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10 IN THE UNITED STATES DISTRICT COURT  
 11 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
 12 OAKLAND DIVISION

14 **JOHN ARMSTRONG, et al.,**  
 15  
 Plaintiffs,  
 16  
 v.  
 17  
 18 **EDMUND G. BROWN, JR., et. al.,**  
 19 Defendants.  
 20

Case No. C 94-2307 CW  
**DEFENDANTS' REPORT IN RESPONSE  
 TO THE COURT'S FEBRUARY 3, 2015  
 ORDER**  
 Judge: The Honorable Claudia Wilken  
 Action Filed: June 29, 1994

21 Pursuant to this Court's February 3, 2015 Order Granting Motion for Further Enforcement  
 22 (ECF 2496), Defendants submit their report for ensuring that *Armstrong* class members are not  
 23 housed in administrative segregation units (ASU) within the California Department of  
 24 Corrections and Rehabilitation (CDCR) due to a lack of accessible housing. The Court ordered  
 25 that Defendants to submit to the Court and Plaintiffs' counsel, within 30 days, a report describing  
 26 the steps Defendants have taken to comply with the Court's order.

27 On February 24, 2015, Defendants provided a draft of Defendants' proposed plan to  
 28 Plaintiffs and invited Plaintiffs to meet to discuss the policy changes. The parties, with court

1 expert Edward Swanson, met on February 25, 2015 and discussed the draft. At the meeting,  
2 Defendants invited Plaintiffs to provide comments and revisions to Defendants' proposal.  
3 Plaintiffs provided their written comments to Defendants on February 26, 2015, which were  
4 incorporated in the attached report. On March 11, 2015, Defendants provided a revised draft of  
5 the proposed plan to Plaintiffs and invited additional comments. On March 13, 2015, Plaintiffs  
6 acknowledged receipt of the revised plan and provided one additional revision, which was  
7 incorporated into the final document. Attached as Exhibit A is Defendants' plan and directive on  
8 housing *Armstrong* class members in ASU, which Defendants will distribute and implement  
9 immediately. A summary of the plan follows.

10 **I. ENHANCED COORDINATION BETWEEN THE SENDING AND RECEIVING INSTITUTIONS.**

11 When requesting transfers of *Armstrong* class members, the sending institution will  
12 coordinate with CDCR's Population Management Unit (PMU) and ensure that priority is given to  
13 moving class members as soon as appropriate housing becomes available. The sending institution  
14 will also ensure that the transportation of class members is appropriately coded so that the  
15 Statewide Transportation Unit (STU) is notified of the need for alternate means of transportation.  
16 Sending institutions will also review scheduled outbound transfers to ensure that class members  
17 receive appropriate transportation accommodations.

18 The ADA coordinator and classification staff at the receiving institution will receive  
19 advance notice of all scheduled movement of *Armstrong* class members from the PMU and STU.  
20 The receiving institution is responsible for determining whether the receiving institution has the  
21 type of housing needed by the class member. Any potential conflicts will be reported to the  
22 receiving institution's ADA coordinator who will resolve housing issues and ensure appropriate  
23 housing availability. If it is determined that the transfer may result in the class member being  
24 placed in an inappropriate bed, the inmate will not be transferred.

25 The receiving institution must also evaluate whether a class member can be housed in  
26 accessible general population housing before being placed into ASU housing. The types of  
27 alternate placement that should be considered include: housing an inmate outside the inmate's  
28 current level of custody, housing an inmate at alternate institutions via expedited transfer, and

1 using available medical beds. Before using a medical bed, approval is required from the Health  
2 Care Chief Executive Officer. And if approval is obtained, the Health Care Placement Oversight  
3 Program (HCPOP) will determine if a bed is available. If a bed is reserved for a medical patient,  
4 the bed shall not be used. But HCPOP will attempt to find alternate housing for the medical  
5 patient and if found, release the bed.

6 Sending and receiving institutions will continue to monitor proper bed management at the  
7 local level to avoid housing able-bodied inmates in lower bunk/lower tier beds or in a designated  
8 accessible cell or dorm bed at institutions housing *Armstrong* class members. Further, institutions  
9 will continue to identify and refer inmates for transfer to an appropriate level of custody, and  
10 transfer inmates once the change of custody and/or transfer is approved.

## 11 **II. RELEASES DIRECTLY FROM ASU.**

12 Once a class member is released from ASU, the inmate must be taken to accessible housing  
13 as soon as possible, but no later than midnight of the same day. If the class member is released  
14 and no accessible bed space can be located during the Classification Committee meeting,  
15 alternate housing placements should be considered, including: housing an inmate outside the  
16 inmate's current level of custody, housing an inmate at alternate institutions via expedited transfer,  
17 and using available medical beds.

## 18 **III. UNEXPECTED TRANSFERS AND DIFFICULT TO PLACE INMATES.**

19 In the event that an institution cannot avoid an *Armstrong* class member being placed in  
20 ASU due to lack of accessible bed space, the institution must always evaluate whether the class  
21 member can be housed in accessible general population housing in lieu of and before being  
22 placed into ASU housing. The types of alternate housing placements that should be considered  
23 include: housing an inmate outside the inmate's current level of custody, housing an inmate at  
24 alternate institutions via expedited transfer, and using available medical beds.

## 25 **IV. ASU LOGS AND REPORTS.**

26 In the event that a class member is housed in ASU due to lack of accessible housing,  
27 wardens must submit a log to their Associate Director and the Class Action Management Unit  
28 (CAMU) daily. The supervisor or manager documenting the ASU Placement Order (CDC114D)

1 shall clearly articulate the specific reason the class member is being housed and/or retained in  
2 ASU. A copy of this 114D shall be routed to the ADA Coordinator who is responsible for  
3 maintaining the *Armstrong* ASU Log on a daily basis. The 114D will also be forwarded to  
4 CAMU with the daily updated *Armstrong* ASU Log.

5 Separate from the ASU log, wardens must submit a report to their Associate Director and  
6 CAMU anytime that they have an *Armstrong* inmate housed in ASU due to lack of accessible  
7 housing. These reports must state why the class member was transferred to a non-  
8 accommodating institution, discuss housing alternatives that were available to the institution, and  
9 provide the duration, in hours, of the ASU placement.

10 Dated: March 16, 2015

Respectfully submitted,

11  
12 KAMALA D. HARRIS  
Attorney General of California  
13 PATRICK R. MCKINNEY  
Supervising Deputy Attorney General

14  
15 /s/ Edward R. Fluet  
EDWARD R. FLUET  
16 Deputy Attorney General  
Attorneys for Defendants

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# **EXHIBIT A**

State of California

Department of Corrections and Rehabilitation

# Memorandum

Date :

To : Associate Directors, Division of Adult Institutions  
WardensSubject: **ARMSTRONG VS. BROWN COURT ORDER REGARDING THE HOUSING OF  
ARMSTRONG INMATES IN ADMINISTRATIVE SEGREGATION**

The following directive rescinds and replaces the December 17, 2012, Memorandum entitled "OPERATIONAL PLAN FOR *ARMSTRONG* CLASS MEMBERS HOUSED IN ADMINISTRATIVE SEGREGATION".

CDCR is committed to ensuring that prisoners with disabilities are not housed in administrative segregation due to lack of accessible bed space. On February 3, 2015, the Federal Court in the *Armstrong vs. Brown* case ordered that the California Department of Corrections and Rehabilitation (CDCR) is prohibited from housing *Armstrong* class members in Administrative Segregation (ASU) due to a lack of accessible bed space. That order is attached.

This memorandum describes the steps that institutions must take to avoid placing *Armstrong* class members in segregation due to lack of accessible general population (GP) bed space. It also describes the detailed logging and reporting requirements that will apply if any institution places an *Armstrong* class member in ASU due to a lack of accessible GP bed space.

## **TRANSFER OF ARMSTRONG CLASS MEMBERS; COORDINATION FROM THE SENDING INSTITUTION**

When requesting transfers of *Armstrong* class members, the sending institution's Classification and Parole Representative (C&PR) will coordinate with the Population Management Unit (PMU). This coordination is critical to ensure *Armstrong* class members with additional complex case factors are being recommended for transfer to institutions with appropriate bed and program availability.

Every Monday, staff from the PMU and Statewide Transportation Unit (STU) shall review the Bus Schedule Requests and schedule the transfer of *Armstrong* class members in accordance with requirements below.

Listed below are the steps that will be taken to address the appropriate transfer of *Armstrong* class members:

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1. Upon the initial endorsement by the Classification Services Representative (CSR) of an *Armstrong* class member, the C&PR shall notify the PMU and STU in order to begin transportation coordination and assessment of available housing. These two actions shall constitute the initial request for transfer. Priority will be given to the movement of *Armstrong* class members as soon as appropriate housing becomes available. Special transportation may be required to coordinate with bed availability as well as special transportation needs. If the inmate is not transferred within the week, all subsequent requests will be made through the weekly bus seat request.
2. The C&PR shall ensure all requests for transfer of *Armstrong* class members are appropriately coded on each bus seat request. The DPP Code, along with the original date of the transfer request, will be provided in the comment section of the bus seat request and submitted to STU.
3. The C&PR shall ensure the institution's Automated Transfer System (ATS) identifies *Armstrong* class member DPP codes and the mode of required transport. The C&PR shall provide advanced notification to STU of any *Armstrong* class member requiring alternate means of transportation from the standardized bus transportation system. The C&PR at the sending institution shall include any alternate mode of transportation in the "comments" section of the Bus Schedule Request.
4. The C&PR at the sending institution shall forward an electronic copy of the weekly "Send/Intake Report" to their respective ADA Coordinator and CAMU CCII.
5. The CAMU CCII at the sending institution will review the scheduled outbound transfers of class members utilizing the Disability and Effective Communication System (DECS) and Strategic Offender Management System (SOMS) to identify any potential housing conflicts that may result in an inappropriate transportation accommodations.

## **COORDINATION WITHIN THE RECEIVING INSTITUTION**

The PMU and STU will each provide advance notice of all scheduled movement of *Armstrong* class members to the receiving institution's ADA Coordinators and C&PR staff. The following steps shall be taken to address the appropriate transfer of *Armstrong* class members:

1. The receiving institution's C&PR shall forward an electronic copy of the weekly "Send/Intake Report" to the ADA Coordinator and CAMU CCII of all expected arrivals.
2. The CAMU CCII will review the scheduled intake of class members utilizing the DECS and SOMS to determine whether the receiving institution has sufficient space available in the type of housing the class member needs, and to identify any potential housing conflicts that may result in an inappropriate bed placement.

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3. The CAMU CCII will report any potential conflicts, including if there is not sufficient accessible GP housing available, to their ADA Coordinator who will act to resolve housing issues and ensure appropriate housing is available for the *Armstrong* class member.
4. If a resolution cannot be identified at the receiving institution, and if the receiving institution does not have sufficient space available in type of housing the class member needs, then the ADA Coordinator will case conference the matter with PMU.
5. If it is determined that no reasonable resolution exists and the transfer may result in the *Armstrong* class member being placed in an inappropriate bed, the inmate will not be transferred.

If the Receiving institution nonetheless receives an inmate with a disability for whom there is no accessible housing available, the receiving institution must evaluate whether the class member can be housed in accessible GP housing in lieu of and *before* being placed into ASU housing. First, the receiving institution must determine whether an appropriate accessible bed can be made available through bed compaction. If that fails, the receiving institution must then determine whether the class member can be housed in an accessible bed in another unit, even if that unit is out of level. If that fails, the receiving institution must determine whether the inmate can be housed in an accessible medical bed. Prior to the use of a medical bed, approval is required from the Health Care Chief Executive Officer (CEO). If CEO approval is obtained, contact with the Health Care Placement Oversight Program (HCPOP) is required to determine if the bed is available or if it has been reserved for a medical patient. If reserved for a medical patient, the bed shall not be used. HCPOP will attempt to find alternate housing for the medical patient and if found, release the bed. Finally, the receiving institution must determine whether the inmate can be appropriately housed at an alternate institution via expedited transfer. These alternatives will require appropriate notifications (Warden or Designee, CEO or Designee, Associate Director or Departmental Administrative Officer of the Day (AOD), etc.) and authorization prior to utilization.

## **CLASSIFICATION COMMITTEES**

Classification Committees shall identify any special transportation needs for *Armstrong* class members by reviewing the inmate's most current Comprehensive Accommodation Chrono (CDCR 7410). Any identified special transportation needs (including walkers and wheelchairs) shall be specifically included in the comments section of the Classification Chrono (CDCR 128-G) in SOMS.

## **RELEASES DIRECTLY FROM ASU**

Once an *Armstrong* class member is released from ASU by a Classification Committee or during the CDCR Order and Hearing for Placement in Segregated Housing management review (CDCR 114D), the inmate must be processed and escorted to accessible housing as soon as possible, but no later than midnight of the same day. If the class member is released and no accessible bed space can be located during committee, alternate housing placements



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should be considered, including: housing an inmate out of level, using available medical beds, and housing an inmate at alternate institutions via expedited transfer. These alternatives will require appropriate notifications (Warden or Designee, CEO or Designee, Associate Director or Departmental AOD, etc.) and authorization prior to utilization.

If an *Armstrong* class member is released from ASU during the CDCR 114D process or during a Classification Committee action and is retained past midnight of the same day due to the lack of an accessible bed, he/she will be issued a new CDCR 114D identifying the current reason for his/her housing in ASU and he/she will be reported in the *Armstrong* ASU Log and ASU Report that is sent to your Associate Director and CAMU. The ASU Log and ASU Report must include all the information mandated above and document the hours the inmate was held in ASU commencing with the time the Classification Committee Order or CDC 114D release order was signed.

### **DAILY BED COMPACTION**

Proper bed management at the local level is critical to comply with this order. This includes ASU bed management as well as GP bed management.

Daily Bed Compaction is essential to general prison operational management. While maintaining empty ASU beds is important, it is equally important to avoid routinely housing able bodied inmates in Lower Bunk/Lower Tier (LB/LT) beds or in designated accessible cells or dorm beds at institutions where the housing of *Armstrong* class members is problematic.

Sound bed management practices also include a timely Classification process at your institution. Institutions must be proactive in actively identifying and referring inmates for transfer to an appropriate lower or higher level of custody, as well as proactively moving or scheduling to move an inmate once the change of custody and/or transfer is approved. Statewide and individual institution population reports are available to assist in local bed management by contacting PMU or through a SOMS ad hoc request.

Institutions must utilize SOMS and DECS on a daily basis to evaluate the *Armstrong* class member population and anticipated class member housing needs. SOMS and DECS are essential resource tools to assist in identifying critical case factor needs and resolving complex housing issues. The Warden shall ensure ongoing SOMS and DECS training is provided to staff responsible for daily bed management.

### **UNEXPECTED TRANSFERS AND DIFFICULT TO PLACE INMATES**

In the event that local bed management practices cannot avoid an *Armstrong* class member being placed in ASU due to lack of accessible bed space, the institution must always evaluate whether the class member can be housed in accessible GP housing in lieu of and *before* being placed into ASU housing.

First, the receiving institution must determine whether the class member can be housed in an accessible GP bed in another unit, even if that unit is out of level. Second, the receiving

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institution must determine whether the inmate can be housed in an accessible medical bed. Third, the receiving institution must determine whether the inmate can be appropriately housed at an alternate institution via expedited transfer. These alternatives will require appropriate notifications (Warden or Designee, CEO or Designee, Associate Director or Departmental AOD, etc.) and authorization prior to utilization.

### **ARMSTRONG ASU LOG**

You must submit a log to your Associate Director and the Class Action Management Unit (CAMU) each and every day that you have an *Armstrong* inmate housed in ASU due to lack of accessible GP bed space. CAMU will provide daily oversight of the reporting process regarding *Armstrong* class members housed in ASU.

When determining whether an *Armstrong* inmate is being held due to a lack of accessible bed space, the analysis should be: would you be able to properly house the inmate on this day if he or she **did not** have an *Armstrong* disability? If the answer is yes, then you must place the inmate on the log.

The tracking log will be utilized for all *Armstrong* class members placed in ASU due to lack of accessible GP bed space, as well as those who were released from ASU by a Classification Committee and retained in ASU due to the lack of an accessible GP bed space. This *Armstrong* ASU Log will be updated and forwarded to CAMU and your designated Associate Director on a daily basis.

This log will replace the log required by the May 13, 2013, Memorandum entitled "Monthly Log of Armstrong Class Members Housed in an ASU Bed." A sample log has been attached that shows multiple entries for training and reference purposes only.

The supervisor or manager documenting the ASU Placement Order (CDC114D) shall clearly articulate the specific reason or reasons the *Armstrong* class member is being housed and/or retained in ASU. A copy of this 114D shall be routed to the ADA Coordinator who shall be responsible for the maintaining the *Armstrong* ASU Log on a daily basis. The 114D will also be forwarded to CAMU with the daily updated *Armstrong* ASU Log. This log will replace the current monthly log reporting on *Armstrong* class members housed in ASU.

### **ARMSTRONG ASU REPORT**

In addition to the *Armstrong* ASU log, you must submit a separate report to your Associate Director and CAMU for each and every day that you have an *Armstrong* inmate housed in administrative segregation due to lack of accessible GP bed space.

That report must include:

1. Why the *Armstrong* class member was sent to an institution that could not accommodate his or her disability.

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2. The status of all accessible beds at the institution (including out of level beds, and medical beds).
  - a. Prior to the use of a medical bed, approval is required from the CEO. If CEO approval is obtained, contact with HCPOP is required to determine if the bed is available or if it has been reserved for a medical patient. If reserved for a medical patient, the bed shall not be used. HCPOP will attempt to find alternate housing for the medical patient and if found, release the bed.
3. Why cell compaction was not an option.
4. All steps that were taken to find an accessible bed *before* placing the *Armstrong* class member in ASU (including in out of level beds, medical beds, and expedited transfer).
5. The duration of the ASU placement in actual hours, not business hours/days.

A sample *Armstrong* ASU report has been attached for training and reference purposes only.

If you have any questions or concerns, please contact your Associate Director or Cathy Etchebehere, Assistant Project Manager, CAMU, at 916-322-2315.

KELLY HARRINGTON  
Director (A)  
Division of Adult Institutions

#### ATTACHMENTS

Cc Deputy Directors  
Associate Directors  
ADA Coordinators  
*Armstrong* legal team  
C&PRs  
CAMU Field CCIIs

Institution: \_\_\_\_\_

Reporting Period: March 2015

1. Inmate Name and CDCR Number.	2. List Applicable Identifying Housing codes (i.e. DPM, DPW, EOP, DD2).	3. Specific Reason for ASU Placement.	4. Date and Time of ASU Placement <b>OR</b> Date and Time of Retention upon being released from ASU housing.	5. Was Institution aware of transfer prior to Inmate arrival? Reason for transfer and what arrangements were made prior to transfer.	6. Date and time of Administrative Segregation Unit Placement Order (114D) Review/ Decision.	7. ICC date, time and action taken.	8. Date and time moved from ASU to General population.	9. Total hours retained in ASU due to lack of an accessible general population bed space. (In actual hours, NOT business hours).	10. Other Comments (Additional background information, steps taken to find accessible housing, non-disciplinary factors impacting placement, etc.).	11. Date Court Mandated Memo sent to Associate Director.
Jones C12345	EOP DPM DD2 SNY DPH LVL III	Not able to confirm if new case factors exist upon returning from OTC.	1-15-15 1405 hrs.	No, Inmate returned from county, OTC. County did not advise of returning inmate in advance.	1-16-15 at 0900 hrs. Retained. Unsure if change in case factors.	1-17-15 1300 hrs. Release to Facility A.	1-17-15 1345 hrs.	1 hrs.	Inmate out-to-court San Diego County since 11-1-2014. ICC confirmed no status change in inmate case factors upon returning from court. Released to Facility A, 1-17-15, 1300 hours.	N/A
Lima D54321	CCCMS SNY DPW LVL III	No DPW cell available in Level III SNY housing.	1-8-15 at 1100 hrs. Retained due to lack of an accessible general population bed space. No DPW cell available.	N/A	N/A	ICC 1-8-15 at 1100 hrs. DA declined to prosecute / CDCR 115 dismissed. Inmate released to Facility B.	1-10-15 1040 hrs.	48 hrs.	Retained pending Disciplinary process / DA referral. 12-31-14 DA declined to prosecute. 1-2-15 CDO dismissed CDCR 115. 1-8-15 ICC released to facility B at 1100 hrs. Inmate not released due to lack of accessible bed space. Bed compaction/ transfers required to create accessible housing. Inmate moved to facility B on 1-10-15 at 1040 hrs.	1-11-15
Espinoza E56789	EOP DPM LVL IV	No accessible EOP housing available.	1-30-15 at 1800 hrs.	Yes, accessible beds available when transfer planned. Several DPP inmates at institution changed from CCCMS to EOP prior to transfer, taking available accessible beds.	2-2-15 at 1015 hrs.  Release Facility B EOP	N/A	2-8-15 at 0935 hrs.	6 days	Inmate placed in ASU due to lack of accessible EOP housing on 1-31-15. Administrative review on 2-2-15 released inmate from ASU pending available accessible EOP housing. Inmate moved from ASU 2-8-15 .	2-12-15
Lara D31050	DPM NCF CCCMS SNY LVL III	Safety Concerns.	1-15-15 at 1845 hrs.	N/A	1-16-15 at 1345 hrs. Retained pending investigation of safety concerns.	1-23-15 at 1220 hrs. ICC release to facility B, enemy noted on Facility C.	1-23-15 at 1500 hrs.	N/A	Inmate initially placed into ASU 1-15-15 due to self-claimed safety concerns for gambling debt. 1-23-15 ICC elects to release to Facility B, noting enemy on Facility C.	N/A

**Armstrong Class Members in ASU Due to Lack of General Population Accessible Bed Space**

**Institution:** \_\_\_\_\_

**Reporting Period: March 2015**

Lloyd D31050	DPM NCF CCCMS SNY LVL III	No available LB/LT bed in SNY units at any level.	1-23-15 at 1220 hrs. Retained due to no available accessible bed.	N/A	1-24-15 at 1300 hrs. Release to facility B.	N/A	1-26-15 at 1230 hrs.	48 hrs.	Inmate released from ASU on 1-24-15, retained in ASU due to no accessible bed available. Inmates transferred from institution 1-26-15 to create available accessible housing.	1-27-15
Mc Carter AE5462	DPM CCCMS SNY LVL IV	No available LB/LT bed in SNY units at any level.	1-19-15 at 1105 hrs.	No, returned from long term outside hospital stay.	1-20-15 at 1315 hrs. Release to Facility B.	N/A	N/A	N/A.	1-20-15, 1855 hrs. Inmate involved in cell fight while in ASU and retained in ASU.	N/A

State of California

Department of Corrections and Rehabilitation

# Memorandum

Date :

To : Associate Director, Division of Adult Institutions

Subject: **PLACEMENT OF *ARMSTRONG* vs. *BROWN* CLASS MEMBER IN ADMINISTRATIVE SEGREGATION UNIT IN VIOLATION OF COURT ORDER**

On February 3, 2015, a court order was issued in the *Armstrong* vs. Brown class action lawsuit prohibiting the placement of *Armstrong* class members in Administrative Segregation Units (ASU) due to a lack of accessible bed space. The court further ordered that if any institution does place an *Armstrong* class member in an ASU for any period of time due to a lack of accessible bed space, that institution must fully document its reasons for doing so and the amount of time the class member spent in ASU in actual hours.

On April 3, 2015, at approximately 4:00 PM, inmate Smith C98976, an *Armstrong* Class Member with a designation of DPM, who is also a Level III Sensitive Needs Yard (SNY) inmate requiring a Lower Bunk/Lower Tier (LB/LT) bed, was housed in ASU due to a lack of accessible General Population (GP) bed space. An accessible GP bed was later made available on April 4, 2015 and the inmate was moved out of ASU at approximately 3:00 PM the same day. The following is to maintain compliance with the court order:

**Why was this inmate transported to this institution if we could not accommodate the inmate's disability?**

- This inmate was noted on the regular bus schedule and a vacant accessible bed was identified and held four days prior to his scheduled arrival. The day before his scheduled arrival, an unscheduled inmate return from a Mental Health Crisis Bed arrived at the institution. This unscheduled inmate was also an *Armstrong* Class Member (DPM) who also required a LB/LT bed. This inmate was placed in the available bed in lieu of ASU.

**Status of accessible GP beds at this institution at time of arrival?**

- Facility A is a Level IV SNY facility. The inmate is a Level III inmate and could be overridden and temporarily housed there; however, there were no accessible beds available.
- Facility B was where the inmate was to be housed. The accessible bed was subsequently occupied at the time of his arrival and there were no additional accessible beds available.

Associate Directors, Division of Adult Institutions

- Facility C is a Level III GP yard and is not appropriate to house an SNY inmate.
- The CTC did not have an accessible bed available.

**Why was compaction not an option?**

The institution only has one Level III facility to house inmates with Sensitive Needs Yard (SNY) placement, and all beds in the facility were taken.

**All steps taken to find an accessible GP bed before placing inmate into ASU?**

- We conducted an updated cell compaction review and were unable to identify any options. The option of transferring the inmate to another institution was considered but enemy issues precluded a simple transfer and required time to move other identified enemies.
- While evaluating the Level III SNY facility to identify other inmates who may be transferred out, it was noted that another inmate was scheduled for parole the following day and occupied a LB/LT bed on the SNY Facility.
- Per the CEO of medical, there were no available accessible medical beds.

**The duration of the ASU placement?**

- 23 hours

Warden  
State Prison

cc: Mike Knowles, Project Manager, CAMU  
Cathy Etchebehere, Assistant Project Manager, CAMU  
ADA Coordinator

**CERTIFICATE OF SERVICE**

Case Name: **John Armstron v. Edmund G. Brown, Jr., et al.**  
Case No. **C 94-2307 CW**

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I hereby certify that on March 16, 2015, I electronically filed the following documents with the Clerk of the Court by using the CM/ECF system:

**DEFENDANTS' REPORT IN RESPONSE TO THE COURT'S FEBRUARY 3, 2015 ORDER WITH EXHIBIT A**

I certify that **all** participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on March 16, 2015, at San Francisco, California.

J. Mathis

Declarant

/s/ J. Mathis

Signature

CF1997CS0005