

**SETTLEMENT AGREEMENT BETWEEN THE UNITED STATES OF
AMERICA AND THE ARIZONA DEPARTMENT OF CORRECTIONS,
REHABILITATION, AND REENTRY UNDER THE AMERICANS WITH
DISABILITIES ACT**

DJ No. 204-8-265

I. INTRODUCTION

1. The parties (“Parties”) to this Settlement Agreement (“Agreement”) are the United States of America (“United States”) and the Arizona Department of Corrections, Rehabilitation, and Reentry (“ADCRR”).
2. ADCRR is the state department that is responsible for operating Arizona’s prison system. ADCRR is headquartered in Phoenix, Arizona. The State of Arizona and ADCRR are “public entities” subject to Title II of the ADA and its implementing regulation. 42 U.S.C. § 12131(1); 28 C.F.R. § 35.104.
3. The United States has authority to investigate complaints of disability discrimination and seek remedies for violations of Title II of the ADA. 42 U.S.C. § 12133; 28 C.F.R. pt. 35, subpt. F.
4. The United States conducted an investigation into ADCRR’s services, programs and activities under Title II of the Americans with Disabilities Act of 1990 (“ADA”), 42 U.S.C. §§ 12131-12134 (“Title II”), and its implementing regulation, 28 C.F.R. Part 35, which require that no qualified individual with a disability, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by a public entity. 42 U.S.C. § 12132; 28 C.F.R. § 35.130(a).
5. The United States issued a July 19, 2023 Letter of Findings stating that ADCRR has discriminated against individuals with vision disabilities in violation of the ADA by: failing to ensure its communications with individuals with vision disabilities are as effective as its communications with others, 28 C.F.R. § 35.160; failing to reasonably modify its policies, practices, or procedures where necessary to avoid discrimination against individuals with vision disabilities, 28 C.F.R. § 35.130(b)(7); and denying qualified individuals with vision disabilities an equal opportunity to participate in or benefit from its services, programs, or activities, 28 C.F.R. § 35.130.
6. The Parties agree it is in their best interests, and the United States believes it is in the public interest, to resolve this matter without engaging in protracted litigation. The Parties therefore voluntarily enter into this Settlement Agreement. This Agreement should not be construed as an admission of liability by ADCRR.
7. In consideration of, and consistent with, the terms of this Agreement, the United States agrees to refrain from filing a civil suit in this matter, except as provided in Section V.

II. DEFINITIONS

8. “Accessible format” means available and usable by an incarcerated person with a vision disability depending on the needs and preferences of the incarcerated person and generally includes materials that are: audible (e.g., audio recordings), in large print (i.e., size 18-point Arial font or bigger), or can be read with assistive technology (e.g., screen reading or magnification software), or in Braille for materials that are not subject to frequent updates and changes.
9. “ADCRR facility” means any building, complex, unit, office or structure that ADCRR operates, controls, manages, or contracts to provide services, programs and activities to individuals under ADCRR’s custody, control, or supervision, including community supervision. *See* 28 C.F.R. § 35.104. This includes the seven private facilities at which ADCRR currently houses incarcerated persons: Central Arizona Correctional Facility, Florence West, Kingman, La Palma, Marana, Phoenix West, and Red Rock Correctional Center.
10. “ADCRR personnel” means all persons who are employed or otherwise engaged by ADCRR to act on its behalf to provide for the custody, supervision, and care of incarcerated persons in an ADCRR facility.
11. “Assistive technology” means any item, device, piece of equipment, software program, or product system, whether acquired commercially, off the shelf, modified, or customized, that is used to increase, maintain, or improve functional capabilities of persons with vision disabilities. Some assistive technologies are also “auxiliary aids and services.”
12. “Auxiliary aids and services” has the meaning assigned to it in 28 C.F.R. § 35.104.
13. “Communication and Accommodation Plan” (CAP) means the individualized list of auxiliary aids and services and reasonable modifications to be provided to each incarcerated person with a vision disability to ensure effective communication and equal access to programs, services, facilities, and activities. *See* Section III.G.
14. “Effective communication” for individuals with vision disabilities means communication with individuals who have vision disabilities that is as effective as communication with others. Effective communication is achieved by furnishing appropriate auxiliary aids and services where necessary to afford qualified individuals with vision disabilities an equal opportunity to participate in or benefit from the services, programs, or activities of a public entity. 28 C.F.R. pt. 35, subpt. E.
15. “Intake” means the process from the point in time that an incarcerated person enters an ADCRR facility through the point they are transferred to their assigned permanent housing location at an ADCRR facility. Intake includes orientation, medical and psychological assessment, educational testing and evaluation, and classification and housing assignment.

16. “Incarcerated person with vision disabilities” means any person under ADCRR’s custody, control, or supervision, including community supervision, who has a visual impairment as defined by 28 C.F.R. § 35.108.
17. “Key Materials” are materials provided by ADCRR for regular or repeated use by all persons incarcerated at an ADCRR facility, including:
 - a. Inmate handbooks.
 - b. Orientation materials.
 - c. Department Orders or other policies applicable to incarcerated persons.
 - d. Materials to prepare for or request parole, community corrections, or release.
 - e. All physically posted materials intended to convey information to incarcerated persons.
 - f. Forms and other procedural information related to: grievance and discipline processes; requests for accommodation; Health Needs Requests (HNRs); Inmate Letters; commissary or other purchases; banking; and visit or phone call approvals.
18. “Reasonable modifications” (also referred to as “reasonable accommodations”) are changes to ADCRR policies, practices, or procedures necessary to avoid discrimination based on disability and to ensure equal access to ADCRR services, programs, and activities. *See* 28 CFR § 35.130(b)(7)(i). Reasonable modifications may include providing auxiliary aids and services, assistive technology, or materials in an accessible format. For work assignments, reasonable modifications may include changing the method of accomplishing tasks to allow an incarcerated person with a vision disability to effectively complete the essential functions of a work assignment, restructuring positions (e.g., reassigning marginal functions of the job), adjusting time limits, and increasing or modifying training.
19. “Service,” “program,” or “activity” includes any aid, benefit, or service that ADCRR provides to an incarcerated person. 28 C.F.R. § 35.130(b)(1).

III. ACTIONS TO BE TAKEN BY ADCRR

20. ADCRR will take the actions below to ensure that incarcerated persons with vision disabilities have private and independent access to all information, processes, programs, services and facilities on an equal basis with other incarcerated persons at ADCRR facilities.

A. General Obligations

21. Pursuant to Title II of the ADA and the terms of this Agreement, ADCRR:

- a. Will not exclude qualified individuals with disabilities from participation in or deny them the benefits of its services, programs, or activities, or otherwise discriminate against such individuals. 42 U.S.C. § 12132; 28 C.F.R. § 35.130(a).
- b. Will afford qualified individuals with disabilities an equal opportunity to participate in or benefit from any aid, benefit, or service provided to others. 28 C.F.R. § 35.130(b)(1).
- c. Will take appropriate steps to ensure that all of its communications with incarcerated persons and members of the public with disabilities—whether routine or non-routine, formal or informal, oral, written, by video, or by other means—are as effective as communications with others. 28 C.F.R. § 35.160(a)(1).
- d. Will furnish appropriate auxiliary aids and services where necessary to afford qualified individuals with disabilities an equal opportunity to participate in, and enjoy the benefits of its services, programs, or activities. 28 C.F.R. § 35.160(b).
- e. Will reasonably modify its policies, practices, and procedures where necessary to avoid discrimination based on disability. 28 C.F.R. § 35.130(b)(7).
- f. Will not impose or apply eligibility criteria that screen out or tend to screen out individuals with disabilities from fully and equally enjoying ADCRR services, programs, or activities, unless ADCRR shows that such criteria are necessary for its provision of those services, programs, or activities. 28 C.F.R. § 35.130(b)(8).
- g. Will not use methods of administration that have the effect of defeating or substantially impairing accomplishment of ADCRR’s objectives with respect to individuals with disabilities. 28 C.F.R. § 35.130(b)(3).
- h. Will not place a surcharge on individuals with disabilities for the costs of providing assistive technology, auxiliary aids and services, or reasonable modifications necessary to provide effective communication or equal access under the ADA and this Agreement. 28 C.F.R. § 35.130(f).
- i. Will not retaliate, coerce, intimidate, or threaten any individual for exercising their rights under the ADA or this Agreement including by making disability-related requests or complaints. 42 U.S.C. § 12203; 28 C.F.R. § 35.134.

B. Safety and Security Considerations

- 22. Pursuant to 28 C.F.R. § 35.130(h), and notwithstanding any other provision in this Agreement, ADCRR may impose legitimate safety requirements necessary for the safe operation of its services, programs, and activities. However, ADCRR must ensure that its safety requirements are based on actual risks, not on mere speculation, stereotypes, or generalizations about incarcerated persons with vision disabilities. Under certain limited circumstances, ADCRR may be delayed in providing or unable to provide an incarcerated person with a vision disability with a specific reasonable modification, assistive

technology, or auxiliary aid or service based on a reasonable and individualized determination that doing so poses a direct threat to the safety and security of the individual, ADCRR personnel, or other incarcerated persons. *See* 28 C.F.R. § 35.139. Such a determination must be made by a Warden or Deputy Warden, in consultation with the relevant Facility ADA Coordinator and the ADA Administrator. The determination must be documented in writing in the incarcerated person's file and must note:

- a. The modification, technology, aid, or service that was delayed or not provided.
- b. For how long it was delayed or not provided.
- c. The individualized justification for why it was delayed or not provided.

C. ADA Administrator and Facility ADA Coordinators

23. ADA Administrator: Throughout the term of this Agreement, ADCRR will designate an ADA Administrator who is responsible for and has sufficient authority to ensure ADCRR's compliance with the ADA and this Agreement. The ADA Administrator will coordinate the efforts of ADCRR personnel and the Consultant to comply with this Agreement. The ADA Administrator's responsibilities will include: overseeing the Facility ADA Coordinators; reviewing and approving the individualized CAPs provided by the Facility ADA Coordinators; ensuring that disability-related requests, complaints, and grievances are appropriately handled and resolved; maintaining relevant records; ensuring ADCRR personnel and incarcerated persons receive required trainings; and meeting with incarcerated persons with disabilities and personnel to remain informed about their needs and challenges.
24. Facility ADA Coordinators: Throughout the term of this Agreement, each ADCRR facility will have one or more Facility ADA Coordinators responsible for coordinating that facility's efforts to comply with the ADA and this Agreement. The responsibilities of each Facility ADA Coordinator will include: identifying incarcerated persons with vision disabilities based either on the intake process or other information provided by or on behalf of the incarcerated person, reviewing and revising the identified person's CAP, and obtaining the ADA Administrator's approval for each new or revised CAP. The responsibilities of each Facility ADA Coordinator also include assisting ADCRR personnel to implement disability-related policies and practices; making individual and facility-wide decisions about auxiliary aids and services and reasonable modifications; maintaining information and data about disability-related requests, grievances, and decisions; and meeting with incarcerated persons with vision disabilities every six months or upon request to assess and address their needs. Facility ADA Coordinators will also be responsible for ensuring that auxiliary aids and services and reasonable modifications required by an incarcerated person's CAP are implemented without unreasonable delay, unless the delay is outside ADCRR's control, or in the event that safety and security risks need to be evaluated and properly addressed prior to implementation consistent with Section III.B.

25. Qualifications and Training: ADCRR will ensure the persons designated as ADA Administrator and Facility ADA Coordinators are knowledgeable about the requirements of the ADA and about assistive technologies, auxiliary aids and services, and reasonable modifications relevant to incarcerated persons with vision disabilities or that they promptly receive training on such topics consistent with Section III.N. below.
26. Contact Information and Availability: Within 30 days of the effective date of this Agreement, ADCRR will ensure that the contact information for the ADA Administrator and for each Facility ADA Coordinator is posted in an accessible format in a conspicuous location on ADCRR's website. ADCRR will also ensure this contact information is posted in a location readily available and accessible to incarcerated persons in each ADCRR facility and that it is conveyed to incarcerated persons with vision disabilities in an accessible manner. The ADA Administrator or their designee will be available from 8:00 a.m. – 5:00 p.m., Monday-Friday to answer questions and assist the Facility ADA Coordinators. Facility ADA Coordinators or their designee will be available during and throughout the operating hours at their facilities. If ADCRR changes its ADA Administrator or any of its Facility ADA Coordinators during the term of this Agreement, it will notify the United States in writing and will update relevant contact information wherever it appears.

D. Retention of Consultant

27. Within 30 days of the effective date of this Agreement, ADCRR will propose and retain a third-party consultant (the Consultant) with expertise on vision disabilities and adaptations for incarcerated persons with vision disabilities to undertake various tasks outlined in this Agreement. The United States will not unreasonably object to ADCRR's selected consultant. ADCRR will bear all costs and expenses associated with retaining the Consultant.
28. The Consultant's tasks will include: training ADCRR personnel on how to evaluate incarcerated persons with vision disabilities to determine what aids, services, and accommodations they require; training ADCRR personnel on how to teach incarcerated persons with vision disabilities to use assistive technology and auxiliary aids and services; advising ADCRR regarding assistive technology, reasonable modifications, and auxiliary aids and services that can make programs and facilities accessible; and consulting with ADCRR about revising existing policies, developing new policies, and developing new forms as needed to comply with this Agreement.

E. Accessible Materials

29. ADCRR will provide each incarcerated person with a vision disability access to Key Materials in an accessible format that permits independent access, including a tablet equipped with the text-to-speech function compatible with ADCRR tablet notifications and a magnifier function, and other devices and accommodations outlined in Paragraph 36 of this Agreement. Materials on provided devices will be developed and updated as necessary and will be available for use within each incarcerated person's living area or in other areas in their housing unit to which they have daily access.

- a. ADCRR will provide currently incarcerated persons with vision disabilities access to Key Materials in an accessible format within 90 days of entry of this Agreement.
 - b. Thereafter, ADCRR will provide Key Materials in an accessible format to any incarcerated person with a vision disability within 1 week upon arrival to their permanent housing location, and to any incarcerated person who develops a vision disability while at an ADCRR facility within 2 weeks from when their CAP is implemented or revised.
 - c. ADCRR will provide assistive technology that complies with this Section, available for use by incarcerated persons with vision disabilities at the Reception Center at Arizona State Prison Complex-Phoenix and ASPC-Perryville pending their assignment to a facility.
30. ADCRR will allow incarcerated persons with vision disabilities to submit any ADCRR forms (e.g., HNRs, inmate letters, requests for accommodations or auxiliary aids and services, and grievances) through their tablet or other accessible format regardless of the usual formatting of the form.
 31. Once accessible formats are noted in an incarcerated person's CAP, ADCRR will make all Key Materials available to the individual in one or more of those formats from then onward without requiring that they submit further requests.
 32. If Key Materials are revised or newly issued during the term of this Agreement, ADCRR will concurrently provide such Key Materials in an accessible format for incarcerated persons with vision disabilities.
 33. All bulletin board and other general postings for the benefit of incarcerated persons will be available in large print and will be available on the tablets for incarcerated persons with vision disabilities. Upon request, ADCRR will provide such bulletin board and other general postings in an accessible format as appropriate for the requesting person.
 34. Any print materials provided for incarcerated persons during lockdown or while in restricted housing will be provided to incarcerated persons with vision disabilities in an accessible format.

F. Assistive Technology and Other Auxiliary Aids and Services

35. ADCRR will provide any assistive technology and other auxiliary aids and services that incarcerated persons with vision disabilities need to independently access ADCRR programs, activities, services, and accessible format materials. The ADA Coordinators at each ADCRR facility will maintain a non-exclusive list of pre-approved assistive technology and auxiliary aids and services available to incarcerated persons with vision disabilities and will provide that list to all such persons upon intake or request.

36. If indicated by an incarcerated person's CAP, ADCRR will make at least the following assistive technologies and auxiliary aids and services available to incarcerated persons with vision disabilities upon request:
- a. At least one type of portable scanner/reader available for checkout and use in the library and/or from the Facility ADA Coordinator.
 - b. Digital magnifiers.
 - c. Voice recorders.
 - d. Talking or Braille watches.
 - e. Accessible locker locks.
 - f. White canes, including replacement canes when needed.
 - g. Headphones compatible with any audio devices provided to incarcerated persons.
 - h. Bold-lined paper and 20/20 pens (bold point, high-visibility black ink pens).
37. ADCRR will ensure all computers, tablets, or other technology provided to incarcerated persons are accessible to and usable by incarcerated persons with vision disabilities based on their CAP. This includes:
- a. Providing access to talking books and e-books similar to other incarcerated persons' access to books (e.g., through interlibrary loan, library checkout, etc.).
 - b. Ensuring audio description is available and enabled on all televisions provided in common areas in housing units that include incarcerated persons with vision disabilities.
 - c. Providing screen reader and screen magnification technology on all computers or tablets that can be accessed or used by incarcerated persons with vision disabilities in facility intake areas, infirmaries, and any other locations where incarcerated persons are asked to provide or review printed information.

G. Evaluation and Accommodation

38. Initial Vision Screening: ADCRR will screen all incarcerated persons for vision disabilities within 72 hours of their intake to ADCRR's custody. The process for conducting this screening is an established process provided by ADCRR's Contracted Health Provider (CHP) and will continue. Upon reasonable request, ADCRR will also timely evaluate incarcerated persons who develop vision disabilities while at an ADCRR facility or whose vision disabilities were not identified at intake.
39. Secondary Vision Assessment: ADCRR's CHP will refer any incarcerated person whose Initial Vision Screening indicates they may have a vision disability for a Secondary

Vision Assessment by an optometrist. The process for conducting the Secondary Vision Assessment is an already established process provided by ADCRR's CHP that ADCRR will review in consultation with the Consultant and modify if necessary. ADCRR will work with the Consultant to determine what assistive technology, auxiliary aids and services, accessible formats, and reasonable modifications the person requires, as well as what training they may need to use the assistive technology, auxiliary aids and services, accessible formats, and reasonable modifications.

40. Low Vision Assessment: In consultation with the Consultant, ADCRR will develop a process and criteria for determining when an incarcerated person with a vision disability would benefit from a Low Vision Assessment. When clinically indicated by the Initial Vision Screening or Secondary Vision Assessment, ADCRR's CHP will refer the incarcerated person for a Low Vision Assessment. ADCRR will work with the Consultant to determine what assistive technology, auxiliary aids and services, accessible formats, and reasonable modifications the person requires, as well as what training they may need to use the assistive technology, auxiliary aids and services, accessible formats, and reasonable modifications.
41. Communication and Accommodation Plan: Based on the Secondary Vision Assessment and/or Low Vision Assessment, ADCRR's CHP will make recommendations for an individualized Communication and Accommodation Plan (CAP) that identifies the assistive technology, auxiliary aids and services, and reasonable modifications ADCRR will provide to the incarcerated person to ensure effective communication and equal access to ADCRR programs, services, facilities, and activities.
 - a. ADCRR's CHP will provide the created CAP to the Facility ADA Coordinator.
 - b. The Facility ADA Coordinator will review and modify the CAP, as needed, and send the CAP to the ADA Administrator for review and approval.
 - c. The ADA Administrator will review, modify if necessary, and approve the CAP in consultation with the Consultant.
 - d. ADCRR will begin to implement the CAP immediately upon approval and will ensure the approved CAP is available to relevant ADCRR personnel in a centralized location.
42. Primary Consideration: ADCRR will give primary consideration to an incarcerated person's request for a particular auxiliary aid or service or accessible format. This means that ADCRR will honor an incarcerated person's request unless it can show that:
 - (a) another equally effective means of communication exists;
 - (b) providing the requested aid, service, or format would fundamentally alter the nature of the program, service, or activity;
 - (c) providing the requested aid, service, or format would result in an undue financial or administrative burden.28 C.F.R. §§ 35.160(b), 35.164. Even where ADCRR shows that taking a particular action would result in such an alteration or such burdens, it must take any other action that would not result in such an alteration or such

burdens but would still ensure incarcerated persons with disabilities receive effective communication to the maximum extent possible. 28 C.F.R. § 35.164.

43. Periodic Review and Updates: In consultation with the Consultant, ADCRR will establish and implement a procedure for incarcerated persons with vision disabilities to request changes or updates to their CAP. Under this procedure, the Facility ADA Coordinator at each incarcerated person's facility will physically meet with the person at least once every 6 months (or upon request by the affected incarcerated individual with a vision disability) to review their CAP and to discuss whether any modifications are needed. Incarcerated persons with vision disabilities may submit an Inmate Letter or HNR to change their preferences, including modifying, adding, or waiving services at any time during their incarceration even if they previously declined services. ADCRR will implement any changes made to CAPs upon approval without unreasonable delay.
44. Documentation and Approval: The CAP for each incarcerated person with a vision disability will be documented using a standardized form developed in consultation with the Consultant that is substantially similar to Exhibit A. ADCRR will maintain a copy of each CAP in the incarcerated person's record. ADCRR will also maintain records of each incarcerated person's Initial Vision Screening, Secondary Vision Assessment, Low Vision Assessment, 6-month standard CAP reviews or review requests initiated by the affected incarcerated individual with a vision disability, and any other interactions relating to their vision disability. Such records will include the date of all requests, developments, or changes to the CAP; the nature of the requests, developments, or changes; and the dates and outcomes for all determinations regarding any requests, including who participated in the decision-making process.
45. CAP Implementation: ADCRR will inform all ADCRR personnel having contact with an incarcerated person with vision disabilities of that person's disabilities and the requirements of their CAP. The Facility ADA Coordinators will be responsible for ensuring auxiliary aids and services and reasonable modifications required by an incarcerated person's CAP are provided without unreasonable delay. This includes tracking the incarcerated person's scheduled programs, appointments, and activities, such as classes, work assignments, hearings, and medical appointments, to ensure, in advance, that necessary auxiliary aids and services and reasonable modifications are scheduled, working, and ready.
46. Identification: Each incarcerated person with a vision disability will be offered the opportunity to have a modified identification (ID) card that identifies them as being "Blind" or having "Low Vision" or a "Vision Disability." An incarcerated person with a vision disability who declines a modified ID card does not waive their right or access to eligible services. If an incarcerated person with a vision disability who initially declines a modified ID card later requests such a card, ADCRR will provide one within 10 days. The ID card will signify to ADCRR personnel that the incarcerated person has a vision disability and may require assistive technology, auxiliary aids and services, and reasonable modifications to understand and follow directions from personnel. The ID card will also indicate that additional information about the incarcerated person's disability-related needs is available in their CAP or from the Facility ADA Coordinator.

47. Continuity of Accommodation: Any assistive technology, auxiliary aids and services, accessible formats, and reasonable modifications found to be appropriate for an incarcerated person with a vision disability will be provided to them at any facility at which they are housed. Modifications approved for an incarcerated person at one facility will remain approved at all future facilities where they may be housed, subject to Section III.B. All previously approved aids and services, accessible formats, and modifications in an incarcerated person's CAP must be implemented within 7 days of their arrival at a new facility and, whenever possible, these will move with the incarcerated person from facility to facility (e.g., white cane, voice recorder, etc.).
48. Post-Release Supervision: ADCRR will ensure that any necessary auxiliary aids and services and reasonable modifications are provided to incarcerated persons with vision disabilities released to community supervision when they are interacting with ADCRR personnel or present at an ADCRR facility. ADCRR will refer to an incarcerated person's CAP, where applicable.

H. Intake and Orientation

49. Notice of Rights and Request for Accommodations: During intake, ADCRR will provide all incarcerated persons with a Notice of Rights substantially similar to Exhibit B and a Request for Accommodations form substantially similar to Exhibit C in an accessible format, that includes information about the rights of persons with disabilities under the ADA; available auxiliary aids and services and reasonable modifications and how to request them; and contact information for the Facility ADA Coordinators and ADA Administrator. Within 30 days of the effective date of this Agreement, ADCRR will distribute the Notice to all persons currently in ADCRR custody and from then on to all newly incarcerated persons during intake.
50. Accessible Intake Process: Within 90 days of the effective date of this Agreement, ADCRR will ensure all Key Materials, including the Notice of Rights, Inmate Handbook, and Orientation Materials, are available in formats accessible to incarcerated persons with vision disabilities. ADCRR will provide any auxiliary aids and services necessary to ensure effective communication during the intake process from the moment an incarcerated person notifies ADCRR they have a vision disability, or when ADCRR receives information that an incarcerated person has such a vision disability (through the Initial Vision Screening or other notification from a medical professional, the ADA Administrator, and/or the ADA Facility Coordinators). ADCRR will also provide each incarcerated person with a vision disability a physical orientation to the facility in which they will be housed, conducted by the Facility ADA Coordinator or their designee.
51. Inmate Handbook, Orientation Materials, and Notice of Rights: ADCRR will provide or make available the Inmate Handbook, Orientation Materials, and Notice of Rights in an accessible format to persons with vision disabilities. Accessible formats include: large print (at least size 18 Arial font), audio recorded (with the technology necessary to play it), an electronic format that can be read on a computer or tablet using assistive technology, and Braille. Any updates made to the Inmate Handbook, Orientation Materials, or Notice of Rights will be made to the accessible formats concurrently.

I. Inmate and Staff Assistance

52. For tasks that an incarcerated person with a vision disability cannot independently accomplish using reasonable modifications, assistive technology, or auxiliary aids and services, or during periods when modifications, assistive technology, or auxiliary aids and services are unavailable or out of service, or when an incarcerated person with a vision disability prefers human assistance, ADCRR personnel or a Qualified Inmate Aide (QIA) will provide assistance.
53. ADCRR will ensure all QIAs:
 - a. Are appropriately trained in confidentiality requirements and, for those assisting with navigation, in appropriate guiding techniques.
 - b. Can communicate effectively, including the ability to read aloud, write clearly, and follow oral requests in the preferred language of the person they are assisting.
 - c. Consent to provide and are appropriately paid for their assistance.
54. QIAs will maintain confidentiality and will not offer services in exchange for goods or favors from the incarcerated person needing assistance.
55. ADCRR will ensure incarcerated persons with vision disabilities can communicate with medical personnel orally and in writing without the need for assistance from a QIA or other third party whenever possible and absent emergent situations.
56. QIAs will not be used if the person needing assistance instead requests assistance from ADCRR personnel or requests to use an available modification, assistive technology, or auxiliary aid or service that permits independent completion of the task at issue.
57. ADCRR will periodically evaluate the performance of QIAs using criteria developed in consultation with the Consultant and will consider any information provided by the person being assisted by the QIA.
58. ADCRR will never assign an incarcerated person to serve as a QIA as a punishment.

J. Work Assignments

59. ADCRR will ensure all processes, as outlined in the policy related to work assignments (ADCRR Department Order 903) are accessible to incarcerated persons with vision disabilities. All job and program descriptions must be available in an accessible format to incarcerated persons with vision disabilities.
60. An incarcerated person with a vision disability will not be disqualified from any position based on their disability unless no reasonable modification or auxiliary aid or service can be provided that would make it possible for them to perform the essential duties of the position without posing a direct threat (i.e., a significant risk) to the health or safety of the individual or others consistent with Section III.B and 29 CFR § 1630.2(r).

61. ADCRR will conduct an individualized assessment of each incarcerated person with a vision disability who requests a work assignment to determine what jobs the individual can perform, with or without reasonable modifications. This may include developing an appropriate training protocol for an incarcerated person with a vision disability to learn vocational skills that enable them to perform a work assignment.
62. If an incarcerated person with a vision disability is rejected for a position, ADCRR will provide notification of rejection in an accessible format. Any qualified incarcerated person with a vision disability who is rejected can apply to the next available assignment for which they meet the general qualifications, with or without reasonable modifications.

K. Education and Other Programming

63. ADCRR will provide incarcerated persons with vision disabilities with opportunities to take educational courses and other programs equal to the opportunities available to other incarcerated persons. ADCRR will ensure all processes, assessments, and tasks related to all voluntary and required educational, counseling, and other programs are accessible to incarcerated persons with vision disabilities.
64. If an educational course or other program involves the use of a computer or other electronic device by participants, ADCRR will ensure a computer or device is equipped with any necessary assistive technology and will make that available to any incarcerated person with a vision disability who wishes to enroll in the course.
65. Within 60 days of the effective date of this Agreement, ADCRR will ensure that a course in Braille literacy is available and regularly offered to incarcerated persons with vision disabilities.
66. ADCRR will work with the Consultant to provide accessible sports/recreation equipment and other accessible recreation materials at each ADCRR facility. If games, books, movies, and other forms of entertainment are provided to incarcerated persons for recreation purposes, ADCRR will provide and maintain versions of these materials accessible to incarcerated persons with vision disabilities. This includes: games designed for use by people with vision disabilities like talking chess sets and playing cards; audio books and devices necessary to play them; and movies with audio description. Any such materials available to incarcerated persons via tablets must be available to incarcerated persons with vision disabilities via accessible tablets to the greatest extent possible.

L. Additional Access Provisions

67. Navigation: In all parts of ADCRR facilities that incarcerated persons can access independently, ADCRR will permit incarcerated persons with vision disabilities to choose whether to navigate independently or with assistance from a QIA escort or ADCRR personnel in accordance with the needs and preferences of the incarcerated persons and Section III.B.
68. Document Creation: ADCRR will permit incarcerated persons with vision disabilities to create documents privately and independently to the same extent allowed to other

incarcerated persons including by allowing incarcerated persons with vision disabilities to use computers or tablets with assistive technology including accessible word processing software and screen reader software (*see* ADCRR Department Order 902).

69. Alerts and Notifications: ADCRR will provide an effective notifications system or protocol that will advise incarcerated persons with vision disabilities of any routine and customary announcements, alarms, or other information typically provided to incarcerated persons in accordance with their CAP, including notifications of daily prison activities, such as wake-up calls, mealtimes, and recreational time.
70. Hand Restraint Policies: ADCRR will not restrain the hands of incarcerated persons with vision disabilities who use white canes or rely on their hands to navigate unless it determines, consistent with the requirements of Section III.B, that doing so is necessary because of a direct threat. Safety and security decisions related to use of hand restraints should be made by a supervisor on an individualized basis. In situations requiring restraints, less restrictive alternatives to hand restraints, or restraint techniques that permit sufficient forward arm extension and mobility to sweep a white cane in front of the body, will be used when possible. Correctional personnel will be trained on appropriate alternatives to hand restraints and on how hand restraints must be removed from incarcerated persons with vision disabilities who use white canes or rely on their hands to navigate their surroundings in a secure environment when the incarcerated person does not pose a safety threat.
71. Housing and Security Classifications: ADCRR will house incarcerated persons with vision disabilities in appropriate settings consistent with their security classifications and will integrate such persons with non-disabled populations to the maximum extent possible. When an incarcerated person with a vision disability is moved between units or facilities, ADCRR will work to preserve features of their prior living situation relevant to orientation and mobility—such as housing on a bottom bunk. ADCRR will not:
 - a. Place incarcerated persons with vision disabilities in designated medical areas unless they are receiving medical care or treatment.
 - b. Place incarcerated persons with vision disabilities in facilities that do not offer the same programs as facilities where they would be housed but for their disability.
 - c. Place incarcerated persons with vision disabilities in more restrictive settings due to their disabilities or to lack of available accommodations or aids and services elsewhere.

M. Complaint and Grievance Process

72. ADCRR will ensure any forms required to file a complaint or grievance under ADCRR procedures are available in accessible formats that permit independent completion. Upon request, incarcerated persons with vision disabilities will be given assistance with completing the complaint or grievance processes.

73. Any disability-related complaints or grievances submitted by incarcerated persons with vision disabilities will be addressed by the Facility ADA Coordinator and ADA Administrator. The ADA Administrator will review the complaint or grievance and may consult with the Facility ADA Coordinator and medical and correctional personnel as appropriate to render a decision. The ADA Administrator will render a decision within 15 workdays of receiving the complaint or grievance pursuant to established policy. ADCRR will provide a copy of the decision in an accessible format to the complaining incarcerated person, including an explanation of the ADA Administrator's reasoning, and will put a copy in the incarcerated person's record.

N. Training

74. Training Program: Within 90 days of the effective date of this Agreement, ADCRR will submit to the United States a proposed training program and associated curriculum to be delivered by the Consultant. For any trainings the Consultant is not qualified to provide, ADCRR will propose alternative trainers and provide their curriculum vitae. The United States will review and approve the proposed training program and any proposed trainers and may provide comments to ADCRR that ADCRR will incorporate. The training program will include trainings for:
- a. All ADCRR personnel who interact with or influence decisions affecting incarcerated persons with vision disabilities on the requirements of the ADA and this Agreement and how to appropriately interact with and assist incarcerated persons with vision disabilities.
 - b. All incarcerated persons with vision disabilities on mobility and orientation, use of assistive technology (including typing and use of screen readers), Braille literacy, vocational and independent living skills, and how to effectively access any other ADCRR programs, services, and activities implicated by this Agreement.
 - c. All QIAs and Facility ADA Coordinators on how to properly guide and assist incarcerated persons with vision disabilities.
75. Schedule: After the United States approves the proposed training curriculum, the trainings addressed in this Section will be provided:
- a. Within 60 days for current incarcerated persons with vision disabilities, ADCRR personnel, and QIAs.
 - b. Within 60 days of beginning employment for new ADCRR personnel.
 - c. Within 60 days of intake for newly incarcerated persons with vision disabilities.
 - d. Prior to assignment for any new QIAs.
 - e. At least annually as a refresher to all incarcerated persons with vision disabilities, ADCRR personnel, and QIAs.

76. Format: All trainings addressed in this Section may be provided virtually or in-person. All trainings, whether provided virtually or in-person, will be available in an accessible format, and will include opportunities for trainees to pose questions and get answers from the trainer during the training session.
77. Documentation: ADCRR will maintain attendance logs for all trainings conducted under this Section reflecting: the date of the training, the names and titles (or inmate numbers) of the attendees, and the attendees' signatures (if in-person).

O. Policy Revision

78. Within 6 months of the effective date of this Agreement, ADCRR will submit to the United States for review and approval draft revisions, additions, and amendments to ADCRR's existing Department Orders and internal written policies that incorporate the requirements of this Agreement. This will include a new or revised policy or Department Order that explicitly addresses how incarcerated persons with vision disabilities will be screened, assessed, and provided with an individualized CAP consistent with Section III.G above. The United States may provide suggested edits and comments, which ADCRR will consider, address, and incorporate (if deemed appropriate) within 30 days of receipt in revised final drafts that it will provide to the United States for approval. If ADCRR decides not to accept the United States suggested edits and comments, ADCRR will provide the United States with an explanation of why and the opportunity to set up time to discuss. Upon receiving the United States' approval, ADCRR will adopt and implement the revised Department Orders and policies within 30 days.

IV. REPORTING

79. Within 60 days of the effective date of this Agreement, ADCRR will create a centralized file share platform for the uploading of documentation and for tracking relevant information related to incarcerated persons with vision disabilities. ADCRR will update the centralized file share platform monthly, as needed, and ensure all relevant ADCRR personnel can readily access it. This documentation will, at a minimum, include:
- a. A spreadsheet with the name, facility, and inmate number of each incarcerated person with a vision disability in ADCRR's custody;
 - b. Copies of their Initial Vision Screening, if applicable;
 - c. Copies of their Secondary Vision Assessment, if applicable;
 - d. Copies of their Low Vision Assessment, if applicable;
 - e. Copies of their original CAP and all subsequent CAPs;
 - f. Copies of any related authorizations or other relevant records, including any determinations made under Section III.B; and
 - g. Copies of trainings offered to include the date of training, and a log of attendees.

80. Within 120 days of the effective date of this Agreement, ADCRR will provide the United States with a written status report, addressing the reporting requirements set forth in this Section. Thereafter, for the duration of this Agreement, ADCRR will send an updated status report every 6 months by email to counsel for the United States, referencing DJ No. 204-8-265. The United States will review each report and may provide comments about deficiencies or failures to comply with the terms of this Agreement. ADCRR will address all of the United States' stated concerns about specific noted deficiencies or failures in the next regular report.
81. Each status report will include records to document ADCRR's compliance with the requirements of this Agreement during the preceding reporting period, including:
- a. All relevant records related to Initial Vision Screenings, Secondary Vision Assessments, Low Vision Assessments, and CAPs, including those specified in Paragraph 44.
 - b. All requests submitted to Facility ADA Coordinators by incarcerated persons with vision disabilities for auxiliary aids and services, and reasonable modifications, including documentation of whether the requests were granted or denied, and if denied, the reasons for the denials.
 - c. All complaints, grievances, or appeals by incarcerated persons with vision disabilities relating to their vision disabilities along with documentation including the final decision or correspondence to demonstrate how those complaints or grievances were resolved.
 - d. All instances in which ADCRR did not timely provide an incarcerated person with a vision disability with a specific reasonable modification, assistive technology, or auxiliary aid or service because of an individualized finding that doing so posed a security threat (*see* Section III.B above).
 - e. A summary of all training conducted under this Agreement along with all training materials and attendance logs as specified in Paragraph 77.
 - f. Copies of any lawsuits filed during the reporting period against ADCRR alleging ADCRR has discriminated against incarcerated persons with vision disabilities.
82. In addition to the above status reports, representatives of ADCRR, the United States, and the Consultant will make themselves available to meet as needed to discuss implementation of this Agreement.
83. The United States may review compliance with this Agreement at any time and may request additional information relevant to ADCRR's compliance. ADCRR will provide the information requested or otherwise respond in writing to any such requests by the United States within 21 days of receiving the request and will cooperate in good faith with the United States' efforts to monitor compliance with this Agreement. The United States will grant reasonable requests by ADCRR for additional time to respond to complicated requests. This includes permitting the United States upon reasonable notice

to conduct on-site reviews at ADCRR facilities, to review any relevant ADCRR records, and to interview any relevant ADCRR employees or contractors.

84. Materials sent to the United States or ADCRR under this Agreement will be sent to counsel by email. If the materials cannot be emailed, they will be sent by overnight mail, delivery prepaid, to:
- a. For the United States: Adam Lewis and Stephanie Berger, Trial Attorneys, Disability Rights Section, Civil Rights Division, U.S. Department of Justice, 4 Constitution Square, 150 M Street, NE, 9th Floor, Washington, DC 20002.
 - b. For ADCRR: Ashley Oddo, General Counsel, Arizona Department of Corrections, Rehabilitation and Reentry, 701 E. Jefferson, 4th Floor, Phoenix, Arizona 85034.

V. IMPLEMENTATION AND ENFORCEMENT

85. Notice to Incarcerated Persons: Within 30 days of the effective date of this Agreement, ADCRR will provide notice in accessible formats to all incarcerated persons in its custody of the contents of this Agreement and the opportunity to be evaluated to determine whether they have a vision disability.
86. Implementation: ADCRR will take all reasonably necessary steps to effectuate the terms of this Agreement. It is a violation of this Agreement for ADCRR to fail to timely comply with any of the Agreement's requirements.
87. Dispute Resolution: If the United States believes this Agreement or any of its requirements has been violated, it will notify ADCRR in writing. ADCRR will respond in writing as soon as practicable but no later than 30 calendar days following the date of the notice. The United States and ADCRR will attempt to resolve the issues in good faith. If after 14 days of good faith negotiation, the United States and ADCRR cannot resolve the issues raised, the United States may seek enforcement of this Agreement or take other appropriate action, including filing a lawsuit against ADCRR for violation of Title II of the ADA.
88. Lack of Waiver: Failure by the United States to enforce any provision or deadline in this Agreement will not be construed as a waiver of that provision or deadline.
89. Entire Agreement: This Agreement constitutes the entire agreement between the Parties relating to settlement of Department of Justice investigation No. 204-8-265. No other statement, promise, or agreement, either written or oral, made by any party or agents of any party that is not contained in this written Agreement, will be enforceable.
90. Headings: The paragraph headings in this Agreement are for convenience only and will not be deemed to affect in any way the language of the provisions to which they refer.
91. Severability: If any term of this Agreement is determined by any court to be unenforceable, the other terms of this Agreement will remain in full force and effect.

92. Limitation: This Agreement does not purport to remedy any potential violations of the ADA, or of any other Federal law, not specifically referenced herein. This Agreement does not affect ADCRR's continuing responsibility to comply with all aspects of the ADA.
93. Term: This Agreement becomes effective the date it is signed by all the Parties. Unless otherwise specified, all time periods designated for an action run from the effective date. This Agreement will remain in effect for 3 years after the effective date.
94. Extensions: Any time limits or deadlines imposed by this Agreement may be extended by the mutual written consent of the Parties. The United States will not unreasonably deny requested extensions, if made before any deadline, and following ADCRR's due diligence to meet such a requirement.
95. Successors, Assignees, Employees, and Agents: This Agreement is binding on all successors, assignees, personnel, agents (including contractors), and all those working for or on behalf of ADCRR.
96. Signatories Bind Parties: The persons signing for ADCRR and the United States each represent they are authorized to bind ADCRR and the United States to this Agreement.
97. Counterparts: This Agreement may be executed in counterparts.
98. Public Document: This Agreement is a public document. A copy of this document must be made available by ADCRR to any person upon request.

FOR THE ARIZONA DEPARTMENT OF CORRECTIONS, REHABILITATION AND REENTRY:

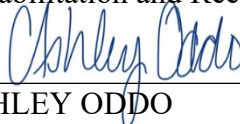
DATED: 11/16/2023

RYAN THORNELL, Director
Arizona Department of Corrections,
Rehabilitation and Reentry



RYAN THORNELL
Director

ASHLEY ODDO, General Counsel
Arizona Department of Corrections,
Rehabilitation and Reentry



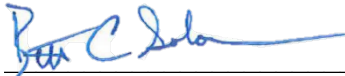
ASHLEY ODDO
General Counsel

Arizona Department of Corrections,
Rehabilitation and Reentry
701 E. Jefferson.
Phoenix, AZ 85034
Telephone: 602-542-2325
aoddo@azadc.gov

FOR THE UNITED STATES OF AMERICA:

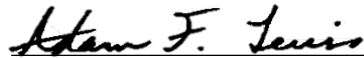
DATED: 11/16/2023

GARY M. RESTAINO
United States Attorney
District of Arizona



BILL C. SOLOMON
Assistant U.S. Attorney

REBECCA B. BOND, Chief
Disability Rights Section
Civil Rights Division



KEVIN J. KIJEWSKI, Deputy Chief
ADAM F. LEWIS
Trial Attorney
STEPHANIE M. BERGER
Trial Attorney

Disability Rights Section
Civil Rights Division
U.S. Department of Justice
150 M Street NE
Washington, D.C. 20530
Telephone: 202-307-0663
Adam.Lewis@usdoj.gov
Stephanie.Berger@usdoj.gov

EXHIBIT A

Communication and Accommodation Plan

Name (Last, First, M.I.): _____ ADCRR Number: _____
Institution/Facility/Unit: _____ Housing Assignment: _____
Date: _____

The above listed individual has been, or will be, provided with the following assistive technology, auxiliary aids or services, and reasonable modifications to ensure effective communication and equal access to programs, services, facilities, and activities:

- Yes | No - Portable scanner/reader
- Yes | No - Digital magnifier
- Yes | No - Talking or Braille watch
- Yes | No - Talking books/e-books
- Yes | No - Video Relay System
- Yes | No - Video Remote Interpreting
- Yes | No - Headphones compatible with audio devices
- Yes | No - (*circle*) Mobility device: white cane, crutches, wheelchair, walker, 4-prong cane
- Yes | No - Other _____ – describe further below as needed
- Yes | No - Reasonable accommodation for work assignment – describe below
- Yes | No - Reasonable modification of other policy, practice, or procedure – describe below

Yes | No - Eligible for work per DO 903 – explain answer below and indicate jobs discussed

Inmate Signature _____ Date _____

CHP signature _____ Date _____

Approved ()
Approved with modification ()
Not approved () If not approved, or modified, the reason must be documented below.

Facility ADA Coordinator _____ Date _____

ADA Administrator _____ Date _____

EXHIBIT B

**NOTICE OF RIGHTS UNDER
THE AMERICANS WITH DISABILITIES
ACT (ADA)**

In accordance with Title II of the Americans with Disabilities Act of 1990 (ADA), the Arizona Department of Corrections, Rehabilitation and Reentry (ADCRR) will not discriminate against qualified individuals with disabilities based on their disability in access to services, programs, or activities.

Effective Communication: ADCRR will provide appropriate auxiliary aids and services to allow for effective communication for qualified individuals with disabilities. This may include sign language interpreters, documents in Braille or other appropriate alternative formats, and/or assistive technology, which may make information accessible to individuals who have speech, hearing, or vision impairments.

Reasonable Accommodations/Modifications: ADCRR will provide reasonable accommodations and make reasonable modifications to policies, practices, and procedures to ensure that individuals with disabilities have an equal opportunity to participate in all of its programs, services, and activities.

Requests: Individuals with disabilities may request auxiliary aids and services and reasonable accommodations or modifications by submitting a *Request for Accommodations/Modifications, Form XX* to the Facility ADA Coordinator. Individuals who have difficulty in communicating, understanding, or filling out a *Request for Accommodations/Modifications* should contact their CO III or other designated staff for assistance.

Individuals with additional questions, concerns, complaints, or requests for information regarding ADCRR’s compliance with the ADA may contact the Facility ADA Coordinator or ADCRR’s ADA Administrator.

Facility ADA Coordinators:

| ADCRR Complex | ADA Coordinator | Email Information | Telephone |
|----------------------|------------------------|--|---------------------------|
| Douglas | DWOP Karla Huerrena | khuerena@azadc.gov | (520) 364-7521 |
| Eyman | DWOP Jason Monson | jmonson@azadc.gov | (520) 868-0201, #2041 |
| Lewis | DWOP Anthony Coleman | acoleman1@azadc.gov | (623) 386-6160 |
| Perryville | DWOP Lori Stickley | lstickley@azadc.gov | (623) 853-0304, #24010 |

| | | | |
|---------|-----------------------|--|---------------------------|
| Phoenix | DWOP Travis Scott | tscott@azadc.gov | (602) 685-3100 #520013 |
| Safford | DWOP Kimberly Daniel | kdaniel@azadc.gov | (928) 428-4698, #72100 |
| Tucson | DWOP Thomas Higginson | thiggins@azadc.gov | (520) 574-0024 |
| Winslow | DWOP Wendy Eccles | weccles@azadc.gov | (623) 738-9608 |
| Yuma | DWOP Oziel Romo | oromo@azadc.gov | (928) 627-8871 |

| Private Prison | ADA Coordinator | Contact Information | Telephone |
|--------------------|--------------------|--|----------------------------------|
| CACF | DW Bryan Dennis | brdennis@geogroup.com | (520) 868-4809 |
| Florence West | DW Kirk Duggan | kduggan@geogroup.com | (520) 868-4251, #230 |
| Kingman - Cerbat | ADW Yvonne Rydgren | yrydgren@geogroup.com | (928) 565-2460 |
| Kingman - Huachuca | ADW Jason Gary | jagary@geogroup.com | (928) 565-2460 |
| La Palma | Cheryl Fossett | cheryl.fossett@corecivic.com | (520) 464-3375 |
| Marana | HSA Angela Simpson | Angela.Simpson@mtcmedical.com | (520) 396-8566 (520) 616-4544 |
| Phoenix West | AHSA Mary Coonrod | mcoonrod@geogroup.com | (602) 352-0350 |
| Red Rock | Jason Snow | Jason.snow@corecivic.com | (520) 464-3800 |

ADCRR ADA Administrator

Vanessa Headstream, CRN, CCHP, LNCC

701 E. Jefferson Street

Phoenix, AZ 85034

Email: vheadst@azadc.gov

Desk: (602) 542-5669

Arizona Department of Corrections

Rehabilitation and Reentry

EXHIBIT C

Request for Accommodations/Modifications

To be completed by the inmate:

Name (Last, First, M.I.): _____ ADCRR Number: _____

Institution/Facility/Unit: _____

Housing Assignment: _____ Date: _____

I am an ADA qualified individual with a disability requesting the following reasonable accommodation(s):

I would like to speak with a Facility ADA Coordinator about what reasonable accommodations may be available. **Yes | No**

Inmate Signature

Date

To be completed by the CHP (if applicable)

Verification of necessary accommodation by the health care provider.

Health care provider signature

Date

Facility ADA Coordinator Use

Approved () | Approved with modification () | Not approved () If not approved, or modified, the reason must be documented below.

Facility ADA Coordinator signature

Date