

**Court Expert's Addendum to Second Report Regarding Treatment of People with
Disabilities at Substance Abuse Treatment Facility (SATF)**

Armstrong v. Newsom

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November 28, 2023

Introduction

On November 7, 2023, the Court ordered the Court Expert to file an addendum to his second Substance Abuse Treatment Facility (SATF) report to “respond to the parties’ assertions with respect to the progress, or lack thereof, that CDCR has made in curing the ADA and ARP violations found in the Court Expert’s first and second SATF reports.” Dkt. 3521 at 3. To prepare the addendum, the Court Expert and his staff reviewed the parties’ filings in response to the two SATF reports, reviewed correspondence from the parties on relevant issues, attended joint meetings concerning issues raised in the reports, and met with the parties separately to discuss their positions on CDCR’s progress. As discussed below, we conclude that several issues identified in our first and second reports remain unresolved. For that reason, we recommend the Court impose specific deadlines by which CDCR must remedy these problems.

This addendum does not address the issues of staffing of ADA-related positions or of self-monitoring of ADA compliance at SATF. The Court Expert has retained experts and begun work on those larger issues, and they will be the subject of a separate report.

I. Non-Medical Assistive Devices

In our second report regarding the treatment of people with disabilities at SATF, we found that confusion remained “regarding whose responsibility it is to obtain non-medical assistive devices for class members,” and that the lack of a clear process “appears to be a system-wide issue.” Dkt. 3500 at 14.¹ We noted that CDCR had begun to provide certain assistive devices free of charge to class members but still required class members to purchase other assistive devices themselves. *Id.* Additionally, CDCR had not responded to Plaintiffs’ request that CDCR develop a system for CDCR to purchase and track non-medical devices as reasonable accommodations, and we recommended that CDCR respond to Plaintiffs’ written request and state its position on this issue. *Id.*

In response to our second report, Plaintiffs reiterated their position that CDCR was obligated to pay for non-medical assistive devices necessary to accommodate class members and that CDCR must develop a system for tracking these items so that they are not improperly confiscated as normal property. Dkt. 3510 at 19-24. In its reply to Plaintiffs’ brief, CDCR stated that it had “submitted a change request to SOMS to create a system for tracking devices and supplies approved via the Reasonable Accommodation Panel (RAP), but not prescribed by medical providers,” but that this system change would occur “within approximately one year due to several priority change requests submitted to the SOMS team.” Dkt. 3515 at 6. In addition, CDCR said in its reply that “effective immediately statewide, when RAP approves a Reasonable Accommodation that allows access to programs, services, and activities, CDCR will incur the cost associated with the reasonable accommodation when no reasonable alternative exists, unless

¹ All page numbers for filed documents refer to the ECF rather than internal page number.

such an accommodation creates an undue burden under the ADA.” *Id.* at 7. CDCR stated it would also revise local operating procedures at institutions to comply with this new policy. *Id.*

On October 13, 2023, Plaintiffs requested that CDCR provide information regarding the new policy announced in CDCR’s reply brief, including what guidance had gone out to institutions about the new policy and how ADA staff could purchase non-medical assistive devices that were reasonable accommodations. To date, CDCR has not responded to that request and has not provided any written policy or training on how the Reasonable Accommodation Panel can order, purchase, and track non-medical assistive devices.

Following their most recent monitoring tour at SATF, Plaintiffs reported that the ADA Coordinator (ADAC) “had not received any direction to depart from existing policy that requires the person with a disability to pay for non-medical reasonable accommodations.” Ex. A at 2 (letter from Rita Lomio). Plaintiffs also reported that the SATF ADAC had not been instructed to update the local operating procedure to reflect a new policy about payment for non-medical assistive devices. *Id.*

On November 27, CDCR informed the Court Expert that there is not a policy in place regarding how ADACs can order or purchase assistive devices they deem to be reasonable accommodations, other than policies that address how to provide a few particular devices like pocket talkers or iPhones.

Regarding the tracking of assistive devices, in a meeting with CDCR on November 21, leadership demonstrated for the Court Expert that certain assistive devices had been added to the system used by staff to track an incarcerated person’s property. CDCR informed the Court Expert that this system could be used to track the number and type of assistive devices issued to class members. However, CDCR has not created a policy and training to ensure a class member can always maintain their assistive devices on their person, and that, as with DME, these assistive devices are not confiscated when a class member is disciplined.

Regarding the payment for non-medical assistive devices, CDCR informed the Court Expert of its efforts to provide certain devices free of charge to the deaf and hard-of-hearing population and to the blind and low-vision population, which we discuss below. While it is positive that particular assistive devices are being issued to class members free of charge, there is a wide variety of assistive devices a person with a disability could request from the RAP, such as the pen-holding device we discussed at length in our first report, and CDCR must develop a written policy and guidance to instruct the RAP at SATF on how they can order and pay for all non-medical assistive devices that they deem to be reasonable accommodations.

In light of these developments, the Court Expert recommends the Court order the following:

- 1) Within 60 days of the Court’s order, CDCR must provide a draft written policy to Plaintiffs and the Court Expert setting out how the RAP at SATF can order, purchase,

- and distribute non-medical assistive devices the RAP determines are reasonable accommodations. Within 14 days of receipt of the draft written policy, Plaintiffs must provide written feedback to CDCR. Within 30 days of receipt of the draft policy, the parties and the Court Expert shall meet to discuss any proposed changes to the policy. If the parties reach agreement on the policy, CDCR shall issue the final policy within 60 days of the meeting. If the Court Expert determines the parties are not able to reach agreement on the policy, the parties shall, within 30 days of the Court Expert's determination that an agreement cannot be reached, submit a joint statement to the Court setting out the disputes regarding the policy.
- 2) The draft written policy must ensure that a class member can maintain their assistive devices, and that, as with DME, these assistive devices are not improperly confiscated when a class member is disciplined. The written policy must include a system for tracking nonmedical assistive devices so that staff can identify when someone has such property.
 - 3) Within 30 days of issuance of the final policy, SATF must update its local operating procedure to reflect the new policy. CDCR must provide the Court Expert with the revised local operating procedure within 14 days of its issuance.

II. Blind and Low-Vision Accommodations

A. Assistive Devices in the SATF Libraries

In our second report, we found that SATF librarians had begun tracking whether assistive devices in the libraries were operational. Dkt. 3500 at 14-15. However, we also found that at least one of the devices at a SATF library had been non-operational for approximately seven months, apparently because the repair vendor was awaiting payment from CDCR. *Id.*

In response, Plaintiffs suggested that CDCR develop a plan to ensure library assistive devices are not out of service for such a long period of time, such as by “clarifying staff responsibilities or procuring additional devices so there is always a replacement device available.” Dkt. 3510 at 10. In a meeting with the Court Expert on November 21, CDCR stated that SATF had submitted purchasing paperwork to acquire seven new Merlin devices so that the institution maintains an extra device that can be used to replace a broken device immediately when it is sent out for repair.

In light of these developments, the Court Expert recommends that the Court order the following:

- 4) Within 60 days of the Court's order, CDCR shall confirm in writing to the Court Expert that SATF has enough Merlin devices at the facility that they can immediately replace a broken device with an extra device.

B. Access to Low-Vision Assistive Devices Beyond the Library

In our second report, we found that access to the libraries at SATF was limited due to a shortage of librarians, and we noted that “the assistive devices in the library are the only means that some class members with low vision have to read.” Dkt. 3500 at 15. We informed the Court that “[t]he question of whether that is an acceptable arrangement is the subject of another workgroup in which we are participating.” *Id.*

In response to our second report, Plaintiffs pointed out that sighted people at SATF are able to read and write in their cells at all hours of the day, and they requested the Court order CDCR to ensure that blind and low-vision class members at SATF are accommodated so they can read and write at the hours and locations that sighted people at SATF are able to. Dkt. 3510-5 at 9. In their reply, CDCR reported they were working with a vision consultant “to identify appropriate devices and determine the optimal number and location of various devices needed to accommodate class members’ independent and private reading and writing needs.” Dkt. 3515 at 8.

Since the parties submitted their responses, representatives from the parties and the Court Expert have met with CDCR’s vision consultant to discuss CDCR’s plan to accommodate low-vision and blind class members to read and write in their cells. CDCR’s vision consultant and her team will conduct individualized evaluations of all DPV class members to assess what accommodations they need. CDCR will keep several assistive devices on hand to be able to issue quickly. However, the vision consultant will not be limited to recommending those devices and will be able to recommend whatever accommodation she views to be necessary. CDCR and CCHCS informed the Court Expert that they are in contract negotiations with the vision consultant to complete the work, and the vision consultant’s team will prioritize individual assessments for SATF DPV class members once the contract is finalized.

CDCR has stated it hopes to begin individualized assessments in December. In the meantime, CDCR informed the Court Expert that it has purchased several Snow 12² portable electronic video magnifiers and intends to make those devices available for check-out in the housing units at SATF where DPV class members reside. CDCR is providing the devices for check-out as an interim accommodation until the DPV class members at SATF receive their individualized assessment and are issued whatever assistive devices the vision consultant deems necessary.

In addition to meeting with the vision consultant, the parties were negotiating a stipulation regarding accommodations for blind and low-vision individuals. The stipulation would address a number of issues related to low-vision assistive devices, such as how DPV class members will be trained to use the devices, whether DPV class members will be permitted to bring the devices with them outside of their cells, how DPV class members will have access to large desktop

² <https://www.zoomax.com/low-vision-products/12-inch-portable-video-magnifier-snow-12.html>

magnifiers not suitable to be placed in cells, and how DPV class members will be able to print materials. The prospects for reaching agreement on the stipulation are unclear, as it appears CDCR has stepped away from the stipulation process following Plaintiffs' recently filed motion regarding accommodations for blind and low-vision and for deaf and hard-of-hearing class members preparing for parole hearings. *See* Dkt. 3525.

In light of these developments, the Court Expert recommends that the Court order the following:

- 5) Within 60 days of the Court's order, CDCR must provide the Court Expert a date by which all individualized assessments of DPV class members will be complete.
- 6) Within 60 days of the Court's order, CDCR must explain in writing to the Court Expert when and how it will resolve all issues addressed in the current draft Blind/Low-Vision stipulation.

III. Deaf and Hard-of-Hearing Accommodations

A. Hearing Aids

In our second report, we noted that we continued to receive reports from class members regarding the poor quality and functionality of hearing aids. Dkt. 3500 at 13. Since that time, representatives from Plaintiffs, CDCR, and CCHCS met to discuss minimum standards for hearing aids. The parties reached agreement, and CDCR published a new request for bids for a hearing aid contract in November. The new contract will require hearing aids to be of significantly higher quality than those currently offered to class members. We understand that Defendants will select a bid winner in January and new, higher quality hearing aids should be available to class members in February 2024. We commend the parties for their work in resolving this issue.

B. Announcements

In our second report, we found that deaf and hard-of-hearing people at SATF continued not to receive announcements consistently. Dkt. 3500 at 12. Although staff are trained to deliver announcements in person or to ask an ADA worker to deliver the announcement, we found that "this system does not consistently result in [deaf and hard-of-hearing class members] getting accurate or timely announcements, either because ADA workers do not come to their cell as directed, they do not accurately communicate the announcement, or they refuse to write down the announcement for the deaf person to read." *Id.* We noted that CDCR was exploring whether announcements could be conveyed via tablet, and we recommended that CDCR both "develop methods to reliably communicate announcements to deaf and hard-of-hearing people" and "provide an update on the feasibility of using tablets to convey announcements." *Id.* at 19.

In response, Plaintiffs requested that the Court order CDCR to develop a system for communicating announcements that does not "rely on staff or ADA workers having to personally

communicate announcements to the deaf population.” Dkt. 3510-5 at 10. Plaintiffs said it is not clear that class members are permitted to carry tablets everywhere in an institution and that “Defendants must provide effective communication of announcements in all locations class members at SATF have access to, including but not limited to the yard, education building, job sites, dining halls, medical clinics, and religious and other program spaces.” *Id.* Additionally, during a recent monitoring tour of SATF, Plaintiffs’ counsel observed officers fail to ensure announcements were delivered to deaf and hard-of-hearing class members. Ex. A at 8.

Defendants responded that “use of personalized notifications is not a violation of the remedial plan and ensures class member’s notice of their appointments.” Dkt. 3515 at 11. Despite our recommendation that Defendants develop a system at SATF to audit whether officers ensure deaf and hard-of-hearing people receive announcements, to date they have not done so. In a meeting on November 27, CDCR informed the Court Expert that it intends to ask Field Training Sergeants (ADA Sergeants) to survey deaf and hard-of-hearing class members at SATF if they have been receiving announcements, and the results of those surveys will be shared with the Field Training Lieutenant and ADAC.

Defendants informed the Court they had made efforts to implement two technological solutions designed to assist with communication of some announcements to deaf and hard-of-hearing people: tablets and vibrating watches.³ *Id.* In response to our second report, Defendants also reported that “SATF received approval to make individual announcements utilizing the messaging features on the tablets” and that a new policy regarding the use of tablets to communicate announcements would be provided to Plaintiffs in draft form within two weeks. *Id.*

Defendants have not provided a draft policy regarding the use of tablets for announcements to Plaintiffs or the Court Expert, and it does not appear that SATF has begun sending announcements via tablet. However, On November 21, Defendants reported to the Court Expert that they had researched the technical feasibility of and obtained approval for the use of tablets to send housing unit announcements, such as the anticipated daily schedule and announcements regarding the availability of canteen, laundry, or yard time. Defendants stated that this change requires labor negotiations, and they hope to implement the process by February 2024. Defendants stated that tablets would not be used to convey individualized announcements, such as individual appointments at the program office or with medical staff. For such individual announcements, CDCR intends to continue to rely on officers to personally make the announcement or to use an ADA worker to do so.

³ Vibrating watches may be programmed by a class member to vibrate at particular hours of the day, so a class member could program the watch to vibrate in sync with the day’s anticipated schedule. Vibrating watches do not communicate information, like an announcement, to the class member.

Defendants also reported to the Court Expert that they had tested two vibrating watch models with class members, they were awaiting feedback from the testing, and CDCR would then purchase enough of the selected watches to provide one to every DPH class member statewide.

In light of these developments, the Court Expert recommends that the Court order the following:

- 7) Within 60 days of the Court's order, Defendants must provide to Plaintiffs and the Court Expert either: 1) a draft proposal regarding how it will audit whether officers at SATF effectively communicate announcements to deaf and hard-of-hearing people, and how it will take corrective action when officers are found to fail to communicate such announcements; or 2) a draft proposal regarding an alternative, auditable method of ensuring effective communication of announcements that does not rely on correctional staff or ADA workers to communicate announcements to deaf and hard-of-hearing people. Within 14 days of receipt of the draft proposal, Plaintiffs must provide written feedback to CDCR. Within 30 days of receipt of CDCR's proposal, the parties and the Court Expert shall meet to discuss the proposal. If the parties reach agreement regarding the proposal, then CDCR shall implement the auditing system or alternate auditable method of ensuring effective communication of announcements within 60 days of the meeting. If the Court Expert determines the parties are not able to reach agreement regarding the proposal, the parties shall, within 30 days of the Court Expert's determination that an agreement cannot be reached, submit a joint statement to the Court discussing the disputes regarding the proposal.

C. TTY/TDD and Captioned Phones

In our second report, we found that TTY/TDD phones at SATF were still not working and that staff had trained ADA workers rather than the deaf class members themselves on how to use the phones. Dkt. 3500 at 13. We also discussed the then-pending rollout of captioned phones and recommended that "CDCR provide guidance to [SATF] on how to train the deaf and hard-of-hearing population on the use of these devices." *Id.*

Defendants in response stated that they had implemented a system to test the functionality of TTY/TDD phones at SATF monthly. Dkt. 3515 at 12. CDCR also installed captioned phones and said they had notified class members via a tablet notification of the availability of the phones with "instructions on how to access the phones." *Id.* at 13.

In their response to the second report, Plaintiffs questioned whether captioned phones "will be available in sufficient locations that are accessible to people with disabilities and provide them the same privacy and convenience as hearing people" and whether class members had been adequately educated regarding captioned phones. Dkt. 3510 at 14. They requested that the Court order CDCR to ensure TTY/TDD and captioned phones are repaired within 24 hours when broken, and that CDCR provide "direct and accessible education to all class members who may

require use of the TTY/TDD and captioned phones so they know whether the devices may be helpful to them, how to request access to the devices, and how to independently operate the devices.” Dkt. 3510-5 at 10. Plaintiffs also pointed out that hearing people at SATF have access to in-cell telephone and video calls via tablets, but deaf and hard-of-hearing people do not have that access as the tablets lack captioning technology. Plaintiffs asked the Court to order CDCR to ensure “deaf and hard-of-hearing class members have sufficient access to video and non-video (i.e., voice) calls, including at the same times and in the same locations as their hearing counterparts, to comply with the ADA and ARP.” *Id.* at 10.

During their November 2023 monitoring tour at SATF, Plaintiffs observed that captioned phones were located not in the housing units but in the chapel areas, and that they had to find an FTS sergeant in order to access the phone. Ex. A at 6. Plaintiffs also found that housing staff did not know what captioned phones were or how class members could sign up to use them. *Id.* Plaintiffs also noted that training on captioned phones had been provided to Inmate Advisory Council members rather than directly to deaf and hard-of-hearing class members. *Id.* at 5.

CDCR informed the Court Expert that it will need to install new phone lines in order to place captioned phones in housing units, which will be a significant undertaking. CDCR also recognized that unlike hearing people, deaf and hard-of-hearing people do not have access to calls or video calls in their cells and may be seeking that functionality in the next contract for tablets. Defendants have informed the Court Expert that he will be invited to offer input on accessibility features that should be required in the next contract for tablets.

In light of these developments, the Court Expert recommends that the Court order the following:

- 8) Within 60 days of the Court’s order, CDCR must confirm in writing to the Court Expert that SATF has sufficient stock of TTY/TDD phones and captioned phones to replace a non-functional phone within 24 hours of it breaking.
- 9) Within 60 days of the Court’s order, Defendants must provide to Plaintiffs and the Court Expert a draft proposal regarding how and by when it will provide training directly to deaf and hard-of-hearing class members at SATF regarding how to sign up for captioned phones and how to operate captioned phones. Within 14 days of receipt of the draft proposal, Plaintiffs must provide written feedback to CDCR. Within 30 days of receipt of CDCR’s proposal, the parties and the Court Expert shall meet to discuss the proposal. If the parties reach agreement on the proposal, CDCR shall implement the proposed training within 60 days of the meeting. If the Court Expert determines the parties are not able to reach agreement on the proposal, the parties shall, within 30 days of the Court Expert’s determination that an agreement cannot be reached, submit a joint statement to the Court discussing the disputes regarding the proposal.
- 10) Within 60 days of the Court’s order, Defendants must provide to Plaintiffs and the Court Expert a draft proposal regarding how and by when it will provide training to ADA and correctional housing staff at SATF regarding how class members may sign

up for captioned phones and how to operate captioned phones. Within 14 days of receipt of the draft proposal, Plaintiffs must provide written feedback to CDCR. Within 30 days of receipt of CDCR's proposal, the parties and the Court Expert shall meet to discuss the proposal. If the parties reach agreement on the proposal, CDCR shall implement the proposed training within 60 days of the meeting. If the Court Expert determines the parties are not able to reach agreement on the proposal, the parties shall, within 30 days of the Court Expert's determination that an agreement cannot be reached, submit a joint statement to the Court discussing the disputes regarding the proposal.

- 11) Within 60 days of the Court's order, CDCR must provide the Court Expert a timeframe for installing captioned phones in the housing units at SATF.
- 12) Defendants must ensure that the Court Expert and Plaintiffs have an opportunity to offer input to Defendants about what accessibility features should be required in the next statewide contract for tablets.

D. CART

In our second report, we noted CDCR's plan to roll out CART at SATF by August 2023 for due process events. Dkt. 3500 at 13. We reported that SATF had held a town hall meeting to educate deaf class members on CART but that staff had not used CART during the town hall, despite some attendees being unable to hear the discussion or understand the sign language interpreter. *Id.* at 13-14. We also noted that CDCR planned to next rollout CART at SATF for other programs, activities, and services once it had completed connectivity testing and procured necessary equipment. *Id.* at 14. We recommended that when SATF expanded the use of CART to programming beyond due process events, it should ensure that future town halls utilized CART and ensure class members eligible to use CART were informed of how to request CART. *Id.*

Following our report, CDCR informed the Court that it had completed connectivity testing at the institutions where it would provide CART, that CDCR was testing two new devices it would need to procure to be used with CART, and that Defendants were developing training materials to ensure a smooth rollout of CART to programming beyond due process events. Dkt. 3515 at 14.

However, Defendants subsequently informed the Court Expert and Plaintiffs that they are now considering offering an alternative to CART to accommodate deaf and hard-of-hearing class members who cannot sign in programs, services, and activities. CDCR will begin using the captioning functionality on View Sonic whiteboards that are already found in classrooms at SATF. CDCR explained that the use of CART involves logistical challenges that use of the whiteboards does not. First, unlike the whiteboards, CART requires the use of a phone line, and there are many areas in which programs, services, and activities take place that do not currently have available phone lines. Second, to use CART, the institution must make an appointment 24 hours in advance, while whiteboards can be used on demand. CDCR reported that they will train

SATF's education staff on the use of the whiteboard captioning functionality in December, and they plan to offer the captioning in education classes at SATF in January.

Plaintiffs' counsel expressed concern that Defendants were abandoning plans to use CART for programs, services, and activities, and they questioned whether the whiteboard captioning could accommodate deaf and hard-of-hearing class members. Plaintiffs requested a demonstration of the technology and are preparing a letter outlining what information they need to assess whether use of the whiteboard captioning could adequately accommodate deaf and hard-of-hearing class members at SATF in programs, activities, and services beyond due process events.

In addition to relying on the captioning functionality of digital whiteboards, CDCR is providing iPhones or iPads to DPH class members who use written notes as a primary or secondary method of communication to allow those class members to use the captioning technology available on those devices. Ex. A at 9.

Plaintiffs do not believe the iPhones and iPads will be an adequate replacement for CART, though they "could be a useful tool for deaf and hard-of-hearing people's informal, one-on-one communication with other incarcerated people and help lessen their isolation." Ex. A at 9.

In light of these developments, the Court Expert recommends that the Court order the following:

- 13) Within 30 days of the Court's order, Defendants must provide Plaintiffs with a demonstration of the whiteboard captioning technology in various institutional settings. Defendants must have a subject matter expert present at the demonstration to answer Plaintiffs' questions regarding the capabilities of the whiteboards' captioning technology. The parties shall then meet and confer with the Court Expert to attempt to resolve any outstanding disputes regarding whether the whiteboard captioning technology is an adequate accommodation, and the Court Expert will report to the Court on the resolution of these issues.

IV. Healthcare Issues

A. Permanency of Positions

In our second report, we recommended that certain new healthcare positions at SATF be made permanent, because these positions had been critical in improving access for class members. Dkt. 3500 at 19. Specifically, we recommended that CNA positions, which were crucial in the operation of the brown bag delivery program of incontinence and other medical supplies, should be permanently funded. *Id.* Additionally, we recommended that the HPMIII position, which was instrumental in improving coordination between custody and healthcare as well as improved performance of the RAP, be permanently funded. We understand that since our second report, CCHCS has made the CNA positions at SATF permanent. The HPMIII continues to work at

SATF on ADA compliance issues, but CCHCS is awaiting the Court Expert's report regarding staffing to assess whether to permanently fund this position.

B. RVRs

In our second report, we discussed that CCHCS planned to make changes to SOMS so that most healthcare staff could not author RVRs. Dkt. 3500 at 16. CCHCS planned to train healthcare staff to report serious incidents (such as when they are the victim of violence or witness a crime) by authoring an incident report for their healthcare supervisor, who would then review the report and, if appropriate, send the report to custody staff. *Id.* Healthcare supervisors would also be required to send these reports to the CEO. *Id.*

Plaintiffs responded by stating that training is insufficient and that the expectations of healthcare staff must be clearly outlined in policy. Dkt. 3510 at 27.

Since then, CCHCS has informed the Court Expert that these policy changes must first be negotiated with relevant labor unions. CCHCS hopes to begin those negotiations promptly and will then issue a final policy reflecting these changes after the labor negotiation period is complete.

In light of these developments, the Court Expert recommends that the Court order the following:

- 14) CCHCS shall provide the final policy regarding RVRs to the parties and Court Expert once it is issued. Within 30 days of receiving the final policy, the parties shall meet and confer with the Court Expert regarding the adequacy of the policy. The Court Expert will report to the Court on the results of the meet and confer.

C. 7362s for DME

In our second report, we found that SATF had revised local operating procedures to clarify that any member of the patient care team, not just the provider, could evaluate whether a DME needed repair or replacement, and that this change, along with other efforts such as the wheelchair repair program, had improved DME repair and replacement. Dkt. 3500 at 10. We also noted that SATF healthcare leadership "told us they were encouraging nursing staff to treat 7362s regarding DME as 'symptomatic' so that patients with DME concerns are treated promptly," but we had not yet seen that instruction documented in LOP, memo, or training materials. *Id.* We also noted in the second report the continued issue of incarcerated people sometimes filing 1824s or additional 7362s as a result of not knowing whether their requests for medical care had been received. We continued to recommend that CCHCS "work towards devising a system for communicating with patients in response to their requests for medical care." Dkt. 3500 at 8, 19.

Since that report was issued, Plaintiffs have reported that SATF nursing staff does not treat 7362s regarding DME as symptomatic, and they have cited several examples in which 7362s were triaged as asymptomatic and repair or replacement of DME was delayed. SATF healthcare

leadership began auditing the handling of 7362s in July 2023, but it is not clear if their audit captured the discrepancies reported by Plaintiffs.

CCHCS informed the Court Expert that the HCDOM does not require 7362s regarding DME to be treated as symptomatic and CCHCS is not considering changing that policy at this time. CCHCS also informed the Court Expert that it is exploring development of an electronic system for submitting 7362s, which would provide class members with confirmation that a 7362 had been received.

In light of these developments, the Court Expert recommends that the Court order the following:

- 15) Within 60 days of the Court's order, CCHCS shall inform the Court Expert of whether an electronic system for submitting 7362s has been implemented or when it expects to implement such a system, as well as whether CCHCS will implement any interim measures to communicate with patients regarding their requests for medical care.

V. Compatible Housing

In our second report, we discussed the ongoing efforts between the parties and Court Expert to assist CDCR in devising “policies that make clear who is responsible for evaluating single-cell requests based on safety issues related to a disability, what factors they are to consider, and the process for reaching a determination.” Dkt. 3500 at 15. We noted that the parties met to discuss the issue in August and would continue to work towards resolution in a workgroup including members from CDCR, CCHCS, Plaintiffs, the Court Expert's office, and the *Coleman* Special Master's team.

Since then, the workgroup met again to continue working on the process for evaluating requests for changes to housing based on compatibility concerns. The group made significant progress and will be meeting again to finalize the process and to develop policies to guide CDCR staff in making compatible housing decisions. The Court Expert will continue to monitor this process and update the Court with developments.