

1 DONALD SPECTER – 083925
RITA K. LOMIO – 254501
2 MARGOT MENDELSON – 268583
JACOB J. HUTT – 804428 (MJP)
3 PRISON LAW OFFICE
1917 Fifth Street
4 Berkeley, California 94710-1916
Telephone: (510) 280-2621
5 Facsimile: (510) 280-2704

6 MICHAEL W. BIEN – 096891
GAY C. GRUNFELD – 121944
7 THOMAS NOLAN – 169692
PENNY GODBOLD – 226925
8 CAROLINE JACKSON – 329980
ROSEN BIEN
9 GALVAN & GRUNFELD LLP
101 Mission Street, Sixth Floor
10 San Francisco, California 94105-1738
Telephone: (415) 433-6830
11 Facsimile: (415) 433-7104

12 LINDA D. KILB – 136101
DISABILITY RIGHTS EDUCATION &
13 DEFENSE FUND, INC.
3075 Adeline Street, Suite 201
14 Berkeley, California 94703
Telephone: (510) 644-2555
15 Facsimile: (510) 841-8645

16 Attorneys for Plaintiffs

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18 UNITED STATES DISTRICT COURT
19 NORTHERN DISTRICT OF CALIFORNIA

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21 JOHN ARMSTRONG, et al.,
22 Plaintiffs,
23 v.
24 GAVIN NEWSOM, et al.,
25 Defendants.

Case No. C94 2307 CW

**DECLARATION OF MACKENZIE L.
HALTER**

Judge: Hon. Claudia Wilken

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1 I, Mackenzie L. Halter, declare:

2 1. I am an attorney duly admitted to practice before this Court. I am an
3 attorney with the Prison Law Office. I have personal knowledge of the facts set forth
4 herein, and if called as a witness, I could competently so testify.

5 Audiologist Referrals

6 2. On August 23, 2024, I reviewed CCHCS policies to determine whether there
7 are specific policies regarding referrals to audiologists related to accommodations for
8 effective communication of announcements.

9 3. First, I reviewed the CCHCS Health Care Department Operations Manual
10 (“HCDOM”) Table of Contents, available at [https://cchcs.ca.gov/wp-](https://cchcs.ca.gov/wp-content/uploads/sites/60/HC/HCDOM-Contents.pdf)
11 [content/uploads/sites/60/HC/HCDOM-Contents.pdf](https://cchcs.ca.gov/wp-content/uploads/sites/60/HC/HCDOM-Contents.pdf). None of the policies listed on the
12 HCDOM Table of Contents are obviously related to audiology referrals.

13 4. I reviewed the following specific policies that, based on their titles, appeared
14 potentially related:

15 a. HCDOM 1.2.19 Headquarters Durable Medical Equipment and
16 Medical Supply Committee and Interdisciplinary Team, available at
17 <https://cchcs.ca.gov/wp-content/uploads/sites/60/HCDOM-ch01-art2.19.pdf>.

18 b. HCDOM 2.1.2 Effective Communication Documentation, available at
19 <https://cchcs.ca.gov/wp-content/uploads/sites/60/HC/HCDOM-ch02-art1.2.pdf>.

20 c. HCDOM 3.6.1 Durable Medical Equipment and Medical Supply,
21 available at [https://cchcs.ca.gov/wp-content/uploads/sites/60/HC/HCDOM-ch03-](https://cchcs.ca.gov/wp-content/uploads/sites/60/HC/HCDOM-ch03-art6.1.pdf)
22 [art6.1.pdf](https://cchcs.ca.gov/wp-content/uploads/sites/60/HC/HCDOM-ch03-art6.1.pdf).

23 d. HCDOM 3.6.2 Comprehensive Accommodation, available at
24 <https://cchcs.ca.gov/wp-content/uploads/sites/60/HC/HCDOM-ch03-art6.2.pdf>.

25 5. None of these policies include information regarding referrals to audiologists
26 related to accommodations for effective communication of announcements. HCDOM
27 section 2.1.2(e)(2) references health care staff’s responsibility to determine whether
28 patients need any assistance devices, including hearing aids, to engage in effective

1 The bidder is disqualified if they provide any “No” answers to M requirements. (*Id.*)

2 11. Mandatory Scorable (MS) requirements must also receive a “Yes.” Bidders
3 also must provide a description of how they will meet the MS requirement, and the bid is
4 awarded points based on whether the response fully addresses the requirements. (*Id.* at 62.)

5 12. Desirable Scorable (DS) requirements are **not mandatory**. If a bidder
6 responds “Yes” to a DS requirement and provides a description of how they will meet the
7 requirement, the bid receives points based on whether the response fully addresses the
8 requirement. (*Id.*)

9 13. The Business Requirements and Technical Requirements documents are
10 spreadsheets with multiple tabs. I reviewed every tab in the Business Requirements
11 document. I reviewed the tabs titled “Tablet,” “Infrastructure,” “Network,” and “Reports” in
12 the Technical Requirements document. I also reviewed the Statement of Work, which is a
13 Word document.

14 14. I reviewed these documents to determine: (i) whether the tablets would
15 provide visual and tactile alerts; (ii) whether individual notifications could be sent via the
16 tablets; (iii) whether the RFP required that tablets could be used outside of housing units;
17 (iv) whether notifications would appear on the lock screen or appear when other
18 applications are in use; and (v) the timeline for tablet repair and replacement.

19 15. In the charts below, the “Document Title, tab/line” column describes where
20 in the documents the requirement is found. The “Req #” column lists the unique ID
21 number associated with each Requirement. The Requirement Description column includes
22 the description of the actual Requirement, quoted from the spreadsheets. The Type column
23 lists whether the requirement is Mandatory (M), Mandatory Scorable (MS), or Desirable
24 Scorable (DS).

25 16. The ability to provide visual and tactile alerts is not mandatory. The Business
26 Requirements and Technical Requirements include the following about visual and tactile
27 alerts:

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| Document Title, tab/line | Req # | Requirement Description | Type |
|-----------------------------|---------|---|------|
| Exhibit 20 Bus Reqs, ADA/40 | ADA-133 | The IC+ solution shall provide a hardware device which is capable of using visual cues or notifications such as flashing lights for incoming notifications or alarms. | DS+9 |
| Exhibit 20 Bus Reqs, ADA/41 | ADA-134 | The IC+ solution shall provide a hardware device which is capable of providing tactile feedback to the user through device vibrations for notifications. | DS+9 |

17. The ability to send individual notifications is not mandatory. The Business Requirements and Technical Requirements include the following about individual notifications:

| Document Title, tab/line | Req # | Requirement Description | Type |
|-------------------------------------|---------|---|------|
| Exhibit 20 Bus Reqs, IP Services/13 | AOS-201 | Contractor shall provide the capability to send electronic notifications and reminders to an individual or a group of incarcerated people. This includes the capability to include important announcements to incarcerated people as pop-up when they log on to the Tablet/Kiosk. CDCR decides which apps and services will display the pop-up notifications. | DS+6 |

18. Tablets are required to be functional in housing units, but they are not explicitly required to work on the yard:

| Document Title, tab/line | Req # | Requirement Description | Type |
|----------------------------------|---------|---|------|
| Exhibit 21 Tech Reqs, Network/10 | NET-106 | Contractor shall provide wireless coverage to enable IC+ services to be provided in common areas of all housing units and incarcerated people dorms at a minimum. The wireless network will be available 99.5% of the time for incarcerated people use. Contractors wireless network shall not interfere with the CDCR Network(s). In cases of overlapping channels and/or co-channel interference the contractors network shall reduce transmit power. | M |
| Exhibit 21 | NET- | Contractor shall provide the capability for the | MS+5 |

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|--------------------------------------|------------|---|--|
| <p>1 Tech Reqs, 2 Network/21</p> | <p>117</p> | <p>incarcerated people to access content and services either through downloads or streaming. The incarcerated people must be able to have access to the IC+ content/services and be able to use it at various locations in the institution. The focus is to have the incarcerated people be able to access the Wireless Network and use the Tablets in the housing units, dayrooms, dorms, libraries, visiting areas, and classrooms.</p> <p>The Contractor must provide wireless network coverage to ensure reliable connectivity to the Tablets and full functionality.</p> | |
|--------------------------------------|------------|---|--|

10 19. It is unclear whether notifications will appear on the lock screen when a
11 tablet is not in use. The Business Requirements and Technical Requirements include the
12 following about that subject:

| Document Title, tab/line | Req # | Requirement Description | Type |
|---|----------------|--|-------------|
| <p>14 Exhibit 21 15 Tech Reqs, 16 Tablet/19</p> | <p>TAB-116</p> | <p>[I]ncarcerated people facing devices must be able to display pop-up style notifications for incoming communications. CDCR decides which apps and services will display these notifications.</p> | <p>DS+8</p> |
| <p>17 Exhibit 20 Bus 18 Reqs, CDCR 19 Staff Tools & Services/14</p> | <p>MTS-109</p> | <p>The IC+ Solution shall provide functionality to send push notifications to a hardware device in order to support public service announcements from CDCR staff.</p> | <p>M</p> |

20 20. Tablets are not required to be replaced or repaired immediately: with regard
21 to repair and replacement, the Statement of Work provides, “All devices deemed beyond
22 repair and requiring replacement shall be reissued within 240 hours (10 days) of the
23 reported issue” and, “[a]ll devices deemed repairable shall be fixed and returned within 120
24 hours (five (5) days) of the reported issue.” (Statement of Work at 61.)

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I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. This declaration is executed at Berkeley, California, this 26 day of August, 2024.



Mackenzie L. Halter