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Santa Clara County Agrees to Settle Class Action Lawsuit Addressing Improved Access for Inmates with Mobility Disabilities at the Santa Clara County Jails

SANTA CLARA COUNTY, CA –The Parties to the action *Cole v. County of Santa Clara*, N.D. Cal No. 5:16-cv-06594 (filed Nov. 2016) have reached an agreement on a Consent Decree to address conditions for inmates with mobility disabilities within the Santa Clara County Jails (the “Jails”), including the Main Jail Complex, located in San Jose, CA, and the Elmwood Correctional Complex located in Milpitas, CA.

The agreement follows over three years of negotiations between incarcerated persons with mobility disabilities, represented by Rosen Bien Galvan & Grunfeld, LLP and Disability Rights Advocates, and the County to address physical barriers within the Jails and to improve policies and procedures to ensure inmates with mobility disabilities have access to programs, assistive devices, and accessible housing, bathing, and dining facilities.

“We are pleased that, after years of difficult negotiations, the parties were able to come together to develop the Consent Decree, which will improve the lives of thousands of inmates with mobility disabilities now and into the future,” said counsel for Plaintiffs, Lisa Ells, a partner with Rosen Bien Galvan & Grunfeld in San Francisco.

“It’s important that persons with disabilities have the accommodations that they need to function safely in a jail setting,” said Michelle Iorio, a Staff Attorney at DRA, “We are glad that Santa Clara County will make the changes necessary to ensure that programs and facilities at the Jails are more accessible for inmates with mobility disabilities.”

Pursuant to the Consent Decree, which is subject to court approval, the County has further agreed, among other things, to improve policies, procedures, and practices for providing accommodations to inmates with mobility disabilities in the Jails, including in the areas of the County's: (1) intake process; (2) verification of mobility disability process; (3) issuance, retention, and denial of mobility device(s); (4) classification and housing of inmates with mobility disabilities; (5) tracking of inmates with mobility disabilities and disability-related needs; (6) provision of programs and services; (7) ADA Coordinator position; (8) ADA-training of custody and custody health staff; and (9) ADA-related grievance and request systems.

The Consent Decree also requires that the County undertake significant construction to remedy physical barriers at the County Jails including increasing the number of ADA-accessible cells, removing barriers in the County's booking area, medical areas, dining areas, education and program areas, yards, and along paths of travel. Finally, the Consent Decree requires the County to retain experts to monitor the County's implementation of, and compliance with, the Consent Decree. The Consent Decree further provides for counsel from Rosen Bien Galvan & Grunfeld LLP and Disability Rights Advocates to monitor the County's compliance.

The County has already begun these efforts and has allocated over \$100 million dollars to ADA jail improvements. "The County is pleased to resolve this litigation and continue its ongoing work on jail reforms," said County Counsel James R. Williams.

Sheriff Laurie Smith stated that "the Sheriff's Office takes the obligation to provide accessible programs and services to inmates with mobility disabilities seriously and has already trained all staff on the ADA, revised its practices, and allocated specific staff to provide for the individualized needs of disabled inmates. For years now, the Sheriff's Office has been partnering with other County departments to prioritize construction efforts leading to continued improved accessibility for inmates in our Jails."

A copy of the Consent Decree is available at www.rbgg.com and www.drlegal.org.