramos , Doctor A. Enenmoh , Health Care Appeals Representative T. Ordonez ,Health Care Compliance Analyst V. Hernandez Licensed Vocational Nurse S. Whiting

Summary of Inmate's 1824 Request: Interpreter for Thursday night groups

---

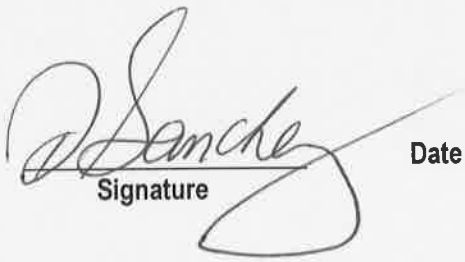
FINAL RESPONSE:

RAP is able to render a final decision on the following:

Response: You are currently being provided services for your AA/NA group. The Thursday night group is a Lifer group. An interpreter has been requested through the contract provider; however, the Office of Correctional Education owns the Video Relay Equipment and must approve the use of the equipment. If approval is granted by the Office of Correctional Education an interpreter will be scheduled for your Lifer groups.

Direction if dissatisfied: If you disagree with this decision and want to file an appeal, be sure to attach a copy of this response along with your CDCR 1824 as supporting documents. If you disagree with this decision you may file a 602.

D. Sanchez
ADA Coordinator/Designee



Signature

Date sent to inmate:

CSATF APPEALS
MAR 22 2017

State of California — Department of Corrections and Rehabilitation

REASONABLE ACCOMMODATION REQUEST

CDCR 1824 (rev:)

INSTITUTION (staff use only):	EC? Y / N	LOG NUMBER (staff use only):
SATF-A	Y	17-777

Date Received by Staff (staff use only): CSATF APPEALS FEB 17 2017

*** * * TALK TO STAFF IF YOU HAVE AN EMERGENCY * * ***

Do not use a CDCR 1824 to request health care or to appeal a health care decision. This may delay your access to health care. Instead, submit a CDCR 7362 or a CDCR 602-HC.

INMATE'S NAME (Print)	CDCR NUMBER	ASSIGNMENT	HOUSING
		IDA	

INSTRUCTIONS

- You may use this form if you have a physical or mental disability or if you believe you have a physical or mental disability.
- You may use this form to request a specific reasonable accommodation which, if approved, will enable you to access and/or participate in a program, service, or activity. You may also use this form to submit an allegation of disability-based discrimination.
- Submit this form to the Custody Appeals Office.
- The 1824 process is intended for an individual's accommodation request. Each individual's request requires a case-by-case review.
- The CDCR 1824 is a request process, not an appeal process. All CDCR 1824 requests will receive a response.
- If you have received an 1824 decision that you disagree with, you may submit an appeal (CDCR 602, or 602-HC if you are disagreeing with a medical diagnosis/treatment decision).

WHAT CAN'T YOU DO / WHAT IS THE PROBLEM: I can not learn my insight without an interpreter. I have went to the BPT "Board Prison Team", they want me to learn more about the insight.

WHY CAN'T YOU DO IT: I am hearing impaired.

WHAT DO YOU NEED: I want to have an interpreter for every Thursday night.

(use the back of this form if you need more space)

Which of the following best describes your disability that caused you to file this request:

☐ Difficulty walking or getting around ☐ Difficulty seeing ☑ Difficulty hearing ☑ Difficulty talking ☐ On kidney dialysis
☐ Difficulty using arms/hands ☐ Difficulty learning ☐ Difficulty thinking or understanding ☐ Mental impairment
☐ Other Disability (briefly describe): _____

DO YOU HAVE ANY DOCUMENTS THAT DESCRIBE YOUR DISABILITY? Yes ☑ No ☐ Not Sure ☐

(List and attach documents if available, including: 1845, 7410, 128-C): Look in medical file

I understand staff have a right to interview or examine me, and my failure to cooperate may cause this request to be disapproved.

_____ 2-15-17
INMATE'S SIGNATURE — DATE SIGNED

Assistance completing this form provided by: _____ (Last Name) _____ (First Name) _____ (Signature)

Exhibit 3

DRAFT

REASONABLE ACCOMMODATION PANEL (RAP) RESPONSE

RAP Meeting Date: 12/8/2016 **Date IAC Received 1824:** 11/21/2016 **1824 Log Number:** 16-4756

Inmate's Name: **CDCR #:** **Housing:**

RAP Staff Present: R. Din (ADA Coord), B. Self (IAC), R. Walker (CPS), A. Busalacchi (P.A.), S. Zudiker (Ch. Psych), B. Millum (teacher), M. Rourke (SSA), A. Poe (AGPA), A. Munoz (ADA CCI), H. Strohminger (HC OT), A. Mondet (Principal), J. Winistorfer (CEA), R. Evans (AGPA).

Summary of Inmate's 1824 Request: You are requesting ASL Interpreter for AA/NA classes which are held in the evenings/after hours.

Interim Accommodation:

☒ No interim accommodation required.

FINAL RESPONSE:

RAP is able to render a final decision on the following:

Response: You submitted a CDCR-1824 Reasonable Accommodation Request received 11/21/2016, requesting ASL Interpreter for AA/NA classes, which are held in evenings/after hours. Currently, you are not a participant in self-help programs. Self-help programs are available for non-hearing inmates. SLI services will be provided when required.

Direction if dissatisfied: If you disagree with this decision and want to file an appeal, be sure to attach a copy of this response along with your CDCR 1824 as supporting documents.

R. Din
ADA Coordinator/Designee

Signature

Date sent to inmate: DEC 20 2016

DRAFT

REASONABLE ACCOMMODATION PANEL (RAP) RESPONSE

RAP Meeting Date: 11/23/2016 Date IAC Received 1824: 11/21/2016 1824 Log Number: 16-4756

Inmate's Name: CDCR #: Housing:

RAP Staff Present: R. Din (ADA Coord), B. Self (IAC), R. Walker (CPS), A. Busalacchi (P.A.), S. Zudiker (Ch. Psych), B. Millum (teacher), M. Rourke (SSA), A. Poe (AGPA), A. Munoz (ADA CCI), H. Strohminger (HC OT), A. Mondet (Principal), J. Winistorfer (CEA), R. Evans (AGPA).

Summary of Inmate's 1824 Request: You are requesting ASL Interpreter for AA/NA classes which are held in the evenings/after hours.

Interim Accommodation:

- ☐ No interim accommodation required:
- ☐ Interim Accommodation provided:
- ☐ RAP rescinding interim accommodation:

INTERIM RESPONSE:

RAP requires further information prior to rendering a decision. This may take up to 30 calendar days to complete. You will receive a final decision on or before 12/20/2016.

Additional Direction: IAP

FINAL RESPONSE:

RAP is unable to process the following request(s):

- ☐ Paroled/discharged/transferred.
- ☐ Refused to cooperate.
- ☐ Duplicate request. See CDCR 1824 log #:
- ☐ Other:

RAP is able to render a final decision on the following:

Response:

Direction if dissatisfied: If you disagree with this decision and want to file an appeal, be sure to attach a copy of this response along with your CDCR 1824 as supporting documents.

R. Din
ADA Coordinator/Designee

Signature

Date sent to inmate: DEC 17 2016

ATTENTION: EFFECTIVE COMMUNICATION

Name: CDC # HOUSING: APPEAL LOG #: **RJD-B-16-4756**

RAP 12/23/2016

The above-named inmate requires Effective Communication. Please ensure Effective Communication is achieved in communicating the response of the attached CDC 602 Inmate Appeal to the inmate. Please indicate the specific type of Effective Communication used by checking the applicable box(es) below:

TABE: 0.0, SLI Required

VERBAL

- ☐ Used simple English
- ☑ Spoke slowly to inmate
- ☐ Used American Sign Language interpreter
- ☐ Other_____

READING

- ☐ I read response to inmate
- ☐ Asked if assistance with reading is needed
- ☑ Used written communication
- ☐ Provided a magnifier

Notes/explanation: Wrote Information on a piece of paper, he responded back in writing

DETERMINATION THAT COMMUNICATION WAS EFFECTIVE:

1) Were questions asked of inmate in order to ascertain his understanding of information being communicated?

☑ YES ☐ NO

2) Did inmate respond in an appropriate manner to questions or comments regarding the documentation being presented?

☑ YES ☐ NO

Please sign and return *this* form to the *Appeals Office* upon completion.

A Gloz
A R Gonzalez
Correctional Sergeant
Staff Signature/Classification

12/29/16
Date

ATTENTION: EFFECTIVE COMMUNICATION

Name:_ CDC #_ HOUSING: _ APPEAL LOG #: **RJD-B-16-4756**
RAP 11/23/2016 B

The above-named inmate requires Effective Communication. Please ensure Effective Communication is achieved in communicating the response of the attached CDC 602 Inmate Appeal to the inmate. Please indicate the specific type of Effective Communication used by checking the applicable box(es) below:
TABE: 0.0, SLI Required

VERBAL

- [x] Used simple English
- [x] Spoke slowly to inmate
- [ ] Used American Sign Language interpreter
- [ ] Other_____

READING

- [ ] I read response to inmate
- [ ] Asked if assistance with reading is needed
- [x] Used written communication
- [ ] Provided a magnifier

Notes/explanation: Wrote down the Information, utilizing simple english

DETERMINATION THAT COMMUNICATION WAS EFFECTIVE:

1) Were questions asked of inmate in order to ascertain his understanding of information being communicated?

   [x] YES [ ] NO

2) Did inmate respond in an appropriate manner to questions or comments regarding the documentation being presented?

   [x] YES [ ] NO

Please sign and return *this* form to the *Appeals Office* upon completion.

A Gloz
Sgt A R Gonzalez
Staff Signature/Classification

12/22/16
Date

RAP 11/23/2016

State of California
REASONABLE ACCOMMODATION REQUEST
CDCR 1824 (rev:)

Department of Corrections and Rehabilitation

INSTITUTION (staff use only):	EC?	LOG NUMBER (staff use only):
RSACF	(Y) N	RSA-B-16-4756

Date Received by Staff (staff use only): NOV 21 2016

***** TALK TO STAFF IF YOU HAVE AN EMERGENCY *****

Do not use a CDCR 1824 to request health care or to appeal a health care decision. This may delay your access to health care. Instead, submit a CDCR 7362 or a CDCR 602-HC.

INMATE'S NAME (Print)	CDCR NUMBER	ASSIGNMENT	HOUSING
		kitchen worker	

INSTRUCTIONS

- You may use this form if you have a physical or mental disability or if you believe you have a physical or mental disability.
- You may use this form to request a specific reasonable accommodation which, if approved, will enable you to access and/or participate in a program, service, or activity. You may also use this form to submit an allegation of disability-based discrimination.
- Submit this form to the Custody Appeals Office.
- The 1824 process is intended for an individual's accommodation request. Each individual's request requires a case-by-case review.
- The CDCR 1824 is a request process, not an appeal process. All CDCR 1824 requests will receive a response.
- If you have received an 1824 decision that you disagree with, you may submit an appeal (CDCR 602, or 602-HC if you are disagreeing with a medical diagnosis/treatment decision).

WHAT CAN'T YOU DO / WHAT IS THE PROBLEM: THERE IS NO Accommodation of ASL interpreter for me that I can go to the program of AA/NA class.

WHY CAN'T YOU DO IT: Cause I did asked staff about it and they kept say Later

WHAT DO YOU NEED: Can you please help me out by calling ASL interpreter Contract to Make an appointment for AA/NA Class every Monday evening. So you can contact to freelance ASL So please do respectfully thank you.

(use the back of this form if you need more space)

Which of the following best describes your disability that caused you to file this request:

☐ Difficulty walking or getting around ☐ Difficulty seeing ☒ Difficulty hearing ☒ Difficulty talking ☐ On kidney dialysis
☐ Difficulty arms/hands ☐ Difficulty learning ☐ Difficulty thinking or understanding ☐ Mental impairment
☐ Other Disability (briefly describe): _____

DO YOU HAVE ANY DOCUMENTS THAT DESCRIBE YOUR DISABILITY? Yes ☒ No ☐ Not Sure ☐

(List and attach documents if available, including: 1845, 7410, 128-C): ALL

I understand staff have a right to interview or examine me, and my failure to cooperate may cause this request to be disapproved.

_____ 11-17-16
INMATE'S SIGNATURE DATE SIGNED

Assistance completing this form provided by: _____ _____ _____
Last Name First Name Signature

RAP 11/23/2016

Interim Accommodation Procedure (IAP) Worksheet

DRAFT

Upon receipt of a CDCR 1824, the Institution Appeals Coordinator (IAC) shall complete Step 1 below within 1 working day.

Inmate: _____ CDCR #: _____ CDCR 1824 Log #: RJD-B-16-4756

STEP 1 INTERIM ACCOMMODATION ASSESSMENT Date CDCR 1824 received by IAC: 11 / 21 / 2016

Does the inmate raise issues on the CDCR 1824 that may cause the **inmate injury or other serious harm** while it is being processed? **Base your assessment solely on the inmate's claim, assuming the claim is true.**

☐ **Yes / Unsure** (Complete Steps 2 & 3) ☑ No (None of the issues below are present) [Note: IAC may still obtain information for RAP by completing Step 2]

Issues that may cause the **inmate injury or other serious harm** include, but are not limited to:

- Falling or the potential for falling.
- Cannot safely access upper bunk.
- Workplace safety concerns.
- Inability to perform essential manual tasks (e.g., access dining hall, carry food tray, shower, use toilet).
- Maintenance, repair, or replacement of health care appliances which involve safety concerns.
- Cannot safely navigate stairs.
- Seizure disorder and is assigned an upper bunk.
- Hearing or vision claims that may jeopardize safety.

B. Self	CCII	[signature]	11 / 21 / 2016
Person Completing Step 1	Title	Signature	Date Completed

STEP 2 CDCR 1824 REQUEST FOR INFORMATION ***Note: Be sure to complete Step 3 when Step 1 was "Yes/Unsure"***

Date assigned: ____ / ____ / ____ Due back to IAC: ____ / ____ / ____ Returned to IAC: ____ / ____ / ____

Assigned to: _____ Title: _____

Information needed: _____

Note 1: Attach a DECS printout listing inmate's current status (including DPP codes, DDP codes, TABE score, etc.)
Note 2: IAC and/or RAP may assign to self and obtain information either telephonically or in person.

Inmate Interview Date/Time: _____ **Location:** _____

Interviewer notes: _____

Staff Interviewed: _____ Title: _____ Interview date: ____ / ____ / ____

Interviewer Notes: _____

Staff Interviewed: _____ Title: _____ Interview date: ____ / ____ / ____

Interviewer Notes: _____

Notes: _____

B. Self	CCII	[signature]	11 / 21 / 2016
Interviewer (Print Name)	Title	Signature	Date Completed

RAP 11/23/2016

IAP Worksheet

DRAFT

Inmate: _____ CDCR #: _____ CDCR 1824 Log #: RJD-B-16-4756

Step 3: DECISION REGARDING WHETHER AN INTERIM ACCOMMODATION IS NECESSARY (See Note below)

☑ An Interim Accommodation **IS NOT required**.

Reason: No foreseen serious or irreparable harm while processing this request. Inmate is requesting SLI for AA/NA (self-help) groups.

☐ An Interim Accommodation **IS required**.

Reason: _____

Accommodation(s) provided: **Date provided:**

_____ ____/____/____

_____ ____/____/____

_____ ____/____/____

Comments: _____

B. Self	CCII		11 / 21 / 2016
Person Completing Step 3	Title	Signature	Date Completed

Note: When information is unable to prove or disprove a claim, consider an interim accommodation as a precautionary measure.

IAP processing instructions for the Appeals Coordinator

- Step 1 must always be completed prior to the initial RAP.
- If Step 1 is "Yes/Unsure," proceed to Steps 2 and 3. Step 2 provides information about whether or not an interim accommodation. Step 3 documents the decision. When the IAC is not able to complete steps 2 & 3 prior to the RAP (e.g, the request was received the day before the RAP) steps 2 and 3 may be completed during the RAP or shortly thereafter. Under no circumstances shall a decision regarding the need for an IAP exceed 5 working days.
- Consult with the ADA Coordinator when unsure which box to check in Step 1.
- Step 2 may be completed even if Step 1 is marked "No." This is normally done when issued raised by the inmate are unclear, or when information is readily available that will assist the RAP in reaching a decision they might otherwise have to postpone to gather the information.
- Maintain ongoing communication with the ADA Coordinator regarding the interim accommodation process.

Step 2 Interviewer Instructions

- Your task is to obtain additional information that will assist the Reasonable Accommodation Panel (RAP) better understand issues raised by an inmate on a CDCR 1824, Reasonable Accommodation Request Form.
- Take a moment to read the CDCR 1824 and then review the information being requested in Step 2. If you need clarification, contact the Appeals Office or the ADA Coordinator.
- You may need to interview the inmate who filed the CDCR 1824 and/or staff who may have knowledge about the inmate's ability to access programs, services, or activities.
- Inmates often have difficulty expressing themselves in writing. Your interview notes should try to clarify the inmate's access or discrimination issue. Your notes should also clarify what the inmate is requesting as an accommodation.
- Reminder. Be sure to return this form to the Inmate Appeals Coordinator by the due date listed in Step 2.

IAP Worksheet editable - rev 10-27-15.vsd

DRAFT

Interim Accommodation Procedure (IAP) Worksheet

Upon receipt of a CDCR 1824, the Institution Appeals Coordinator (IAC) shall complete Step 1 below within 1 working day.

Inmate: _____ CDCR #: _____ CDCR 1824 Log #: 16-4756

STEP 1 INTERIM ACCOMMODATION ASSESSMENT Date CDCR 1824 received by IAC: ____/____/____

Does the inmate raise issues on the CDCR 1824 that may cause the **inmate injury or other serious harm** while it is being processed? **Base your assessment solely on the inmate's claim, assuming the claim is true.**

☐ **Yes / Unsure** (Complete Steps 2 & 3) ☐ **No** (None of the issues below are present) [Note: IAC may still obtain information for RAP by completing Step 2]

Issues that may cause the **inmate injury or other serious harm** include, but are not limited to:

- Falling or the potential for falling.
- Cannot safely access upper bunk.
- Workplace safety concerns.
- Inability to perform essential manual tasks (e.g., access dining hall, carry food tray, shower, use toilet).
- Maintenance, repair, or replacement of health care appliances which involve safety concerns.
- Cannot safely navigate stairs.
- Seizure disorder and assigned an upper bunk.
- Hearing or vision claims that may jeopardize safety.

Person Completing Step 1	Title	Signature	Date Completed
			____/____/____

STEP 2 CDCR 1824 REQUEST FOR INFORMATION ***Note: Be sure to complete Step 3 when Step 1 was "Yes/Unsure"***

Date assigned: 11 / 23 / 16 Due back to IAC: ___ / 8 / 16 Returned to IAC: ____/____/____

Assigned to: R. Brown Title: Community Resource Manager

Information needed: INMATES REQUESTING ASL INTERPRETER FOR AA/NA CLASSES HELD IN EVENING

Note 1: Attach a DECS printout listing inmate's current status (including DPP codes, DDP codes, TABE score, etc.)
Note 2: IAC and/or RAP may assign to self and obtain information either telephonically or in person.

Inmate Interview Date/Time: 12/5/16 0830-1000 **Location:** Fac B H/U-10

Interviewer notes: Requesting a contract SLI for self-help - AA/NA

Staff Interviewed: _____ Title: _____ Interview date: ____/____/____

Interviewer Notes: _____

Staff Interviewed: _____ Title: _____ Interview date: ____/____/____

Interviewer Notes: _____

Notes: The institution will work to provide SLI services starting 12/12/16

R Brown	CRM		12/8/16
Interviewer (Print Name)	**Title**	**Signature**	**Date Completed**

Name: CDC #:

MSSS015B

Medical Classification Chrono

Monday November 21, 2016 10:39:43 AM

Prepared Date: 10/29/2016

Duration: Permanent

Expires On:

Institution Name: RJ Donovan Correctional Facility

Provider Name: Not Available

Provider Title: NA

Medical Health Factors

Level of Care: OP

Proximity to Consult: Frequent Basic Consultation

Functional Capacity: Limited Duty

Medical Risk: High Risk

Nursing Care Acuity: Uncomplicated Nursing

Classification Factors

- ☐ Temporary Medical Hold
- ☐ Temporary Medical Isolation
- ☐ Long Term Stay
- ☐ Override

Specialized Services

- ☐ Clinical Category 1
- ☐ Clinical Category 2
- ☐ Pregnancy Program
- ☐ Transplant Center
- ☐ Hemodialysis
- ☐ Dementia
- ☐ Therapeutic Diet
- ☐ Respiratory Isolation
- ☐ Speech/Occupational Therapy
- ☐ Physical Therapy
- ☐ Durable Medical Equipment
- ☐ Transgender

Institutional-Environmental

- ☐ Restricted - Altitude
- ☑ Restricted - Cocci Area 1
- ☑ Restricted - Cocci Area 2
- ☐ Requires Medical Transport
- ☐ Requires Electrical Access
- ☐ Requires Adaptive Equipment
- ☐ Restricted - No Stairs
- ☑ See CDCR 1845 and 7410

Comments (Non-Confidential)

profound hearing deficit with sign language use unable to speak. Needs Sign language interpreter. Created by system to synchronize the cocci area restrictions and/or risk classification between QM registry and eMCC Created by system to synchronize the cocci area restrictions and/or risk classification between QM registry and eMCC Created by system to synchronize the cocci area restrictions and/or risk classification between QM registry and eMCC Created by system to synchronize the cocci area restrictions and/or risk classification between QM registry and eMCC Created by system to synchronize the cocci area restrictions and/or risk classification between QM registry and eMCC

Prior Page

Name: CDC #:

CHSS035C **DPP Disability/Accommodation Summary** Monday November 21, 2016 10:

As of: 11/21/2016

OFFENDER/PLACEMENT

CDC#:
Name:
Facility: RJD-Facility B
Housing Area/Bed:
Placement Score: 21
Custody Designation: Medium (A)
Housing Program: Sensitive Needs Yard
Housing Restrictions: Ground Floor-No Stairs
Lower/Bottom Bunk Only
Physical Limitations to Inmate Attendant/Assistant
Job/Other: No Rooftop Work
Permanent - 12/31/9999

DISABILITY ASSISTANCE

DDP Code: NCF
DDP Adaptive Support Needs: None
DDP Effective Date: 07/20/2016
DPP Codes: DPH, DPS
DPP Determination Date: 08/01/2016
MHSDS Code: GP
SLI Required: Yes
Interview Date: 08/02/2016
Primary Method: American Sign Language
Alternate Method: Written Notes
Learning Disability:
Initial TABE Score:
Initial TABE Date:
Durable Medical Equipment: Hearing Impaired Disability Vest
Spoken Language:

IMPORTANT DATES

Date Received: 07/19/2016
Last Returned Date:
Release Date: 10/03/2021
Release Type: Earliest Possible Release Date

WORK/VOCATION/PIA

Privilege Group: A
Work Group: A1
AM Job Start Date: 11/03/2016
Status: Full Time
Position #: DRW.002.014
Position Title: FB DINING ROOM WORKER
Regular Days On: Monday through Friday (06:00:00 - 11:15:00)
Monday through Friday (15:00:00 - 17:45:00)

Version 4.5.1

Release Note

Summary Bed Inventory ADA/EC History

Generate Reports / Get Help / Report a Problem Log Ou

CDC # : Search CDC Number:

Summary

Offender/Placement

CDC #:	
Name:	
Institution:	Richard J. Donovan Correctional Facility
Bed Code:	
Placement Score:	21
Custody Level:	Medium A
Housing Pgm:	SNY - Sens Needs Yd
Housing Restrictions:	Ground Floor-No Stairs, Lower/Bottom Bunk Only
Physical Limitations to Job/Other:	Inmate Attendant/Assistant, No Rooftop Work, PERMANENT 12-31-9999 Months

Disability/Assistance

DDP Code:	NCF
Effective Date:	07/20/2016
DPP Codes:	DPH, DPS [History]
1845 Date:	08/01/2016
MHSDS Code:	
SLI:	Yes
Primary Method:	American Sign Language
Alternate Method:	Written Notes
Learning Disability:	
TABE Score:	
TABE Date:	
Durable Medical Equipment:	Hearing Impaired Disability Vest [Info]
Last Accomm:	
Spoken Languages:	

Important Dates

Pending Revocation:	No
Revocation Date:	
Date Received in CDCR:	07/19/2016
Last Return Date:	
Extended Stay Date:	10/17/2016
Extended Stay Privileges?	
Release Date:	10/03/2021
120 Day Date:	06/05/2021
Next IDST Date:	

Work/Vocation/PIA

1

Group Priv:	A
Group Work:	A1
Start Date:	11/02/2016
Status:	Fulltime
Job Position:	DRW.002.014
Job Title:	FB DINING ROOM WORKER
IWTIP Code:	S
IWTIP Description:	Support Services
Regular Day Off:	SU, S
Work Hours:	0600-1115, 1500-1745

Accommodation History

No Accommodation Records Found.

Exhibit 4

DRAFT

REASONABLE ACCOMMODATION PANEL (RAP) RESPONSE

RAP Meeting Date: 1/12/2017 Date IAC Received 1824: 1/6/2017 1824 Log Number: 17-0066

Inmate's Name: CDCR #: Housing: (PB)

RAP Staff Present: R. Din (ADA Coord), B. Self (IAC), R. Barenchi (PSA), W. Tucker (HCCA), A. Busalacchi (P.A.), S. Zudiker (Ch. Psych), D. Brubaker (AGPA), M. Rourke (SSA), A. Mondet (SA), H. Strohminger (AGPA).

Summary of Inmate's 1824 Request: You are requesting to be placed in ABE-III and have a Video Relay Interpreter (VRI) at the classroom. To attend AA/NA groups, AVP and etc.

Interim Accommodation:

☒ No interim accommodation required.

FINAL RESPONSE:

RAP is able to render a final decision on the following:

Response: You submitted a CDCR-1824 Reasonable Accommodation Request received 1/6/2017, requesting to be placed in ABE-III and have a VRI at the classroom. To attend AA/NA groups, AVP and etc. For education placement, please submit Form-22 addressed to A. Mondet, Principal. Currently, Video Relay Interpreter is not available for ABE-III Facility D, however, Sign Language Interpreter (SLI) services will be provided using institution SLI or contractor services. For AA/NA participation, please submit Form-22 requesting AA/NA participation to Mr. Robert Brown, Community Resources Manager.

Direction if dissatisfied: If you disagree with this decision and want to file an appeal, be sure to attach a copy of this response along with your CDCR 1824 as supporting documents.

R. Din
ADA Coordinator/Designee

Signature

Date sent to inmate: FEB 0 2 2017

RAP 1/12/2017

State of California
REASONABLE ACCOMMODATION REQUEST
CDCR 1824 (rev: 7/2014)

Department of Corrections and Rehabilitation

INSTITUTION (staff use only):	EC? Y/N	LOG NUMBER (staff use only):
RJD LF		RJD-D-17-00166

Date Received by Staff (staff use only): JAN 06 2017

*** TALK TO STAFF IF YOU HAVE AN EMERGENCY ***

Do not use a CDCR 1824 to request health care or to appeal a health care decision. This may delay your access to health care. Instead, submit a CDCR 7362 or a CDCR 602-HC.

INMATE'S NAME (Print)	CDCR NUMBER	ASSIGNMENT	HOUSING
		ABE II	

INSTRUCTIONS

- You may use this form if you have a physical or mental disability or if you believe you have a physical or mental disability.
- You may use this form to request a specific reasonable accommodation which, if approved, will enable you to access and/or participate in a program, service, or activity. You may also use this form to submit an allegation of disability-based discrimination.
- Submit this form to the Custody Appeals Office.
- The CDCR 1824 is a request process, not an appeal process. All CDCR 1824 requests will receive a response. Do not use an 1824 to request a response for a group of inmates. If you have received an 1824 decision that you disagree with, submit an appeal (CDCR 602, or 602-HC if disagreeing with a medical diagnosis/treatment decision).

WHAT CAN'T YOU DO / WHAT IS THE PROBLEM: I am supposed to move to ABE III from ABE II because I improved on my Tabe test score. Mrs. Erickson (Teacher) said there is no Video Relay Interpreter at ABE III classroom.

WHY CAN'T YOU DO IT: Mrs Erickson said, she will talk with ADA Coordinator about me. I have no power to control that. No Video Relay Interpreter at ABE III classroom.

WHAT DO YOU NEED: I would like to move to ABE III and I want to attend NA/AA Group, AVP, and etc.... I need Video Relay Interpreter for my program. Put a new Video Relay Interpreter at ABE III classroom.

(use the back of this form if you need more space)

Which of the following best describes your disability that caused you to file this request:

☐ Difficulty walking or getting around ☐ Difficulty seeing ☑ Difficulty hearing ☑ Difficulty talking ☐ On kidney dialysis
☐ Difficulty using arms/hands ☑ Difficulty learning ☑ Difficulty thinking or understanding ☐ Mental impairment
☐ Other Disability (briefly describe): _____

DO YOU HAVE ANY DOCUMENTS THAT DESCRIBE YOUR DISABILITY? Yes ☐ No ☐ Not Sure ☑

(List and attach documents if available, including: 1845, 7410, 128-C): _____

I understand staff have a right to interview or examine me, and my failure to cooperate may cause this request to be disapproved.

_____ 12-20-16
DATE SIGNED

Assistance completing this form provided by: _____ (Last Name) _____ (First Name) _____ (Signature)

☐ IAP is not required as the CDCR 1824 contains no disability access or discrimination issues. _____ (Person making determination) _____ (Title)

RAP 1/12/2017

Interim Accommodation Procedure (IAP) Worksheet DRAFT

Upon receipt of a CDCR 1824, the Institution Appeals Coordinator (IAC) shall complete Step 1 below within 1 working day.

Inmate: _____ CDCR #: _____ CDCR 1824 Log #: RJD-D-17-0066

STEP 1 INTERIM ACCOMMODATION ASSESSMENT Date CDCR 1824 received by IAC: 1 / 6 / 2017

Does the inmate raise issues on the CDCR 1824 that may cause the **inmate injury or other serious harm** while it is being processed? **Base your assessment solely on the inmate's claim, assuming the claim is true.**

☐ **Yes / Unsure** (Complete Steps 2 & 3) ☑ **No** (None of the issues below are present) [Note: IAC may still obtain information for RAP by completing Step 2]

Issues that may cause the **inmate injury or other serious harm** include, but are not limited to:

- Falling or the potential for falling.
- Cannot safely access upper bunk.
- Workplace safety concerns.
- Cannot safely navigate stairs.
- Seizure disorder and is assigned an upper bunk.
- Hearing or vision claims that may jeopardize safety.
- Inability to perform essential manual tasks (e.g., access dining hall, carry food tray, shower, use toilet).
- Maintenance, repair, or replacement of health care appliances which involve safety concerns.

B. Self	CCII		1 / 6 / 2017
Person Completing Step 1	Title	Signature	Date Completed

STEP 2 CDCR 1824 REQUEST FOR INFORMATION ***Note: Be sure to complete Step 3 when Step 1 was "Yes/Unsure"***

Date assigned: ___ / ___ / ___ Due back to IAC: ___ / ___ / ___ Returned to IAC: ___ / ___ / ___

Assigned to: _____ Title: _____

Information needed: _____

Note 1: Attach a DECS printout listing inmate's current status (including DPP codes, DDP codes, TABE score, etc.)
Note 2: IAC and/or RAP may assign to self and obtain information either telephonically or in person.

Inmate Interview Date/Time: _____ **Location:** _____

Interviewer notes: _____

Staff Interviewed: _____ Title: _____ Interview date: ___ / ___ / ___

Interviewer Notes: _____

Staff Interviewed: _____ Title: _____ Interview date: ___ / ___ / ___

Interviewer Notes: _____

Notes: _____

B. Self	CCII		1 / 6 / 2017
Interviewer (Print Name)	**Title**	**Signature**	**Date Completed**

RAP 1/12/2017

IAP Worksheet

DRAFT

Inmate: _____ CDCR #: _____ CDCR 1824 Log #: RJD-D-17-0066

Step 3: DECISION REGARDING WHETHER AN INTERIM ACCOMMODATION IS NECESSARY (See Note below)

☑ An Interim Accommodation **IS NOT required**.

Reason: No foreseen serious or irreparable harm while processing this request. Inmate is requesting to have VRI available for ABE-III, AA/NA, and AVP.

☐ An Interim Accommodation **IS required**.

Reason: _____

Accommodation(s) provided: **Date provided:**

_____ ___/___/___

_____ ___/___/___

_____ ___/___/___

Comments: _____

B. Self (Person Completing Step 3) | CCII (Title) | [signature] (Signature) | 1/6/2017 (Date Completed)

Note: When information is unable to prove or disprove a claim, consider an interim accommodation as a precautionary measure.

IAP processing instructions for the Appeals Coordinator

- Step 1 must always be completed prior to the initial RAP.
- If Step 1 is "Yes/Unsure," proceed to Steps 2 and 3. Step 2 provides information about whether or not an interim accommodation. Step 3 documents the decision. When the IAC is not able to complete steps 2 & 3 prior to the RAP (e.g, the request was received the day before the RAP) steps 2 and 3 may be completed during the RAP or shortly thereafter. Under no circumstances shall a decision regarding the need for an IAP exceed 5 working days.
- Consult with the ADA Coordinator when unsure which box to check in Step 1.
- Step 2 may be completed even if Step 1 is marked "No." This is normally done when issued raised by the inmate are unclear, or when information is readily available that will assist the RAP in reaching a decision they might otherwise have to postpone to gather the information.
- Maintain ongoing communication with the ADA Coordinator regarding the interim accommodation process.

Step 2 Interviewer Instructions

- Your task is to obtain additional information that will assist the Reasonable Accommodation Panel (RAP) better understand issues raised by an inmate on a CDCR 1824, Reasonable Accommodation Request Form.
- Take a moment to read the CDCR 1824 and then review the information being requested in Step 2. If you need clarification, contact the Appeals Office or the ADA Coordinator.
- You may need to interview the inmate who filed the CDCR 1824 and/or staff who may have knowledge about the inmate's ability to access programs, services, or activities.
- Inmates often have difficulty expressing themselves in writing. Your interview notes should try to clarify the inmate's access or discrimination issue. Your notes should also clarify what the inmate is requesting as an accommodation.
- Reminder. Be sure to return this form to the Inmate Appeals Coordinator by the due date listed in Step 2.

IAP Worksheet editable - rev 10-27-15.vsd

Name: [redacted] CDC #: [redacted]

SS015B

Medical Classification Chrono

Friday January 06, 2017 11:16:48 AM

Prepared Date: 11/14/2016 Duration: Expires on Specified Date
Expires On: 05/14/2017
Institution Name: RJ Donovan Correctional Facility
Provider Name: Guldseth, David Provider Title: Physician and Surgeon

Medical Health Factors

Level of Care: OP
Proximity to Consult: Frequent Basic Consultation
Functional Capacity: Full Duty
Medical Risk: Medium Risk
Nursing Care Acuity: Low-Intensity Nursing

Classification Factors

- [x] Temporary Medical Hold
- [ ] Temporary Medical Isolation
- [ ] Long Term Stay
- [ ] Override

Specialized Services

- [ ] Clinical Category 1
- [ ] Clinical Category 2
- [ ] Pregnancy Program
- [ ] Transplant Center
- [ ] Hemodialysis
- [ ] Dementia
- [ ] Therapeutic Diet
- [ ] Respiratory Isolation
- [ ] Speech/Occupational Therapy
- [ ] Physical Therapy
- [ ] Durable Medical Equipment
- [ ] Transgender

Institutional-Environmental

- [ ] Restricted - Altitude
- [ ] Restricted - Cocci Area 1
- [x] Restricted - Cocci Area 2
- [ ] Requires Medical Transport
- [ ] Requires Electrical Access
- [ ] Requires Adaptive Equipment
- [ ] Restricted - No Stairs
- [x] See CDCR 1845 and 7410

Comments (Non-Confidential)

Hearing Vest

Prior Page

Name: CDC #:

S035C **DPP Disability/Accommodation Summary** Friday January 06, 2017 11:16::

As of: 01/06/2017

OFFENDER/PLACEMENT

CDC#:
Name:
Facility: RJD-Facility D
Housing Area/Bed:
Placement Score: 50
Custody Designation: Close (B)
Housing Program: Sensitive Needs Yard
Housing Restrictions: Unrestricted
Physical Limitations to Job/Other:

DISABILITY ASSISTANCE

DDP Code: NCF
DDP Adaptive Support Needs: None
DDP Effective Date: 04/06/2011
DPP Codes: DPH
DPP Determination Date: 01/20/2016
MHSDS Code: GP
SLI Required: Yes
Interview Date: 06/23/2016
Primary Method: American Sign Language
Alternate Method: Written Notes
Learning Disability: Yes
Initial TABE Score: 06.2
Initial TABE Date: 06/09/2016
Durable Medical Equipment: Hearing Vest, Mobility Vest
Spoken Language:

IMPORTANT DATES

Date Received: 07/24/2006
Last Returned Date:
Release Date: 04/23/2094
Release Type: Minimum Eligible Parole Date

WORK/VOCATION/PIA

Privilege Group: A
Work Group: A1
AM Job Start Date: 08/30/2016
Status: Half-Time
Position #: A02.001.004
Position Title: FAC.D ABE II STUDENT
Regular Days On: Monday through Friday (12:00:00 - 15:00:00)

Version 4.5.1

Release Note

Summary | Bed Inventory | ADA/EC History

Generate Reports / Get Help / Report a Problem Log Ot

CDC # : Search CDC Number:

Summary

Offender/Placement

CDC #:	
Name:	
Institution:	Richard J. Donovan Correctional Facility
Bed Code:	
Placement Score:	50
Custody Level:	Close B
Housing Pgm:	SNY - Sens Needs Yd
Housing Restrictions:	Unrestricted
Physical Limitations to Job/Other:	

Disability/Assistance

DDP Code:	NCF
Effective Date:	10/06/2006
DPP Codes:	DPH [History]
1845 Date:	01/20/2016
MHSDS Code:	
SLI:	Yes
Primary Method:	American Sign Language
Alternate Method:	Written Notes
Learning Disability:	Yes
TABE Score:	6.2
TABE Date:	06/09/2016
Durable Medical Equipment:	Hearing Vest, Mobility Vest [Info]
Last Accomm:	Sign Language Interpreter
Spoken Languages:	

Important Dates

Pending Revocation:	No
Revocation Date:	
Date Received In CDCR:	07/24/2006
Last Return Date:	
Extended Stay Date:	10/22/2006
Extended Stay Privileges?	
Release Date:	12/16/2093
120 Day Date:	08/18/2093
Next IDST Date:	

Work/Vocation/PIA

1

Group Priv:	A
Group Work:	A1
Start Date:	08/29/2016
Status:	Half time
Job Position:	A02.001.004
Job Title:	FAC.D ABE II STUDENT
IWTIP Code:	A
IWTIP Description:	Academic Education
Regular Day Off:	SU, S
Work Hours:	1200-1500

Accommodation History

10/16/2012	Administrative Appeal Response	Sign Language Interpreter
05/29/2007	Administrative Appeal	Sign Language Interpreter

Exhibit 5

DRAFT

REASONABLE ACCOMMODATION PANEL (RAP) RESPONSE

RAP Meeting Date: 1/5/2017 Date IAC Received 1824: 12/30/2016 1824 Log Number: 16-5202

Inmate's Name: CDCR #: Housing: B-10-112U

RAP Staff Present: R. Din (ADA Coord), B. Self (IAC), R. Barenchi (CPS), A. Busalacchi (PA), M. Rourke (SSA), S. Zudiker (Ch. Psych), B. Millum (Teacher).

Summary of Inmate's 1824 Request: You are requesting an ASL interpreter for the weekend, Sunday morning Protestant services, 8:30-11:00 AM weekly.

Interim Accommodation:

☒ No interim accommodation required.

FINAL RESPONSE:

RAP is able to render a final decision on the following:

Response: You submitted a CDCR-1824 Reasonable Accommodation Request received 12/30/2016, requesting an ASL interpreter for the weekend, Sunday morning Protestant services, 8:30-11:00 AM weekly. Your request is denied SLI is available for Vocational Educational due process and health care contacts.

Direction if dissatisfied: If you disagree with this decision and want to file an appeal, be sure to attach a copy of this response along with your CDCR 1824 as supporting documents.

R. Din
ADA Coordinator/Designee

Signature

Date sent to inmate: JAN 25 2017

RAP 01/05/2017

State of California
Department of Corrections and Rehabilitation

REASONABLE ACCOMMODATION REQUEST
CDCR 1824 (rev: ?/2014)

INSTITUTION (staff use only):	EC?	LOG NUMBER (staff use only):
RJDCF	Y (N)	RJD-B-16-5202

Date Received by Staff (staff use only): DEC 30 2016

TALK TO STAFF IF YOU HAVE AN EMERGENCY

Do not use a CDCR 1824 to request health care or to appeal a health care decision. This may delay your access to health care. Instead, submit a CDCR 7362 or a CDCR 602-HC.

INMATE'S NAME (Print)	CDCR NUMBER	ASSIGNMENT	HOUSING
		PLUMBER	

INSTRUCTIONS

- You may use this form if you have a physical or mental disability or if you believe you have a physical or mental disability.
- You may use this form to request a specific reasonable accommodation which, if approved, will enable you to access and/or participate in a program, service, or activity. You may also use this form to submit an allegation of disability-based discrimination.
- Submit this form to the Custody Appeals Office.
- The CDCR 1824 is a request process, not an appeal process. All CDCR 1824 requests will receive a response. Do not use an 1824 to request a response for a group of inmates. If you have received an 1824 decision that you disagree with, submit an appeal (CDCR 602, or 602-HC if disagreeing with a medical diagnosis or treatment decision).

WHAT CAN'T YOU DO / WHAT IS THE PROBLEM: I can't attend regular weekend Protestant religious services. I can't understand what is being communicated due to not having a A.S.L. interpreter...I am hearing impaired.

WHY CAN'T YOU DO IT: I am deaf/hearing impaired and A.S.L. free-lance is not available for the weekends.

WHAT DO YOU NEED: I need a A.S.L. free-lance interpreter contracted for the weekend Sunday morning service 8:30 to 11:00 am **weekly**

(use the back of this form if you need more space)

DRAFT

Which of the following best describes your disability that caused you to file this request:

☐ Difficulty walking or getting around ☐ Difficulty seeing ☒ Difficulty hearing ☐ Difficulty talking ☐ On kidney dialysis
☐ Difficulty using arms/hands ☐ Difficulty learning ☐ Difficulty thinking or understanding ☐ Mental impairment
☐ Other Disability (briefly describe): _____

DO YOU HAVE ANY DOCUMENTS THAT DESCRIBE YOUR DISABILITY? Yes ☒ No ☐ Not Sure ☐

(List and attach documents if available, including: 1845, 7410, 128-C): see SOMS chrono/documentation

I understand staff have a right to interview or examine me, and my failure to cooperate may cause this request to be disapproved.

_____ 12/29/16
DATE SIGNED

Assistance completing this form provided by: _____ (Last Name) _____ (First Name) _____ (Signature)

☐ IAP is not required as the CDCR 1824 contains no disability access or discrimination issues. _____ (Person making determination) _____ (Title)

Name: CDC #:

CHSS035C **DPP Disability/Accommodation Summary** Friday December 30, 2016 07:4

As of: 12/30/2016

OFFENDER/PLACEMENT

CDC#:
Name:
Facility: RJD-Facility B
Housing Area/Bed: B 010 1/112001U
Placement Score:
Custody Designation: Medium (A)
Housing Program: Sensitive Needs Yard
Housing Restrictions:
Physical Limitations to Job/Other: May Not Work Around or Use Machinery
Permanent - 12/31/9999

DISABILITY ASSISTANCE

DDP Code: NCF
DDP Adaptive Support Needs: None
DDP Effective Date: 03/19/2015
DPP Codes: DPH
DPP Determination Date: 01/20/2016
MHSDS Code: GP(M)
SLI Required: Yes
Interview Date: 01/20/2016
Primary Method: American Sign Language
Alternate Method: Written Notes
Learning Disability:
Initial TABE Score: 05.7
Initial TABE Date: 05/20/2016
Durable Medical Equipment: Hearing Aid
Hearing Vest
Other (Include in Comments)
Spoken Language:

IMPORTANT DATES

Date Received: 02/04/2011
Last Returned Date: 03/10/2015
Release Date: 06/13/2027
Release Type: Earliest Possible Release Date

WORK/VOCATION/PIA

Privilege Group: A
Work Group: A1
AM Job Start Date: 12/25/2015
Status: Full Time
Position #: PLM.001.002
Position Title: FAC.B PLUMBER
Regular Days On: Monday through Friday (07:00:00 - 11:30:00)
Monday through Friday (12:00:00 - 15:00:00)

Name: CDC #:

MSSS015B

Medical Classification Chrono

Friday December 30, 2016 07:42:05 AM

Prepared Date: 07/03/2015 Duration: Permanent

Expires On:

Institution Name: California Substance Abuse Treatment Facility

Provider Name: Not Available Provider Title:

Medical Health Factors

Level of Care: OP
Proximity to Consult: No Particular Need
Functional Capacity: Limited Duty
Medical Risk: Medium Risk
Nursing Care Acuity: Basic Nursing

Classification Factors

- ☐ Temporary Medical Hold
- ☐ Temporary Medical Isolation
- ☐ Long Term Stay
- ☐ Override

Specialized Services

- ☐ Clinical Category 1
- ☐ Clinical Category 2
- ☐ Pregnancy Program
- ☐ Transplant Center
- ☐ Hemodialysis
- ☐ Dementia
- ☐ Therapeutic Diet
- ☐ Respiratory Isolation
- ☐ Speech/Occupational Therapy
- ☐ Physical Therapy
- ☐ Durable Medical Equipment
- ☐ Transgender

Institutional-Environmental

- ☐ Restricted - Altitude
- ☐ Restricted - Cocci Area 1
- ☑ Restricted - Cocci Area 2
- ☐ Requires Medical Transport
- ☐ Requires Electrical Access
- ☐ Requires Adaptive Equipment
- ☐ Restricted - No Stairs
- ☑ See CDCR 1845 and 7410

Comments (Non-Confidential)

Inmate uses lip reading and American sign language in addition to hearing aids to achieve effective communication. Wears hearing impairment vest Created by system to synchronize the cocci area restrictions between QM registry and eMCC Created by system to synchronize the cocci area restrictions between QM registry and eMCC

Prior Page

Version 4.5.1

Release Note

Summary Accommodations Movement Bed Inventory ADA/EC History

Generate Reports / Get Help / Report a Problem Log Ot

CDC # : Search CDC Number:

Summary

Offender/Placement

CDC #:	
Name:	
Institution:	Richard J. Donovan Correctional Facility
Bed Code:	
Placement Score:	41
Custody Level:	Medium A
Housing Pgm:	SNY - Sens Needs Yd
Housing Restrictions:	
Physical Limitations to Job/Other:	May Not Work Around or Use Machinery, PERMANENT 12-31-9999 Months

Disability/Assistance

DDP Code:	NCF
Effective Date:	03/19/2015
DPP Codes:	DPH [History]
1845 Date:	01/20/2016
MHSDS Code:	
SLI:	Yes
Primary Method:	American Sign Language
Alternate Method:	Written Notes
Learning Disability:	
TABE Score:	5.7
TABE Date:	05/20/2016
Durable Medical Equipment:	Hearing Aid, Hearing Vest, Other [Info]
Last Accomm:	Sign Language Interpreter, Read/Speak Slowly/Use Simple Language
Spoken Languages:	

Important Dates

Pending Revocation:	No
Revocation Date:	10/24/2012
Date Received In CDCR:	02/04/2011
Last Return Date:	03/10/2015
Extended Stay Date:	06/08/2015
Extended Stay Privileges?	No
Release Date:	06/13/2027
120 Day Date:	02/13/2027
Next IDST Date:	

Work/Vocation/PIA

1

Group Priv:	A
Group Work:	A1
Start Date:	12/24/2015
Status:	Fulltime
Job Position:	PLM.001.002
Job Title:	FAC.B PLUMBER
IWTIP Code:	S
IWTIP Description:	Support Services
Regular Day Off:	SU, S
Work Hours:	0700-1130, 1200-1500

Accommodation History

05/08/2015	Classification Hearing	Read/Speak Slowly/Use Simple Language, Sign Language Interpreter
05/05/2015	Notice of Classification Hearing	Read/Speak Slowly/Use Simple Language, Sign Language Interpreter
04/05/2011	Classification Hearing	Sign Language Interpreter
03/02/2011	CCI INTERVIEW	Sign Language Interpreter

RAP 01/05/2017

DRAFT

Interim Accommodation Procedure (IAP) Worksheet

Upon receipt of a CDCR 1824, the Institution Appeals Coordinator (IAC) shall complete Step 1 below within 1 working day.

Inmate: _____ CDCR #: _____ CDCR 1824 Log #: RJD-B-16-5202

STEP 1 INTERIM ACCOMMODATION ASSESSMENT Date CDCR 1824 received by IAC: 12 / 30 / 16

Does the inmate raise issues on the CDCR 1824 that may cause the **inmate injury or other serious harm** while it is being processed? **Base your assessment solely on the inmate's claim, assuming the claim is true.**

☐ **Yes / Unsure** (Complete Steps 2 & 3) ☑ **No** (None of the issues below are present) [Note: IAC may still obtain information for RAP by completing Step 2]

Issues that may cause the **inmate injury or other serious harm** include, but are not limited to:

- Falling or the potential for falling.
- Cannot safely access upper bunk.
- Workplace safety concerns.
- Inability to perform essential manual tasks (e.g., access dining hall, carry food tray, shower, use toilet).
- Maintenance, repair, or replacement of health care appliances which involve safety concerns.
- Cannot safely navigate stairs.
- Seizure disorder and is assigned an upper bunk.
- Hearing or vision claims that may jeopardize safety.

R. OLIVARRIA	CCII		12 / 30 / 16
Person Completing Step 1	Title	Signature	Date Completed

STEP 2 CDCR 1824 REQUEST FOR INFORMATION *Note: Be sure to complete Step 3 when Step 1 was "Yes/Unsure"*

Date assigned: ___/___/___ Due back to IAC: ___/___/___ Returned to IAC: ___/___/___

Assigned to: _____ Title: _____

Information needed: _____

Note 1: Attach a DECS printout listing inmate's current status (including DPP codes, DDP codes, TABE score, etc.)
Note 2: IAC and/or RAP may assign to self and obtain information either telephonically or in person.

Inmate Interview Date/Time: _____ **Location:** _____

Interviewer notes: Not interviewed.

Staff Interviewed: _____ Title: _____ Interview date: 12 / 30 / 16

Interviewer Notes: _____

Staff Interviewed: _____ Title: _____ Interview date: ___/___/___

Interviewer Notes: _____

Notes: Wants ASL interpreter available for weekly and weekend religious services.

R. OLIVARRIA	CCII		12 / 30 / 16
Interviewer (Print Name)	**Title**	**Signature**	**Date Completed**

RAP 01/05/2017

IAP Worksheet **DRAFT**

Inmate: _____ CDCR #: _____ CDCR 1824 Log #: RJD-B-16-5202

Step 3: DECISION REGARDING WHETHER AN INTERIM ACCOMMODATION IS NECESSARY (See Note below)

☑ An Interim Accommodation IS NOT required.

Reason: No potential for injury or serious harm noted.

☐ An Interim Accommodation IS required.

Reason: _____

Accommodation(s) provided: **Date provided:**

_____ ___/___/___

_____ ___/___/___

_____ ___/___/___

Comments: _____

R. OLIVARRIA (Person Completing Step 3) | CCII (Title) | _____ (Signature) | 12/30/16 (Date Completed)

Note: When information is unable to prove or disprove a claim, consider an interim accommodation as a precautionary measure.

IAP processing instructions for the Appeals Coordinator

- Step 1 must always be completed prior to the initial RAP.
- If Step 1 is "Yes/Unsure," proceed to Steps 2 and 3. Step 2 provides information about whether or not an interim accommodation. Step 3 documents the decision. When the IAC is not able to complete steps 2 & 3 prior to the RAP (e.g, the request was received the day before the RAP) steps 2 and 3 may be completed during the RAP or shortly thereafter. Under no circumstances shall a decision regarding the need for an IAP exceed 5 working days.
- Consult with the ADA Coordinator when unsure which box to check in Step 1.
- Step 2 may be completed even if Step 1 is marked "No." This is normally done when issued raised by the inmate are unclear, or when information is readily available that will assist the RAP in reaching a decision they might otherwise have to postpone to gather the information.
- Maintain ongoing communication with the ADA Coordinator regarding the interim accommodation process.

Step 2 Interviewer Instructions

- Your task is to obtain additional information that will assist the Reasonable Accommodation Panel (RAP) better understand issues raised by an inmate on a CDCR 1824, Reasonable Accommodation Request Form.
- Take a moment to read the CDCR 1824 and then review the information being requested in Step 2. If you need clarification, contact the Appeals Office or the ADA Coordinator.
- You may need to interview the inmate who filed the CDCR 1824 and/or staff who may have knowledge about the inmate's ability to access programs, services, or activities.
- Inmates often have difficulty expressing themselves in writing. Your interview notes should try to clarify the inmate's access or discrimination issue. Your notes should also clarify what the inmate is requesting as an accommodation.
- Reminder. Be sure to return this form to the Inmate Appeals Coordinator by the due date listed in Step 2.

IAP Worksheet editable - rev 10-27-15.vsd

DRAFT

REASONABLE ACCOMMODATION PANEL (RAP) RESPONSE

RAP Meeting Date: 1/5/2017 Date IAC Received 1824: 12/30/2016 1824 Log Number: 16-5203

Inmate's Name: CDCR #: Housing:

RAP Staff Present: R. Din (ADA Coord), B. Self (IAC), R. Barenchi (CPS), A. Busalacchi (PA), M. Rourke (SSA), S. Zudiker (Ch. Psych), B. Millum (Teacher).

Summary of Inmate's 1824 Request: You are requesting an ASL interpreter for the weekend, Sunday morning Protestant services, 8:30-11:00 AM weekly.

Interim Accommodation:

☒ No interim accommodation required.

FINAL RESPONSE:

RAP is able to render a final decision on the following:

Response: You submitted a CDCR-1824 Reasonable Accommodation Request received 12/30/2016, requesting an ASL interpreter for the weekend, Sunday morning Protestant services, 8:30-11:00 AM weekly. Your request is denied SLI is available for Vocational Educational due process and health care contacts.

Direction if dissatisfied: If you disagree with this decision and want to file an appeal, be sure to attach a copy of this response along with your CDCR 1824 as supporting documents.

R. Din — **ADA Coordinator/Designee**

R. Din — **Signature**

Date sent to inmate: JAN 25 2017

RAP 01/05/2017

State of California
REASONABLE ACCOMMODATION REQUEST
CDCR 1824 (rev: 7/2014)

Department of Corrections and Rehabilitation

INSTITUTION (staff use only):	EC?	LOG NUMBER (staff use only):
RJDCP	Y (N)	RJD-B-16-5203

Date Received by Staff (staff use only): DEC 30 2016

*****TALK TO STAFF IF YOU HAVE AN EMERGENCY*****

Do not use a CDCR 1824 to request health care or to appeal a health care decision. This may delay your access to health care. Instead, submit a CDCR 7362 or a CDCR 602-HC.

INMATE'S NAME (Print)	CDCR NUMBER	ASSIGNMENT	HOUSING
		IAP	

INSTRUCTIONS

- You may use this form if you have a physical or mental disability or if you believe you have a physical or mental disability.
- You may use this form to request a specific reasonable accommodation which, if approved, will enable you to access and/or participate in a program, service, or activity. You may also use this form to submit an allegation of disability-based discrimination.
- Submit this form to the Custody Appeals Office.
- The CDCR 1824 is a request process, not an appeal process. All CDCR 1824 requests will receive a response. Do not use an 1824 to request a response for a group of inmates. If you have received an 1824 decision that you disagree with, submit an appeal (CDCR 602, or 602-HC if disagreeing with a medical diagnosis or treatment decision).

WHAT CAN'T YOU DO / WHAT IS THE PROBLEM: I can't attend regular weekend Protestant religio services. I can't understand what is being communicated due to not having a A.S.L. interpreter...I am hearing impaired.

WHY CAN'T YOU DO IT: I am deaf (hearing impaired and A.S.L. free-lance is not available for the weekends.

WHAT DO YOU NEED: I need A.S.L. free-lance interpreter contracted for the weekend Sunday morning service 8:00 to 11:00 am weekly

(use the back of this form if you need more space)

Which of the following best describes your disability that caused you to file this request:

☐ Difficulty walking or getting around ☐ Difficulty seeing ☒ Difficulty hearing ☐ Difficulty talking ☐ On kidney dialysis
☐ Difficulty using arms/hands ☐ Difficulty learning ☐ Difficulty thinking or understanding ☐ Mental impairment
☐ Other Disability (briefly describe):

DO YOU HAVE ANY DOCUMENTS THAT DESCRIBE YOUR DISABILITY? Yes ☒ No ☐ Not Sure ☐
(List and attach documents if available, including: 1845, 7410, 128-C): SEE SOMS FOR CHRONO/DOCUMENTATION

I understand staff have a right to interview or examine me, and my failure to cooperate may cause this request to be disapproved.

INMATE'S SIGNATURE — DATE SIGNED: 12-29-16

Assistance completing this form provided by: Last Name / First Name / Signature

☐ IAP is not required as the CDCR 1824 contains no disability access or discrimination issues. Person making determination / Title

DRAFT

RAP 01/05/2017

DRAFT

Interim Accommodation Procedure (IAP) Worksheet

Upon receipt of a CDCR 1824, the Institution Appeals Coordinator (IAC) shall complete Step 1 below within 1 working day.

Inmate: _____ CDCR #: _____ CDCR 1824 Log #: RJD-B-16-5202

STEP 1 INTERIM ACCOMMODATION ASSESSMENT Date CDCR 1824 received by IAC: 12 / 30 / 16

Does the inmate raise issues on the CDCR 1824 that may cause the **inmate injury or other serious harm** while it is being processed? **Base your assessment solely on the inmate's claim, assuming the claim is true.**

☐ **Yes / Unsure** (Complete Steps 2 & 3) ☑ **No** (None of the issues below are present) [Note: IAC may still obtain information for RAP by completing Step 2]

Issues that may cause the **inmate injury or other serious harm** include, but are not limited to:

- Falling or the potential for falling.
- Cannot safely access upper bunk.
- Workplace safety concerns.
- Cannot safely navigate stairs.
- Seizure disorder and is assigned an upper bunk.
- Hearing or vision claims that may jeopardize safety.
- Inability to perform essential manual tasks (e.g., access dining hall, carry food tray, shower, use toilet).
- Maintenance, repair, or replacement of health care appliances which involve safety concerns.

R. OLIVARRIA	CCII		12 / 30 / 16
Person Completing Step 1	Title	Signature	Date Completed

STEP 2 CDCR 1824 REQUEST FOR INFORMATION *Note: Be sure to complete Step 3 when Step 1 was "Yes/Unsure"*

Date assigned: ___/___/___ Due back to IAC: ___/___/___ Returned to IAC: ___/___/___

Assigned to: _____ Title: _____

Information needed: _____

Note 1: Attach a DECS printout listing inmate's current status (including DPP codes, DDP codes, TABE score, etc.)
Note 2: IAC and/or RAP may assign to self and obtain information either telephonically or in person.

Inmate Interview Date/Time: _____ **Location:** _____

Interviewer notes: Not interviewed.

Staff Interviewed: _____ Title: _____ Interview date: 12 / 30 / 16

Interviewer Notes: _____

Staff Interviewed: _____ Title: _____ Interview date: ___/___/___

Interviewer Notes: _____

Notes: Wants ASL interpreter available for weekly and weekend religious services.

R. OLIVARRIA	CCII		12 / 30 / 16
Interviewer (Print Name)	**Title**	**Signature**	**Date Completed**

RAP 01/05/2017

IAP Worksheet **DRAFT**

Inmate: _____ CDCR #: _____ CDCR 1824 Log #: RJD-B-16-5202

Step 3: DECISION REGARDING WHETHER AN INTERIM ACCOMMODATION IS NECESSARY (See Note below)

☑ An Interim Accommodation **IS NOT required**.

Reason: No potential for injury or serious harm noted.

☐ An Interim Accommodation **IS required**.

Reason: _____

Accommodation(s) provided: **Date provided:**

_____ ___/___/___

_____ ___/___/___

_____ ___/___/___

Comments: _____

R. OLIVARRIA	CCII		12 / 30 / 16
Person Completing Step 3	Title	Signature	Date Completed

Note: When information is unable to prove or disprove a claim, consider an interim accommodation as a precautionary measure.

IAP processing instructions for the Appeals Coordinator

- Step 1 must always be completed prior to the initial RAP.
- If Step 1 is "Yes/Unsure," proceed to Steps 2 and 3. Step 2 provides information about whether or not an interim accommodation. Step 3 documents the decision. When the IAC is not able to complete steps 2 & 3 prior to the RAP (e.g, the request was received the day before the RAP) steps 2 and 3 may be completed during the RAP or shortly thereafter. Under no circumstances shall a decision regarding the need for an IAP exceed 5 working days.
- Consult with the ADA Coordinator when unsure which box to check in Step 1.
- Step 2 may be completed even if Step 1 is marked "No." This is normally done when issued raised by the inmate are unclear, or when information is readily available that will assist the RAP in reaching a decision they might otherwise have to postpone to gather the information.
- Maintain ongoing communication with the ADA Coordinator regarding the interim accommodation process.

Step 2 Interviewer Instructions

- Your task is to obtain additional information that will assist the Reasonable Accommodation Panel (RAP) better understand issues raised by an inmate on a CDCR 1824, Reasonable Accommodation Request Form.
- Take a moment to read the CDCR 1824 and then review the information being requested in Step 2. If you need clarification, contact the Appeals Office or the ADA Coordinator.
- You may need to interview the inmate who filed the CDCR 1824 and/or staff who may have knowledge about the inmate's ability to access programs, services, or activities.
- Inmates often have difficulty expressing themselves in writing. Your interview notes should try to clarify the inmate's access or discrimination issue. Your notes should also clarify what the inmate is requesting as an accommodation.
- Reminder. Be sure to return this form to the Inmate Appeals Coordinator by the due date listed in Step 2.

IAP Worksheet editable - rev 10-27-15.vsd

Name: CDC #:

MSSS015B

Medical Classification Chrono

Friday December 30, 2016 07:51:03 AM

Prepared Date: 10/07/2016

Duration: Permanent

Expires On:

Institution Name: North Kern State Prison

Provider Name: Banayan, Shahab

Provider Title: Physician & Surgeon

Medical Health Factors

Level of Care: OP

Proximity to Consult: Infrequent Basic Consultation

Functional Capacity: Limited Duty

Medical Risk: Medium Risk

Nursing Care Acuity: Uncomplicated Nursing

Classification Factors

- ☐ Temporary Medical Hold
- ☐ Temporary Medical Isolation
- ☐ Long Term Stay
- ☐ Override

Specialized Services

- ☐ Clinical Category 1
- ☐ Clinical Category 2
- ☐ Pregnancy Program
- ☐ Transplant Center
- ☐ Hemodialysis
- ☐ Dementia
- ☐ Therapeutic Diet
- ☐ Respiratory Isolation
- ☐ Speech/Occupational Therapy
- ☐ Physical Therapy
- ☐ Durable Medical Equipment
- ☐ Transgender

Institutional-Environmental

- ☐ Restricted - Altitude
- ☐ Restricted - Cocci Area 1
- ☑ Restricted - Cocci Area 2
- ☐ Requires Medical Transport
- ☐ Requires Electrical Access
- ☐ Requires Adaptive Equipment
- ☐ Restricted - No Stairs
- ☑ See CDCR 1845 and 7410

Comments (Non-Confidential)

DC MEDICAL HOLD. Hearing impairment vest. Uses ASL for communication

Prior Page

Name: CDC #:

CHSS035C **DPP Disability/Accommodation Summary** Friday December 30, 2016 07:5

As of: 12/30/2016

OFFENDER/PLACEMENT

CDC#:
Name:
Facility: RJD-Facility B
Housing Area/Bed:
Placement Score: 38
Custody Designation: Medium (A)
Housing Program: Sensitive Needs Yard
Housing Restrictions: Unrestricted
Physical Limitations to Job/Other:

DISABILITY ASSISTANCE

DDP Code: NCF
DDP Adaptive Support Needs: None
DDP Effective Date: 06/09/2016
DPP Codes: DPH
DPP Determination Date: 06/09/2016
MHSDS Code: GP
SLI Required: Yes
Interview Date: 06/09/2016
Primary Method: American Sign Language
Alternate Method: Reads Lips
Learning Disability:
Initial TABE Score: 06.6
Initial TABE Date: 06/13/2016
Durable Medical Equipment: Eye Glasses
Hearing Impaired Disability Vest
Shoes
Spoken Language:

IMPORTANT DATES

Date Received: 05/24/2016
Last Returned Date:
Release Date: 05/17/2024
Release Type: Earliest Possible Release Date

WORK/VOCATION/PIA

Privilege Group: A
Work Group: A1
AM Job Start Date: 12/20/2016
Status: Full Time
Position #: ACG.002.005
Position Title: FAC.B I/M ASSISTANCE PROGRAM
Regular Days On: Sun, Wed, Thu, Fri, Sat (06:30:00 - 11:00:00)
Sun, Wed, Thu, Fri, Sat (11:30:00 - 13:30:00)

Version 4.5.1

Release Note

Summary | Accommodations | Movement | Bed Inventory | ADA/EC History

Generate Reports / Get Help / Report a Problem Log Ot

CDC # : Search CDC Number:

Summary

Offender/Placement

CDC #:	
Name:	
Institution:	Richard J. Donovan Correctional Facility
Bed Code:	
Placement Score:	38
Custody Level:	Medium A
Housing Pgm:	SNY - Sens Needs Yd
Housing Restrictions:	Unrestricted
Physical Limitations to Job/Other:	

Disability/Assistance

DDP Code:	NCF
Effective Date:	06/09/2016
DPP Codes:	DPH [History]
1845 Date:	06/09/2016
MHSDS Code:	
SLI:	Yes
Primary Method:	American Sign Language
Alternate Method:	Reads Lips
Learning Disability:	
TABE Score:	6.6
TABE Date:	06/13/2016
Durable Medical Equipment:	Eye Glasses, Hearing Impaired Disability Vest, Shoes [Info]
Last Accomm:	
Spoken Languages:	

Important Dates

Pending Revocation:	No
Revocation Date:	
Date Received In CDCR:	05/25/2016
Last Return Date:	
Extended Stay Date:	08/23/2016
Extended Stay Privileges?	YES
Release Date:	05/17/2024
120 Day Date:	01/18/2024
Next IDST Date:	

Work/Vocation/PIA

1

Group Priv:	A
Group Work:	A1
Start Date:	12/19/2016
Status:	Fulltime
Job Position:	ACG.002.005
Job Title:	FAC.B I/M ASSISTANCE PROGRAM
IWTIP Code:	S
IWTIP Description:	Support Services
Regular Day Off:	M, TU
Work Hours:	0630-1100, 1130-1330

Accommodation History

No Accommodation Records Found.