



Expert Monitor's Report

ADA / Disability Remedial Plan Report
(Fourth Round), Murray v. County of
Santa Barbara, Case No. 2:17-cv-08805-
GW-JPR

On-Site Review: May 20-23, 2024

Produced by:

Sabot Consulting ADA Experts

Julian Martinez, Director

Submitted:

November 22, 2024

Table of Contents

Introduction	2
Settlement Monitor Activities	3
Executive Summary.....	5
Summary of Ratings	9
Findings	12
5.A. Policy.....	12
5.B. ADA Coordinator	12
5.C. ADA Notice to Prisoners.....	15
5.D. Staff Training	17
5.E. ADA Tracking System.....	20
5.F. Screening for Disability and Disability-Related Needs	38
5.G. Disability-Related Requests and Grievances	45
5.H. Housing Placements	57
5.I. Visitation.....	67
5.J. Access to Programs, Services, and Activities	69
5.K. Health Care Appliances, Assistive Devices, Durable Medical Equipment.....	79
5.L. Transportation	88
5.M. Effective Communication.....	90
5.N. Access for Individuals with Hearing Impairments	101
5.O. Prisoners with Intellectual/Dvelopmental Disabilities	113
5.P. Physical Accessibility Requirements	122
5.Q. Alarms/Emergencies.....	128
5.R. Quality Assurance.....	131
Signature	135

Introduction

The *Murray v. Santa Barbara County* is a federal class-action lawsuit challenging access to programs, services, and activities at the Santa Barbara County Jails (SBCJ) for incarcerated persons with disabilities housed in the SBCJ. The United States District Court granted final approval to the Stipulated Judgment on February 2, 2021.

The terms of the *Murray v. Santa Barbara County* Stipulated Judgment includes the Santa Barbara County Remedial Plan, which outlines specific conditions in the SBCJ the County agreed to remedy. Under the Stipulated Judgment, the County agreed to develop implementation plans to reform specific policies, procedures, and practices for providing accommodations to incarcerated persons with disabilities housed in the SBCJ.

The Stipulated Judgment also required the County to retain experts to monitor the County's implementation of and compliance with the Stipulated Judgment.

The Settlement Monitor's Activities

The Stipulated Judgment describes the duties and responsibilities of the Expert for evaluating and determining Santa Barbara County's compliance with the Santa Barbara County Remedial Plan.

A. Role of the Expert

The duties of the Remedial Plan Experts are as follows:

- The Remedial Plan Expert is required to advise the parties on Defendants' compliance or non-compliance with the Remedial Plan,
- To assist the parties and Court with Dispute Resolution matters, and
- To provide testimony, if required, in any proceedings before the Court.

Within 180 days after entry of the Stipulated Judgment, and then annually thereafter during the term of this Stipulated Judgment, the Remedial Plan Experts must complete a review and non-confidential report ("Annual Report") to advise the parties on Defendants' compliance or non-compliance with the Remedial Plan.

In each Annual Report, the Remedial Plan Experts must state their opinion as to whether Defendants are or are not in Partial Compliance with each component of the Remedial Plan within the Remedial Plan Expert's respective area of expertise. These opinions are referred to in the Stipulated Judgment as "Partial Compliance Determinations."

The Annual Reports will provide, to the extent possible, specific recommendations as to how Defendants may reach Partial Compliance. The Parties shall have an opportunity to respond to any finding regarding Defendants' Partial Compliance with a provision of the Remedial Plan. The Parties shall submit any such response to the Remedial Plan Experts and all counsel within 30 calendar days of the Annual Report completion. Such response(s) shall be appended to the final report.

With appropriate notice, the Remedial Plan Experts shall have reasonable access to all parts of any facility. Access to the facilities will not be unreasonably restricted. The Remedial Plan Experts shall have access to correctional and health care staff and people incarcerated in the jails, including confidential and voluntary interviews as is reasonable to complete a report and provided it does not implicate security or other privileged information. The Remedial Plan Experts shall also have access to non-privileged documents, including budgetary, custody, and health care documents, and institutional meetings, proceedings, and programs to the extent the Remedial Plan Experts determine such access is needed to fulfill their obligations. The Remedial Plan Experts' tours shall be undertaken in a manner that does not unreasonably interfere with jail operations as reasonably determined by jail administrators. The Remedial Plan Experts shall have reasonable access to individual prisoner health records, including mental health records and custody records.

B. Monitoring Process

The Expert used the following rating system to determine the SBCJ's compliance with the requirements of the Remedial Plan:

Partial Compliance (SC):

Indicates compliance with all or most components of the relevant provision of the Remedial Plan, and no significant work remains to accomplish the goal of that provision.

Partial Compliance (PC):

Indicates compliance with some components of the relevant provision of the Remedial Plan, and work remains to reach Partial Compliance.

Non-Compliance (NC):

Indicates non-compliance with most or all the components of the relevant provision of the Remedial Plan, and work remains to reach Partial Compliance.

Un-ratable (UR):

Shall be used in cases where the Experts have not been provided data or other relevant material necessary to assess compliance or factual circumstances during the monitoring period making it impossible for a meaningful review to occur at the present time.

Discontinuation of Monitoring (DOM):

After conferring with Plaintiffs' counsel, defendant's request a finding by the Remedial Plan Expert(s) that Defendants are in substantial compliance with one (1) or more components of the Remedial Plan and have maintained such substantial compliance for a period of at least six (6) months.

Executive Summary

This is the fourth Expert Monitoring Review of the SBCJ's measuring Santa Barbara County's compliance with the *Murray v. Santa Barbara County* Remedial Plan, which addresses Americans with Disabilities Act (ADA), Disability Accommodations, and Access for incarcerated persons with Disabilities housed within the SBCJ's. This fourth round of monitoring focused on both the Main Jail (MJ) and the Northern Branch Jail (NBJ). The on-site Expert Monitoring Review was conducted on May 20-23, 2024. The Expert Monitoring Review included a review of pre-monitoring documents produced by Santa Barbara County, on-site observations of the intake medical screening process, interviews of staff (ADA Coordinator, Lieutenants, Sergeants, medical providers, medical intake screening staff, custody intake screening staff, property utility workers, Classification Unit staff, program providers, custody housing staff, and disabled incarcerated persons housed in the SBCJ's.

In lieu of an exit meeting, progress with the *Murray v. Santa Barbara County* Remedial Plan was discussed with custody and medical administrative staff, counsel from the Santa Barbara County Counsel's Office, and Aaron Fischer, Plaintiffs' Counsel representative during the tour.

On August 14, 2023, the Court approved interim measures for the implementation of the *Murray v. Santa Barbara County* Remedial Plan. The Expert has included the areas of the stipulation applicable to the ADA portion of the *Murray v. Santa Barbara County* Remedial Plan in this report.

Since the last monitoring tour, the County has revised and implemented the custody policies to include all requirements of the *Murray v. Santa Barbara County* Remedial Plan. The Wellpath policies including the policies for screening and identifying the intellectual/developmentally disabled incarcerated persons and their adaptive deficits and adaptive support needs are still in the process of being developed.

The County continues to work with the ATIMS vendor to include functionality in the JMS/ADA Tracking System required by the *Murray v. Santa Barbara County* Remedial Plan. The ADA Coordinators and custody staff continue to use the existing ADA Tracking System to track the disabled incarcerated persons and their accommodations, in addition to documenting some of the *Murray v. Santa Barbara County* Remedial Plan requirements. However, the County has yet to fully implement the requirement for all staff to document the provision of these requirements within the ADA Tracking System.

The Expert finds the County has implemented some practices and processes to assist SBCJ staff in providing equal access to the SBCJ programs, services, and activities as required by the *Murray v. Santa Barbara County* Remedial Plan. This includes:

- Development of the Safety and Security Assessment form
- Development of the Effective Communication form
- Implementation of Video Phone Tablet access

- Tracking the provision of the orientation handbook at intake
- Access to the Sheriff's Treatment Program (STP) for incarcerated persons housed in the Behavioral Housing Units and MJ South Dorm
- Revised the Santa Barbara County Sheriff's Office Hearing Officer Worksheet.
- Installed ADA-accessible workout equipment in the recreation yards at both facilities.
- Ceased housing class members with ADA accessible housing needs in all of the MJ housing units (West, East, Central, Back Central, and Northwest)

Most staff who were interviewed continue to be aware of modifications available and required to be provided to the disabled incarcerated persons. The ADA Coordinators are knowledgeable about the ADA and the *Murray v. Santa Barbara County* Remedial Plan and are a valuable resource for staff. During the monitoring tour, the ADA Coordinators would immediately resolve individual issues identified by the Expert and brought to the attention of the County. However, the County must focus on ensuring staff are trained on the revised policies and procedures that include the requirements of the *Murray v. Santa Barbara County* Remedial Plan. Until staff are trained on the revised policies and procedures, staff will not be fully aware of their requirements to ensure incarcerated people with disabilities have access to the SBCJ programs, services, and activities. The Expert recommends that the County focus on development of the training, development of the identification process for intellectual and developmentally disabled incarcerated persons and their adaptive support needs and deficits, and implementation of the revised ATIMS/JMS (ADA Tracking System). Doing so will assist the County in ensuring the incarcerated persons are provided the accommodations they need to access the SBCJ's program, services, and activities and the requirements of the *Murray v. Santa Barbara County* Remedial Plan. These areas are the "building blocks" of an effective "Disability" program. The Expert recommends that the County focus on the following areas:

- The County must ensure that a process is put in place for the identification of Intellectually/Developmentally disabled incarcerated persons, their adaptive support deficits, and adaptive support needs. Wellpath had implemented a pilot which included the requirements of the *Murray v. Santa Barbara County* Remedial Plan; however, the County and Wellpath reported that the pilot was halted, and currently, policies, procedures, and a process is not in place.
- Finalize and implement the revised ATIMS/JMS functionality that allows the staff to have access to and the ability to document the specific requirements of the *Murray v. Santa Barbara County* Remedial Plan. The current JMS has limitations in tracking disability-related information. The County modified the current distribution of the ADA Active Alerts list; however, in some cases, there are delays in the ADA Coordinators receiving the Medical Treatment Orders (MTO).
- The Expert continues to recommend that the County move forward expeditiously with the physical plant modifications and improvements at the MJ. The physical plant modifications and improvement are key in ensuring the County provides the disabled incarcerated persons meaningful and equivalent access to the SBCJ programs, services, and activities such as work opportunities, education and program classes,

recreation activities, out-of-cell opportunities (dayroom), access to telecommunication technology, housing placement in the least restrictive locations, and housing with the appropriate accessible features. Pursuant to the parties' Stipulation, the County intends to complete remodel of the Inmate Receiving Center (IRC) of the MJ to address accessibility by Summer of 2027.

The Expert also makes the following recommendations:

- Ensure incarcerated persons are provided a copy of the Custody Operations Orientation Handbook within 6 hours of processing and classification.
 - Post tour, the County reported it is presently doing this, however, acknowledges that the report provided is incomplete. The County worked on correcting the report (there appears to have been an issue with how the information is either pulled or populated). The County updated the report and placed it in the shared Box folder. The Expert reviewed the reports for 9/4/24 3, 9/3/24 1, 9/2/24 4, 9/1/24 2, 8/31/24 1, 8/30/24 4 and found cases where the Custody Operations Orientation Handbook was not issued within 6 hours of processing and classification.
 - 9/4/24 – 3 cases
 - 9/3/24 – 1 case
 - 9/2/24 – 4 cases
 - 9/1/24 – 2 cases
 - 8/31/24 – 1 case
 - 8/30/24 – 4 cases
- Create a large print Spanish version of the Orientation Handbook.
- Create an accessible video that presents the contents of the Orientation Handbook.
- Ensure the disability information and the MTO is distributed once approved by Wellpath (who enters/routing etc.) as outlined in the "Custody Medical Treatment Order MTO Creation, Distribution, and Workflow."
- Ensure staff are aware of documentation requirements through training, and quality assurance, including as to:
 - Intake Screening
 - Classification
 - Assignment of Housing
 - Assignment of Programs
 - Medical and Mental Health encounters
 - Due Process (Inmate Disciplinary Reports/Grievances)
 - Release (Health Care Appliances)
 - Transportation
 - Effective Communication/Sign Language Interpreter
 - Assistive Devices
 - Provision of Disability-Related Accommodations
 - Adaptive Supports for People with Cognitive/Intellectual Disabilities

- Ensure the screening process identifies all qualified incarcerated persons with disabilities and their accommodations.
- Ensure the County identifies the preferred method of communication for vision, learning, and intellectually disabled incarcerated persons.
- Ensure Jail staff identify incarcerated persons with barriers to communication and provide and document Effective Communication for due process and clinical encounters.
- Ensure disability-related grievances and Disability Requests for Accommodations are responded to within 72 hours of receipt, and sooner for situations in which a person's safety or physical well-being is at risk.
- Ensure all ADA-related grievances are tracked as "ADA" for effective review, resolution, and quality assurance.
- Ensure disability-related grievances are identified by the reviewing supervisor, even if the incarcerated person who submitted the grievance did not check the "ADA" box.
- Ensure the County regularly reviews the disability-related grievances and complaint information for quality assurance purposes.
- Explore ways to expand community-based program opportunities to disabled incarcerated persons who are housed in the MJ (South Dorm and BHU's).
- Develop essential functions and identification of physical limitations for all work assignments.
- Ensure disabled incarcerated persons are provided with equitable job opportunities.
- Install visual alarms in the MJ.
- Develop a Monitoring/Accountability Plan.
- Develop and roll out ADA training.
- Ensure disabled incarcerated persons who require accessible transportation are transported in accessible vehicles.

The Expert's report identifies areas of compliance and non-compliance. As the County implements vital components of the *Murray v. Santa Barbara County* Remedial Plan, including those listed above, the areas found in non-compliance will progress into Partial Compliance.

This report details the pre-monitoring tour document review, on-site monitoring, and staff and incarcerated person interviews and also includes findings and recommendations/actions the County must make to move towards achieving Partial Compliance with the *Murray v. Santa Barbara County* Remedial Plan.

Summary of Ratings

Remedial Plan Citation	Requirement	Current Rating	Previous Rating
5.A.1	ADA Policy	DOM	SC
5.B.1	ADA Coordinator	DOM*	PC
5.B.2	Designated ADA Coordinator	DOM	SC
5.B.3	ADA Coordinator Duty Statement	DOM	SC
5.B.4	ADA Coordinator Postings	DOM	SC
5.C.1	ADA Notice to Prisoners	DOM	SC
5.C.2	Orientation Handbook	PC	PC
5.C.3	Orientation Video	NC	NC
5.D.1	ADA Training	PC	PC
5.D.2	Modality of ADA Training	PC	PC
5.E.1	Development of ADA Tracking System	PC	PC
5.E.2	Requirements of ADA Tracking System	PC	PC
5.E.3	Availability of ADA Tracking System and Input Requirements	PC	PC
5.E.4	Requirement to Print Disability Accommodation on Wristband	NA ¹	NC
5.E.5	Requirement for Staff to Check ADA Tracking System	PC	PC
5.F.1	Identification and Screening of Disabilities	PC	PC
5.F.2	Revision of Screening Process	DOM	SC
5.F.3	Input of ADA Screening Results in ADA Tracking System	PC	PC
5.G.1	Revision of ADA Request Form	DOM	SC
5.G.2	ADA Grievance Procedures	SC	PC
5.G.3	Provision of SLI During Grievance Interview	PC	PC
5.G.4	ADA Grievance Response and Process	PC	PC
5.G.5	Grievance Form ADA Checkbox/Grievance Processed as ADA When ADA Checkbox is Not Checked	PC	PC
5.G.6	Availability of Grievance Forms/Large Print Grievance Forms	DOM	SC
5.G.7	Written Grievance Responses	PC	PC
5.G.8	Informing Incarcerated Persons of Grievance Procedures	SC	PC
5.G.9	Grievance Tracking System	PC	PC

¹ Not Applicable per agreement of the parties

5.H.1	Implementation of ADA Housing Assignment System	SC	PC
5.H.2	Housing of Disabled Incarcerated Persons	PC	PC
5.I.1	Accessibility of Family/Personal Visitation	PC	PC
5.I.2	Individualized Assessment of Disabled Incarcerated Persons for Visitation	SC	PC
5.J.1	Access to Programs, Services and Activities	PC	PC
5.J.2	Reading and Scribing Assistance	PC	PC
5.J.3	Equitable Job Opportunities	PC	PC
5.K.1	Timely Provision and Operation of HCA/AD/DME	DOM	SC
5.K.2	Primary Consideration of Accommodation/Device	PC	PC
5.K.3	Retention of HCA/AD/DME (Individualized Assessment)	PC	PC
5.K.4	Release of Incarcerated Persons with HCA/AD/DME	PC	PC
5.L.1	Accommodations During Transport	DOM	SC
5.L.2	Prescribed HCA/AD/DME During Transport	SC	SC
5.L.3	Accessible Vehicles	DOM	SC
5.L.4	Assistance On and Off Transport Vehicles	DOM	SC
5.M.1	Effective Communication Policy	PC	PC
5.M.2	Effective Communication Assessment	PC	PC
5.M.3	Assessment of Effective Communication Needs at the Beginning of Medical Screening and Classification	NC	NC
5.M.4	Enhanced Procedures for Effective Communication	PC	PC
5.M.5	Provision of Effective Communication	PC	PC
5.M.6	Primary Consideration of Effective Communication Needs	PC	PC
5.M.7	Outside Education Program and Providers Requirement of Effective Communication	PC	UR
5.N.1	Identification of Preferred Method of Communication (Deaf and/or Hard of Hearing)	SC	PC
5.N.2	Provision of Sign Language Interpreters	PC	PC
5.N.3	Sign Language Interpreter Log	PC	PC
5.N.4	Waiver of a Sign Language Interpreter	PC	PC
5.N.5	Sign Language Interpreter Contract	DOM	SC
5.N.6	Use of Lip Reading as Preferred Method of Communication	SC	PC
5.N.7	Use of Most Effective Form of Communication When SLI is not Practical or Waived	PC	PC

5.N.8	Provision of Videophones	SC	PC
5.N.9	Time of Usage for TTY/TDD or Videophone	PC	PC
5.N.10	Provision of SLI for Education, Vocational, and Religious Programs	PC	PC
5.N.11	Public Announcement	PC	PC
5.O.1	Intellectual Disability Policy	PC	PC
5.O.2	Regional Center Contact for Incarcerated Persons With Intellectual Disabilities	PC	NC
5.O.3	Accommodations for Incarcerated Persons With Intellectual Disabilities	NC	NC
5.O.4	Development of an Individualized Plan by a Multidisciplinary Team for Incarcerated Persons With Intellectual Disabilities	NC	NC
5.P.1	ADA Transition Plan	PC	PC
5.P.2	Implementation of Transition Plan	PC	UR
5.P.3	Accessibility at the North Branch Jail	SC	PC
5.Q.1	Policies for Alarms and Emergencies	PC	PC
5.Q.2	Visible Markers and List to Accommodate Incarcerated Persons During Alarms/Emergencies.	SC	PC
5.Q.3	Installation of Visual Alarms	PC	PC
5.Q.4	Posting of Emergency and Fire Routes	DOM	SC
5.R.1	ADA Compliance Monitoring	PC	NC
5.R.2	ADA Accountability Plan	PC	NC

Findings

5. A. Policy

5.A.1. *It is the County's policy to provide access to its programs and services to incarcerated people with disabilities, with or without reasonable accommodations, consistent with legitimate penological interests. No person with a disability, as defined in 42 U.S.C. § 12102, shall, because of that disability, be excluded from participation in or denied the benefits of services, programs, or activities or be subjected to discrimination. It is the County's policy to provide reasonable accommodations or modifications, consistent with 28 C.F.R. §§ 35.150 & 35.152, and other applicable law.*

Compliance Rating: Substantial Compliance

Prior Compliance Rating: Substantial Compliance

Analysis/Observations:

The County has incorporated this requirement into the Custody Operations Americans with Disabilities Act (ADA) Policy Section 209 (Revised 04/2024).

The Expert reviewed the revised Custody Operations Americans with Disabilities Act (ADA) Policy Section 209 (Revised 04/2024). The policy includes the language, "It is the policy of the Santa Barbara County Sheriff's Office to not discriminate against any person protected by the Americans with Disabilities Act (ADA), and to provide access to the Santa Barbara County Jails programs and services to incarcerated people with disabilities, with or without reasonable accommodations, consistent with legitimate penological interests. This policy is intended to ensure that staff and the general public have access to the facility, in compliance with the ADA and Section 504 of the Rehabilitation Act, 29 USC § 794."

This provision has been in substantial compliance for greater than 6 months. Based on this, the Expert recommended that monitoring for this provision be discontinued.

5. B. ADA Coordinator

5.B.1. *The County shall have a designated Americans with Disabilities Act (ADA) Coordinator whose position is dedicated to coordinating efforts to comply with and carry out ADA-related requirements and policies. The ADA Coordinator shall have sufficient authority to carry out such duties and shall work with the executive management team regarding ADA compliance, training, and program needs.*

Compliance Rating: Substantial Compliance

Prior Compliance Rating: Partial Compliance

County Response:

The County reports, they have further designated CDII Cohen to coordinate efforts to comply with and carry out ADA-related requirements and policies at the MJ and the Northern Branch Jail. CDII Cohen is exclusively dedicated to coordinating efforts to comply with and carry out ADA-related requirements and policies. The County has also identified Aaron Gray as the designated staff member on site at MJ who monitors day-to-day ADA compliance and reports to the ADA Coordinator. The County has also developed a duty statement under which the ADA coordinator works. The ADA Coordinator has sufficient authority to carry out the requisite duties and work with the executive team as required by this provision.

Analysis/Observations:

In a memorandum dated June 27, 2023, the County memorialized the following assignments within the Custody Operations Branch.

"Custody Deputy, Special Duty Eric Cohen is assigned as the Americans with Disabilities Act (ADA) Coordinator within Custody Operations. CDII Cohen is assigned to the Continuous Quality Assurance (CQA) Unit at the Northern Branch Jail.

Custody Deputy, Special Duty Aaron Gray is assigned as the ADA Facility Coordinator for the Santa Barbara Jail. CDII Gray is assigned to the CQA Unit and shall monitor the day-to-day compliance of ADA related policies/functions at the Santa Barbara Jail and he reports to the ADA Coordinator with respect to ADA duties and compliance."

5.B.1.a The County and ADA Coordinators' current reporting structure is as follows:

- The ADA Coordinators (Corporals) are a direct report to the Compliance Unit Sergeant.
- The Compliance Unit Sergeant is a direct report to the Compliance Unit Lieutenant.
- The Compliance Unit Lieutenant is a direct report to the Commander.
- The Commander is a direct report to the Chief.

The County reported, and the Expert finds, that based on this reporting structure, the ADA Coordinators have sufficient authority to carry out their duties, and they work with all staff (including executive management staff) regarding ADA compliance. This includes ADA training and ADA program issues. However, there continue to be key areas of the *Murray v. Santa Barbara County* Remedial Plan that the ADA Coordinator and the executive management team must work together to make needed progress, specifically ADA training and effective coordination with health care staff.

This provision has been in substantial compliance for greater than 6 months. Based on this, the Expert recommended that monitoring for this provision be discontinued.

5.B.2. *The County intends for the ADA Coordinator to be based at the Main Jail. Any County jail facility that does not have the ADA Coordinator on site shall have a designated staff member on site at that facility who will have responsibility to monitor day-to-day ADA compliance and will report to the ADA Coordinator.*

On August 14, 2023, the Court approved interim measures for the implementation of the *Murray v. Santa Barbara County Remedial Plan*. The stipulated order states,

“Consistent with Defendants’ plans to build additional ADA-compliant housing capacity at the Northern Branch Jail, and in an effort to better serve incarcerated persons with disabilities, Defendants intend for the ADA Coordinator to be based at the Northern Branch Jail. Defendants further intend to designate a staff member on site at the Main Jail who will monitor day-to-day ADA compliance. Accordingly, the Parties agree that Remedial Plan Section V.B.2. (“The County intends for the ADA Coordinator to be based at the Main Jail. Any County jail facility that does not have the ADA Coordinator on site shall have a designated staff member on site at that facility who will have responsibility to monitor day-to-day ADA compliance and will report to the ADA Coordinator.”) shall be modified to read as follows:

As of July 1, 2023, the County intends for the ADA Coordinator to be based at the Northern Branch Jail. Any County jail facility that does not have the ADA Coordinator on site shall have a designated staff member on site at that facility who will have responsibility to monitor day-to-day ADA compliance and will report to the ADA Coordinator.”

The County reported and the Expert confirmed that CD II Eric Cohen is now assigned as the ADA Coordinator at NBJ. Additionally, as an update, the County reports he has obtained his ADA Certification.

Suspension of Monitoring

Pursuant to paragraph 52 of the *Murray v. Santa Barbara County Remedial Plan*, the County formally requested discontinuation of monitoring of this provision. The parties conferred and Class Counsel had no objection to the County’s request. This provision is discontinued from monitoring.

5.B.3. *The County shall clearly enumerate the job duties and training requirements for the ADA Coordinator position.*

Suspension of Monitoring

Pursuant to paragraph 52 of the *Murray v. Santa Barbara County* Remedial Plan, the County formally requested discontinuation of monitoring of this provision. Though 5.B.3 was rated as partial compliance last rating period, the parties conferred and Class Counsel had no objection to discontinuing monitoring of this provision. This provision is discontinued from monitoring.

5.B.4. The County will ensure that the name of and the method for people to contact the ADA Coordinator (or facility designee) are clearly posted in the intake area and in every jail housing unit. The County will also ensure that the name and contact information (address, phone, email) of the ADA Coordinator (or facility designee) are available to the public, including posting in each jail's main lobby and online.

Suspension of Monitoring

Pursuant to paragraph 52 of the *Murray v. Santa Barbara County* Remedial Plan, the County formally requested discontinuation of monitoring of this provision. The parties conferred and Class Counsel had no objection to the County's request. This provision is discontinued from monitoring.

5.B.4.a. The Expert confirmed the contact information (address, phone, email) of the ADA Coordinator (or facility designee) is posted online. In addition, the contact information (address, phone, email) of the ADA Coordinator (or facility designee) is posted in all the SBJ or NBJ main lobbies.

5. C. ADA Notice to Prisoners

5.C.1. The County shall ensure that people with disabilities held at the Jail are adequately informed of their rights, including but not limited to:

- a) The right to receive reasonable accommodations;*
- b) The process for requesting a reasonable accommodation;*
- c) The role of the ADA Coordinator (and designee) and method to contact them;*
- d) The grievance process, location of relevant forms, and process for getting assistance in completing request and grievance forms;*
- e) Instructions on how to request and access health care services, including the provision of Effective Communication and other accommodations in accessing those services.*

Compliance Rating: Substantial Compliance

Prior Compliance Rating: Substantial Compliance

Analysis/Observations:

The Expert reviewed the Santa Barbara County Sheriff's Office Custody Operations Orientation Handbook and found the Handbook contains information on:

- The right of incarcerated people to receive reasonable accommodations.
- The detailed process for requesting a reasonable accommodation.
- The role of the ADA Coordinator and method to contact them.
- The location of grievance forms and the process for getting assistance in completing request and grievance forms.
- The provision of Effective Communication and other accommodations in accessing health care services.

During the on-site review, staff that provides incarcerated persons with disabilities the Santa Barbara County Sheriff's Office Custody Orientation Handbook at the NBJ and MJ stated that incarcerated persons are provided with the Handbook when processing property and issuance of jail clothing. Three (3) incarcerated persons reported they were not provided with a copy of the Santa Barbara County Sheriff's Office Custody Orientation Handbook. In review of the Excel Spreadsheet "HandBookTracker 08-2023 thru 04-2024", all three (3) were documented to have been issued the handbook. However, it is also true, as discussed in 5.C.2, below, that 95 cases out of 691 (13.7%) do not have record that the Orientation Handbook was issued to newly arrived incarcerated persons.

This provision has been in substantial compliance for greater than 6 months. Based on this, the Expert recommended that monitoring for this provision be discontinued.

5.C.2. Within 6 hours of processing and classification, the County will provide all incarcerated people a Custody Operations Orientation Handbook in an accessible format, containing a designated section with ADA-related policies, procedures, and other information. The Orientation Handbook shall be made available in large print (at least 18-point font) in English and Spanish to accommodate people with visual impairments.

Compliance Rating: Partial Compliance

Prior Compliance Rating: Partial Compliance

County Response:

The County reports all incarcerated people are provided with a Custody Operations Orientation Handbook within the timelines set forth in this requirement. The Handbook is available in 18-point font in English and Spanish. The County notates JMS when an inmate is provided a copy of the Handbook. Additionally, the County has initiated a New Inmate Orientation Card which includes notation that the inmate received the Orientation Handbook, which will be provided to the ADA Expert for proof of compliance.

Analysis/Observations:

During the on-site review, staff that provides incarcerated persons with disabilities the Santa Barbara County Sheriff's Office Custody Orientation Handbook at the NBJ and MJ stated that incarcerated persons are provided with the Handbook when processing property and issuance of jail clothing.

The County added a field to the ATIMS property screen that documents when the Orientation Handbooks are provided to incarcerated persons. The County produced an Excel Spreadsheet "HandBookTracker 08-2023 thru 04-2024." The spreadsheet includes 691 entries. Of the 691 entries, in 419 cases the Orientation Handbook was issued to the incarcerated person within six (6) hours of processing/classification, in 175 cases the Orientation Handbook was issued to the incarcerated person more than six (6) hours of processing/classification and in 95 cases there is no record of when the Orientation Handbook was issued.

Post tour, the County reported it is presently doing this, however, acknowledges that the report provided is incomplete. The County worked on correcting the report (there appears to have been an issue with how the information is either pulled or populated). The County updated the report and placed it in the shared Box folder. The Expert reviewed the reports for 9/4/24, 9/3/24, 9/2/24, 9/1/24, 8/31/24, 8/30/24 and found cases where the Custody Operations Orientation Handbook was not issued within 6 hours of processing and classification.

- 9/4/24 – 3 cases
- 9/3/24 – 1 case
- 9/2/24 – 4 cases
- 9/1/24 – 2 cases
- 8/31/24 – 1 case
- 8/30/24 – 4 cases

The information provided reflects a marked improvement in the County's compliance with the requirement of this provision. The Expert will continue to monitor this during the next monitoring tour.

- 5.C.2.a. The County reports the Handbook is available in 18-point font in English and Spanish. However, the County only produced a version of the Santa Barbara County Sheriff's Office Custody Orientation Handbook in English and in 18-point font. During the previous monitoring tour, the County reported that the Orientation Handbook was sent for translation into Spanish, and that version would be completed in the upcoming months. However, the Spanish version was not produced. The County will need to finalize the translation of the Handbook into Spanish and produce it to the Expert for review. Post tour the County reported and the Expert confirmed the Spanish version

of the Santa Barbara County Sheriff's Office Custody Orientation Handbook is now available.

- 5.C.3. *The County will provide an accessible video that presents the contents of the Orientation Handbook, including the ADA-related policies, procedures and information. The County will, as appropriate, provide an SLI to interpret the contents of the Orientation Handbook to persons who are deaf or hard of hearing who use American Sign Language as their primary means of communication.*

Compliance Rating: Non-Compliance

Prior Compliance Rating: Non-Compliance

County Response:

The County reports it is in the process of fully implementing this requirement. The County is working towards creating a video that meets the requirements of this provision. The County anticipates completing this requirement in the next six (6) months. The County should provide a copy of the ADA-orientation video to the Expert and class counsel for review and comment. The video should contain simple language, provide closed captioning, and be provided in English and Spanish.

Analysis/Observations:

During the on-site review, the County advised the Expert an accessible video presenting the contents of the Orientation Handbook (including the ADA-related policies, procedures, and information) is currently not available. The County reports that they were focusing efforts on completing the ADA policy this rating period and that they are in the process of fully implementing this requirement. The County is working towards creating a video (PowerPoint) with audio that meets the requirements of the *Murray v. Santa Barbara County* Remedial Plan. The County must ensure an accessible video that presents the contents of the Orientation Handbook, including the ADA-related policies, is created and available for incarcerated people with disabilities including accessible format.

- 5.C.3.a. The County does not currently use an accessible video that presents the contents of the Orientation Handbook, including the ADA-related policies. The County reports they are in the process of fully implementing this requirement. The County is working towards creating a video (PowerPoint) that meets the requirements of the *Murray v. Santa Barbara County* Remedial Plan. The County anticipates completing this requirement in the next six (6) months. When implemented, the County must ensure an SLI is used to interpret the contents of the Orientation to incarcerated people with disabilities who are Deaf and/or Hard of Hearing and who use American Sign Language as their primary means of communication. Although there were no specific cases identified during the rating period, the County has a contract with "Purple

Communications" for on-demand sign language interpreting services. This service should be used to interpret the contents of the orientation handbook, as appropriate, to interpret the contents of the Orientation Handbook to persons who use Sign Language as their primary means of communication.

5. D Staff Training

- 5.D.1. *The County shall ensure all custody, health care, facility maintenance, and other Jail staff receive ADA training appropriate to their position. The County shall provide training to all staff during the academy and at least bi-annually thereafter on:*
- a) Disability awareness, including the use and purpose of accommodations and modifications in accordance with the ADA;*
 - b) Use of force when interacting with people with disabilities.*

Compliance Rating: Partial Compliance

Prior Compliance Rating: Partial Compliance

County Response:

The County reports it is in the process of fully implementing this requirement. The County's Crisis Intervention and De-escalation Training addresses use of force when interacting with people with disabilities. The County has completed ADA training in the academy for Custody Deputies and is working on developing training for health care staff, facility maintenance, and civilian staff at the jail, as well as bi-annual training. The County has reviewed training provided by the ADA Expert and is in the process of developing the training, which will meet the requirements of this provision. Additionally, the CQA unit is working on a lesson plan with the Pacific ADA Center to provide the required training, which will be submitted to the ADA Expert for review. The County anticipates completing this requirement in the next ten (10) months.

Analysis/Observations:

During the first monitoring tour, the County produced a PowerPoint presentation titled "Disability Rights California Remedial Plan Implementation" that included 201 slides with 33 slides related to the ADA requirements of the *Murray v. Santa Barbara County* Remedial Plan. Of the 33 slides, 14 of the slides are dedicated to a quiz. The County reported the ADA Coordinators presented the training, and all custody staff was required to attend the training. During the on-site monitoring tour, staff interviewed reported they had attended the Disability Rights California Remedial Plan Implementation and that no additional ADA training had been provided.

The County did not produce ADA training records/curriculum. However, the County has been working with the Expert to complete the ADA policy and once the policy was completed, the County provided a training PowerPoint for the Expert's review. The

Expert approved the ADA training and upon plaintiff's counsels review and approval, the County intends to initiate the training in the upcoming months.

The Expert recommends that upon plaintiff's approval of the ADA training, the County provide the ADA training to all jail staff. The County must also ensure the County develops and implements training, as required by *Murray v. Santa Barbara County* Remedial Plan Section IX.1 and IX.4. For future monitoring, the County must track and provide documentation that shows staff were provided with the required ADA training.

- 5.D.1.a. The County previously reported that ADA training is provided in the Academy for Custody Deputies, but training for health care, facility maintenance, and civilian staff at the jail, as well as bi-annual training, needs to be developed. The County produced a Course Roster for the DRC Intro conducted at Training CORE. The roster reflects 11 staff attended the training.

The Expert recommends that upon plaintiff's approval of the ADA training the County provide the ADA training to all jail staff. The County must also ensure the County develops and implements training, as required by *Murray v. Santa Barbara County* Remedial Plan Section IX.1 and IX.4.

- 5.D.2. *Staff ADA training shall include formalized lesson plans and in- classroom or virtual training for all staff provided by qualified ADA instructors.*

Compliance Rating: Partial Compliance

Prior Compliance Rating: Partial Compliance

County Response:

The County reports it is in the process of fully implementing this requirement. The CQA unit is working on a lesson plan with the Pacific ADA Center to provide the required training. Once provided the CQA Unit and other selected staff will attend a 'Train the Trainer' curriculum. The County has verified the training can be deployed via the Corrections One website and will incorporate as soon as it is received from Pacific ADA. The County ADA Coordinator (CDII Cohen) has completed the certification process and will be taking the certification test in the next month. Thereafter, the County anticipates completing the lesson plans to meet this requirement in the next six (6) months. Additionally, the County reports that as a supplement, CDII Cohen as ADA Coordinator, CDII Gray (facility designee) and Sgt. Falfal have completed all required training through the University of Missouri and are certified ADA Coordinators.

Analysis/Observations:

The CQA unit and CIT team members are in the process of developing a lesson plan to provide the required training. The Expert has provided sample ADA training

curriculum that the County is in the process of revising to include the *Murray v. Santa Barbara County* Remedial Plan requirements.

The Expert recommends upon plaintiff's counsel review and approval of the ADA training all jail staff be required to attend the training. The County must also ensure the County develops and implements training, as required by *Murray v. Santa Barbara County* Remedial Plan Section IXIX.1 and IX.4. In addition to the training being provided by qualified ADA instructors.

5. E. ADA Tracking System

5.E.1. The County shall, in consultation with Plaintiffs' counsel, develop and implement a comprehensive, standardized electronic system ("ADA Tracking System") to track people with disabilities and their accommodation and Effective Communication needs.

On August 14, 2023, the Court approved the following interim measures for the implementation of the Remedial Plan:

Defendants shall implement a comprehensive, standardized electronic system ("ADA Tracking System") to effectively track people with disabilities and their accommodation and Effective Communication needs, as follows:

- 1) Go-Live of ADA Tracking System. No later than June 1, 2024, Defendants will activate a Remedial Plan-compliant ADA Tracking System, which will be readily available and utilized by custody, medical, and mental health staff, and other staff as necessary to ensure provision of accommodations and program access for people with disabilities.*
- 2) Staff Training on ADA Tracking System. No later than September 1, 2024, all relevant staff will receive training on the ADA Tracking System to ensure effective implementation.*

Compliance Rating: Partial Compliance

Prior Compliance Rating: Partial Compliance

County Response:

The County reports it is in the process of fully implementing this requirement. The County has developed an ADA tracking system ("Tracker") which incorporates tabs for transgender and Effective Communication needs to address the ADA Expert's concerns. Additions have also been made to capture individuals with Intellectual Disabilities and to ensure Effective Communication. In the next three (3) months, the County will be updating JMS to include all flags and sub-flags recommended by the ADA Expert. In the next six (6) months, the County will coordinate with the ADA Expert to discuss the necessary components of the ADA Tracking System and consulting with ATIMS to have 'real time' tracking incorporated to the Tracker and any later JMS

iterations. Formal training on the ADA Tracking System will occur during the requisite ADA training and at all future Custody Academies. Training will be specific to the individual job class. As previously reported, the County created a process to improve intake procedures to better identify and track individuals with disabilities. At the completion of medical intake, Wellpath inputs disability, assistive devices, Effective Communication, and accommodation information into the Classification Input Form (CIF) and generates an MTO as needed. The CIF and MTO are transferred to the Classification Deputy who then inputs all ADA flag information into the JMS tracking system and emails the ADA Coordinators. Additionally, the ADA Coordinator reviews all entries on the ADA Tracker for completeness on a daily basis. During this rating period, the County further refined this process, in part due to having an ADA Coordinator dedicated to ADA coordination, including updating the ADA Tracker on a daily basis. Since further refining the process, a recent sampling of ADA Tracker documents and data demonstrate a 95% success rate when comparing the MTO information and the ADA tracker. The County contends that the current tracking system will be in compliance with this provision once the additional flags and sub-flags are incorporated in the upcoming months. However, the County has been meeting regularly with ATIMS to move toward an updated ADA System that will include improved functionality as requested by the ADA Expert, although not required by this provision. The County anticipates the updated system will be in place by fall 2024.

Analysis/Observations:

The County continues to use the current ATIMS Jail Management Software as the JMS. The JMS has some functional capability to track people with disabilities and some of their accommodation needs. The County has made some modifications to the JMS to allow the County to track people with disabilities and their accommodation and Effective Communication needs as required by the *Murray v. Santa Barbara County* Remedial Plan. Some of the modifications include:

- Inmate History Notes to track and document ADA-Accommodation at Release,
- Inmate History Notes to track and document ADA Accommodations Removal,
- Inmate History Notes to track and document ADA-VRS and Videophone usage,
- Inmate History Notes to track and document ADA-Effective Communication,
- Inmate History Notes to track and document ADA-Inmate Check,
- Inmate History Notes to track and document ADA -SLI, and
- Inmate History Notes to track and document ADA-Accommodation Refusal.

Staff interviewed reported that the current process is once a disability is verified and the accommodations are approved, an MTO is generated, and the MTO is routed to Classification Unit staff and the ADA Coordinator. Upon receipt of the MTO, Classification Unit staff and/or the ADA Coordinator enter the ADA Flags in the ATIMS JMS. The County reports that the County has established a process where the cases that have an ADA Flag are automatically placed on the ADA Active Alert list, which is

automatically generated and distributed to all Jail staff by the County's Information Technology system. The information in the ADA Active Alerts list "Notes" column continues to be entered manually by the ADA Coordinator upon receipt and review of the MTO. Information that is manually entered by the ADA Coordinators includes:

- Impairment (Type of Disability)
- Special Devices (HCA/DME/AD)
- Accommodations (No stairs, Lower Tier, Lower Bunk)
- Alarm/Emergency (Notification)
- Vehicle Accommodation
- Effective Communication
- Additional

The County reported that some of the information in the "Notes" column is entered by the Classification and ADA Coordinators based on information on the MTO. The Expert also identified one (1) case where an MTO had been completed by Wellpath for an incarcerated person with a qualified disability; however, the incarcerated person was not listed in the ADA Active Alerts list. Additionally, as part of document production, the Expert requested, and the County produced emails where the ADA Coordinator had not received an MTO for cases where the ADA Coordinator had identified an incarcerated person with a disability and/or an ADA Flag in ATIMS. In a review of the documents, the Expert identified ten (10) cases where the MTO had not been provided to the Classification Unit or ADA Coordinator. Additionally, during the monitoring tour, the Expert identified one (1) case where the incarcerated person had a prescribed wheelchair; however, the incarcerated person's name was not populated on the ADA Active Alerts list. The County reports there were 380 MTOs written during the document review period. This reflects that 11 out of approximately 380 (.02%) of the MTOs were not provided to custody and can be attributed to human error.

Wellpath MTO for Patient includes the documentation of approval for Lower Bunk. The MTO is completed and approved by the Medical Provider after an individualized evaluation and provided to custody staff (ADA Coordinator). The County has implemented the following process (Custody Medical Treatment Order MTO Creation, Distribution, and Workflow) for the completion and distribution of the MTO.

1. Arresting Officer brings inmate to Nurse.
2. Nurse assesses Inmate for medical issues, including identified ADA concerns and accommodations.
3. Nurse completes MTO and saves as PDF.
4. Nurse emails MTO (PDF) to CustodyClassification@sbsheriff.org and ADA@sbsheriff.org.
5. ADA Coordinator receives emailed MTO.
6. Custody Classification receives emailed MTO.
7. ADA Coordinator confirms MTO accommodations are provided.

8. Custody Classification adds pdf. To inmate electronic booking file.
9. Custody Classification inputs necessary JMS Flags
10. Custody Classification enters accommodations into JMS Classification narrative.
11. Nurse prints MTO.
12. Nurse gives printed MTO to arresting officer.
13. Arresting officer and inmate leave trailer go to Custody Booking/Intake.
14. Arresting officer gives Intake deputy booking paperwork and paper MTO.
15. Intake deputy ensures per MTO inmate is accommodated with ADA requirements.
16. Intake deputy gives paper MTO to inmate.

Item 13 is specific to the SBJ and the Expert recommends that the County incorporate the process for the NBJ in the workflow.

The Expert previously noted that the ATIMS JMS includes categories (check boxes) that the Classification Unit staff and/or the ADA Coordinators can populate. The ATIMS flag alert entry screen includes, Always Alerts, Active Inmate Alerts, and Diet/Other Alerts. The Always Alerts include 48 individual checkboxes; the Active Inmate Alerts include 38 checkboxes; and the Diet/Other Alerts include 25 checkboxes.

Of the 48 Always Alerts, the following are disability-related:

- Blind
- Deaf
- Dementia
- Hearing Imp
- Intellectually Disabled
- Paraplegic
- Prosthesis
- Psychiatric/Mental Health
- Quadriplegic
- Walker
- Wheelchair
- Amputee
- Armstrong Notification
- Cane-Walking
- Cannot Walk Long Distances
- Crutches
- Developmental Disability
- Effective Communication
- Extra Blanket
- Extra Mattress

- Lower Bunk Required
- Mental Health IDR Review
- Needs Level Terrain
- No Stairs
- Serious Mental Illness
- Work Restrictions

Of the 25 Active Inmate Alerts, the following are disability-related:

- ADA
- Tri Counties Patient
- MAT

The Inmate Note section of ATIMS JMS includes the 16 drop-down menu selections. Of the 16, the following are disability-related:

- ADA – Accommodation at Release
- ADA – Accommodation Refusal
- ADA – Accommodation Removal
- ADA – Accommodation Check
- ADA – Armstrong Reports
- ADA – Effective Communication
- ADA – Inmate Check
- ADA – Misc.
- ADA – Requests
- ADA – SLI
- ADA – Transportation
- ADA – VRS and Videophone

As noted above, the Classification staff and ADA Coordinators currently manually enter some of the disability-related information into the "Notes" column of the ADA Active Alert list. This manual process does not allow the County to input disability-related information in real time. The County reports they are in the process of integrating CorEMR and ATIMS. The County clarifies that the manual entry is not the impediment to real time entry by healthcare and the ADA coordinators. Presently, even though manually entered, the ADA Coordinators can enter the information in real time. Healthcare staff will be able to do so once they have access to JMS.

The Expert previously noted that the County would need to include functionality to track incarcerated persons with verified intellectual and learning disabilities and their accommodation needs (adaptive deficits) and the provision of the accommodations (adaptive supports).

The Expert previously noted that although the County had made modifications to the ADA Tracking system (within the existing JMS), the current ADA Tracking system is fragmented, disorganized, difficult for staff to use, and the functionality is limited in the ability for staff to document and track disability and accommodations and in addition, the Expert noted that the ADA Tracking system did not have the functionality to input disability-related information in real-time. The County has worked to automate the distribution process of the Active Alert List. This allows some of the disability-related information to be distributed to Jail staff in a more expedited fashion (the report is automatically distributed once a day in an email to all Jail staff). However, essential disability- and accommodation-related information that is entered into the "Notes" section is not entered in real-time. The County is looking into improving the JMS system which will allow a more stream-lined process between medical and custody staff.

During the previous on-site tour, the Expert and a representative from DRC met with the County and the ATIMS JMS vendor to discuss the functionality required by the *Murray v. Santa Barbara County* Remedial. The discussions were positive as the vendor reported that the ATIMS JMS would be able to meet the County's needs and could include the functionality required by the *Murray v. Santa Barbara County* Remedial.

The Expert and DRC previously provided specific detailed functionality requirements for the ATIMS JMS to satisfy the requirements of the *Murray v. Santa Barbara County* Remedial.

This includes:

- Effective Communication Form (Section V.M-N)
- Generating a report for the timing of providing the Handbook (Section V.C.2)
- Interface with CorEMR (Section V.E.3)
- Documenting release with the assisted device (Section V.K.4)
- ID/DD form for adaptive supports (Section V.O)
- Way to track that the ADA system was checked before each encounter and other events (Section V.D.5(a)-(g))
- Maintenance of devices – checking functions of the device (Section V.K.1)
- ADA coordinator check-in (7-day and 30 days check—not required) (Note: Other counties have implemented this component to ensure compliance regarding Assistive Device maintenance and provision of housing and program accommodations, Section V.H, V.J, V.K.1 – see, e.g., Orange County Sheriff's Dept policy 8000 at 18-19 (8000.16(a)(7))
- Safety and Security Form for Removal of Assistive Devices, Retention of personal devices as default (Section V.C.1-3)
- SLI Waiver box (can be in Effective Communication) (Section V.N.4)

- Reports for individuals with Effective Communication – grievances, class encounters, etc. (Section V.M-N)
- Dissemination of automated reports (Section V.E.3)
- ADA Request for Accommodation Tracking and Management (Section V.G)
- ADA Orientation completion for people with disabilities, including ADA coordinator check-in (Section V.C.1)
- Armstrong Disability Notifications check (Section V.E.2(d))
- ADA Grievance tracking (Section V.G.9)
- Accommodations for Transportation (Section V.L)
- Housing accommodations (including physical accessibility needs) (Section V.H)
- Program-related access and accommodations for people with disabilities (Section V.J.1-2 (general), V.I (visitation)), including for outside education, program, and service providers (Section V.M.7)
- Inmate worker access and accommodations for people with disabilities (Section V.J.3)
- SLI log (Section VI.N.3)
- VRS/phone access for people with hearing disabilities (Section V.N.8)
- Announcement accommodations for people with hearing disabilities (Section V.N.11)
- Accommodations related to Use of Force (Section V.D.1, V.E)
- Accommodations during Disciplinary Processes (Section III.F.9)

The Expert recommends that in working with the vendor, the functionality to track the following disabilities/designations be included in the ATIMS revisions:

- DV – Vision
- DH – Hearing
- DM – Mobility
- DW - Wheelchair
- DL – Learning
- DS – Speech
- DI – Intellectual
- DSMI – Mental Health
- DO – Other

The Expert also recommends that the functionality to track the following accommodations such as:

- Lower Bunk (the County reports there is currently a sub-flag)
- Lower Tier (the County reports there is currently a sub-flag)
- Cane (the County reports there is currently a sub-flag)
- Crutches (the County reports there is currently a sub-flag)

- Walker (the County reports there is currently a sub-flag)
- Wheelchair (the County reports there is currently a sub-flag)
- Accessible Cell (the County reports this can be described in an ADA flag)
- Accessible Shower the County reports this can be described in an ADA flag)
- No Stairs the County reports this can be described in an ADA flag)
- Level Terrain (the County reports this can be described in an ADA flag)
- Hearing Aids (the County reports there is currently a sub-flag)
- SLI (the County reports there is currently a sub-flag)
- Lip Reading
- Speak Loudly
- Magnifier
- Assistive Listening Device
- Extra Blanket
- Extra Mattress
- Accessible Transportation
- Adaptive Supportive per Individual Plan
- Other Assistive Device: (the County reports there is currently a sub-flag)
- Other Accommodation:

The County has been meeting regularly with the ATIMS vendor to move toward an updated ADA System that will include improved functionality. The County anticipates the updated system will be in place by fall 2024. Once the ATIMS functionality is revised, the Expert and Plaintiff's counsel will determine if the tracking system includes the functional capability to track people with disabilities and their accommodation and Effective Communication needs as required by the *Murray v. Santa Barbara County Remedial Plan*.

5.E.2. The ADA Tracking System shall identify for each prisoner, as appropriate:

- a) Any disabilities and related health conditions;*
- b) Disabilities that may pose a barrier to communication, including but not limited to learning, intellectual, or developmental disabilities, and hearing, speech, or vision impairments;*
- c) Accommodation needs, including as to housing, classification, transportation, Effective Communication, adaptive supports, and health care appliances, assistive devices, and/or durable medical equipment (HCA/AD/DME);*
- d) Class membership in Armstrong v. Newsom (N.D. Cal. No. 94- cv-02307) (i.e., people held in the Jail related to a parole revocation proceeding or term), with their applicable disability classification(s) and accommodation need(s).*

Compliance Rating: Partial Compliance

Prior Compliance Rating: Partial Compliance

County Response:

The County reports it is in the process of fully implementing this requirement. The County is continuing to refine the ADA Tracking information. The County has developed a robust ADA tracking system that includes alert tabs for dementia, intellectual disabilities, Armstrong Notifications, pain, can't walk long distances, crutches, developmental disabilities, Effective Communication, mental health IDR review, and severe mental illness. The Tracker is distributed for the modules on a daily basis. The list of alerts and flags is currently being updated with Classification, CQA and SBSO Systems and Technology Unit. The accommodation required due to a specified disability is included in the alert. The ADA active alerts list is also accessible to staff and posted in module offices. The County has trained Classification and CQA deputies and has created a process to improve intake procedures to better identify and track individuals with disabilities. Wellpath has also developed an Adaptive Support Needs Assessment Form to identify possible ADA inmates during receiving, as well as a "learning disability" check box on the MTO. Per the ADA Expert's recommendation, the County worked with Wellpath to ensure there was consistency between all ADA flags and MTO categories, including communication disability-related categories. The County has also implemented other recommendations. For example, the ADA Tracker, ADA Alert List, and MTO identifies the preferred method of communication. Additionally, the County is in the process of implementing the Expert's recommended modifications to JMS and the ADA Active Alert List by creating specific disability categories and associated accommodation needs per the MTO. The County anticipates completing these additions in the next month and will implement the modifications following review by the ADA Expert.

Analysis/Observations:

As noted in previous reports, the JMS has some functional capability to track incarcerated people with disabilities. Once an individual is identified as a qualified individual with a disability, the Wellpath and/or Jail staff enter this information from the MTO. The Wellpath staff and/or the ADA Coordinators populate the "ADA Flag" check box in the JMS. The JMS also includes the following categories (check boxes) that the Classification staff and/or the ADA Coordinators can populate. These categories include:

- Deaf
- Blind
- Tri-Counties Patient
- Dementia
- Hearing Impaired
- Paraplegic
- Prosthesis
- Psychiatric/Mental Health

- Quadriplegic
- Walker
- Wheelchair
- Amputee
- Intellectually Disabled
- Psychiatric/Mental Health
- Walker
- Armstrong Notification
- Cane-Walking
- Cannot Walk Long Distances
- Crutches
- Developmental Disability
- Effective Communication
- Needs Level Terrain
- No Stairs
- Serious Mental Illness

The current MTO includes the following:

- Vision Impaired
- Hearing Impaired
- Speech Impaired
- Mobility Disability
- Intellectual Disability
- Developmental Disability
- Learning Disability
- Seizure Condition
- Pregnancy
- Drug/Alcohol Withdrawal
- Physical Limitation (describe limits)
- Other (specify)
- American Sign Language
- Lip Reading
- Hearing Aid
- Lower Tier
- Lower Bunk
- Single Cell
- Extra Mattress
- Extra Blanket
- CPAP Device
- Cane
- Crutches

- Walker
- Wheelchair Full Time
- Wheelchair Part Time/Out of Unit
- Orthotic or Personal Shoes
- Prosthesis
- House is ADA Cell
- Shower Chair/ADA Shower
 - The Expert recommends that these accommodationists be separated. A fully accessible shower is different than a shower that can safely accommodate a shower chair (or have a single grab bar).
- Grab Bars
- Infirmary/OPHU Level Care Housing
- Daily Changes of Clothing/Linens
- Negative Pressure Room
- Court Transportation Needs (specify below)
 - The Expert recommends that the accommodation be changed to "Transportation Needs" without reference to destination.
- Other
- Bus
- Car
- Wheelchair Lift Accessible
- Patient Identified has exhibited characteristics of being a potential target for victimization
- Patient identified has exhibited characteristics of predatory behavior

The Medical Treatment Order for Patient (Identification of Special Needs) – Santa Barbara, CA-R only includes a section for medical staff to specify accommodations for Hearing Impaired (Effective Communication Needs) American Sign Language, Lip Reading, and Hearing Aids.

The disabilities that require identification of Effective Communication needs include:

- Vision
- Hearing
- Speech
- Learning Disabled (includes individuals that have not been diagnosed)
- Intellectually Disabled

Wellpath must revise the MTO to include Effective Communication needs such as:

- Simple English
- Repeat statements
- Speak slowly

- Rephrase statements
- Written communication
- Read documents
- Provide magnifier/reading glasses
- Large print
- Scribe

The County will need to ensure that when the modifications to the ATIMS JMS are implemented, they include these MTO's disability and accommodation identifiers.

Based on the information contained in the MTO, the Classification Unit/ADA Coordinator enters some of the information manually, and some information is populated by checking the "ADA Flag." The disability ATIMS ADA Flags (Mobility Impaired, Vision Impaired, Hearing Impaired, assistive devices and lower tier/bunk) is populated by staff placing a check on the Flag. All other information (physical limitations, alarm emergency, effective communication, vehicle accommodation, additional and Armstrong notices) are entered manually by the Classification staff and the ADA Coordinators. Manually entering this information through this sort of multi-step process leads to human error, and without accurate information, staff may not be aware of the incarcerated person's specific disability and accommodation needs. The County reports there were 380 MTOs written during the document review period. This reflects that 11 out of approximately 380 (.02%) of the MTOs were not provided to custody and can be attributed to human error.

The County has been meeting regularly with ATIMS vendor to move toward an updated ADA System that will include improved functionality. The County anticipates the updated system will be in place by summer 2024.

The County must ensure that disabilities and related health conditions are entered into the ADA Tracking system in real-time. The County reports they are in the process of integrating CorEMR and ATIMS. The County clarifies that the manual entry is not the impediment to real time entry by healthcare and the ADA coordinators. Presently, even though manually entered, the ADA Coordinators can enter the information in real time. Healthcare staff will be able to do so once they have access to JMS.

- a) *Disabilities that may pose a barrier to communication, including but not limited to learning, intellectual, or developmental disabilities, and hearing, speech, or vision impairments?*

The ATIMS JMS/ADA Active Alerts list has the functional capability to track incarcerated people with disabilities that may pose a barrier to communication. These categories include:

- Deaf
- Blind
- Hearing Impaired
- Tri-Counties Patient

The County modified the ADA Active Alert list with the functionality to track incarcerated persons with intellectual disabilities, their adaptive deficits and adaptive support needs, and learning disabled incarcerated persons. However, as reported above, this information is entered manually by the Classification staff and ADA Coordinator and not in real time. Additionally, the County does not have a process in place to identify all of the disabled incarcerated person's barriers to communication (and their preferred method of communication), as the current MTO does not include all of the Effective Accommodation needs.

The County must ensure that disabilities that may pose a barrier to communication, including but not limited to learning, intellectual, or developmental disabilities, speech, or vision impairments, are entered into the ADA Tracking system in real-time and that a process be put in place for Jail staff to identify the preferred method of communications for all disabled incarcerated persons that have a barrier to communication. This information must be provided to Classification and the ADA Coordinator for tracking purposes. Communication disability-related categories should be revised and standardized across the MTO and JMS tracking systems.

The County has been meeting regularly with ATIMS vendor to move toward an updated ADA System that will include improved functionality. The County anticipates the updated system will be in place by summer 2024.

The County must ensure that this information is entered into the ADA Tracking system in real-time.

- b) *Accommodation needs, including housing, classification, transportation, Effective Communication, adaptive supports, health care appliances, assistive devices, and/or durable medical equipment (HCA/AD/DME)?*

The ATIMS JMS and ADA Active Alert list has the functional capability to track accommodation needs, including housing, classification, transportation, Effective Communication, health care appliances, assistive devices, durable medical equipment (HCA/AD/DME), and adaptive deficits and supports for incarcerated people with intellectual disabilities.

The County modified the ADA Active Alert list with the functionality to track incarcerated person's accommodation needs, including housing, classification, transportation, some of the Effective Communication, adaptive supports, and

HCA/AD/DME). However, as reported above, some of this information is entered manually by the Classification staff and ADA Coordinator and not in real-time. The County reports they are in the process of integrating CorEMR and ATIMS. The County clarifies that the manual entry is not the impediment to real time entry by healthcare and the ADA coordinators. Presently, even though manually entered, the ADA Coordinators can enter the information in real time. Healthcare staff will be able to do so once they have access to JMS.

Communication disability-related categories should be revised and standardized across the MTO and JMS tracking systems.

The County has been meeting regularly with ATIMS vendor to move toward an updated ADA System that will include improved functionality. The County anticipates the updated system will be in place by summer 2024.

The County must ensure that this information is entered into the ADA Tracking system in real-time.

- c) *Class membership in Armstrong v. Newsom (N.D. Cal. No. 94- cv-02307) (i.e., people held in the Jail related to a parole revocation proceeding or term), with their applicable disability classification(s) and accommodation need(s)?*

The ATIMS JMS and ADA Active Alert list currently has the functional capability to track class membership in *Armstrong v. Newsom* (N.D. Cal. No. 94- cv-02307) (i.e., people held in the Jail related to a parole revocation proceeding or term) with their applicable disability classification(s) and accommodation needs.

The County modified the ADA Active Alert list with the functionality to track Class membership in *Armstrong v. Newsom* (N.D. Cal. No. 94- cv-02307) (i.e., people held in the Jail related to a parole revocation proceeding or term), with their applicable disability classification(s) and accommodation need(s). However, as reported above, this information is entered manually by the Classification staff and ADA Coordinator and not in real time.

The County must ensure that this information is entered into the ADA Tracking system in real-time.

As noted in question 5.E.1 above, if the functionality is added to the existing ATIMS JMS, this will allow Jail staff to have access to and the ability to document the specific requirements of the *Murray v. Santa Barbara County* Remedial Plan. This recommendation is based on the current ATIMS JMS' limitations in tracking disability-related information in real time. The County is currently working with the ATIMS vendor to add the functionality required by the *Murray v. Santa Barbara County* Remedial Plan.

The Expert recommends the modifications include specific disability categories such as mobility, vision, hearing, learning, intellectual, etc., and the associated accommodation needs.

The County has been meeting regularly with the ATIMS vendor to move toward an updated ADA System that will include improved functionality. The County anticipates the updated system will be in place by summer 2024.

The Expert also continues to recommend that the County modify the "Alerts" using the process detailed in question 5.E.1. above.

5.E.3. The ADA Tracking System's prisoner disability information will be readily available to custody, medical, mental health, and other staff at the Jail to ensure appropriate accommodations and adequate program access for people with disabilities. Health care staff, the ADA Coordinator, and any ADA Coordinator-designee shall have the ability to input information into the ADA Tracking System in real-time.

Compliance Rating: Partial Compliance

Prior Compliance Rating: Partial Compliance

County Response:

The County reports it is in the process of fully implementing this requirement. The County ADA Tracking system's prisoner disability information is readily available to custody, medical, mental health, and other staff at the jail. Medical and mental health staff have access to the disability information as such is input into CorEMR by way of the MTO. Custody and other jail staff also have access to disability information. The ADA Tracker and ADA Active Alert List are distributed and posted in the module offices on a daily basis. Additionally, the ADA Coordinator reviews all entries on the ADA Tracker for completeness on a daily basis. The updated ADA tracking system referenced above should have the ability to fully meet this provision and the County will work with the ADA Expert to address this provision. The County anticipates that the updated system will be in place by summer 2024.

Analysis/Observations:

The County has made some modifications to the ADA Tracking system by automating the distribution process of the Active Alert List. This allows some of the disability-related information to be distributed to Jail staff in a more expedited fashion (the report is automatically distributed once a day in an email to all Jail staff). The County is currently working with the ATIMS vendor to add the functionality required by the *Murray v. Santa Barbara County Remedial Plan*.

The ATIMS JMS ADA Tracking System is installed on all custody jail staff computer desktops and is available to all jail custody staff, and they have the ability to view all of the ADA Flags that have been entered by the Classification Unit and the ADA Coordinator. All Jail staff are also provided an updated Active ADA Alerts list which is automatically distributed daily. However, as described above, not all required disability accommodations are tracked by the ADA Active Alerts list.

Staff interviewed reported that once a disability is verified and the accommodations are approved, an MTO is generated, and the MTO is emailed to the custody Classification Unit and the ADA Coordinators. Classification staff enter the information into the JMS Flag. However, as part of document production, the Expert requested, and the County produced emails where the ADA Coordinator had not received an MTO for cases where the ADA Coordinator had identified an incarcerated person with a disability and/or an ADA Flag in ATIMS. In a review of the document, the Expert identified ten (10) cases where the MTO had not been provided to the Classification Unit or ADA Coordinator. Additionally, during the monitoring tour, the Expert identified one (1) case at the NBJ where an incarcerated person was in possession of a wheelchair and was not listed on the ADA Active Alerts list. Additionally, during the onsite monitoring tour, the Classification staff and ADA Coordinators reported they do not consistently receive the MTO and, at times, must request the MTO from medical staff after the incarcerated person is housed. The County reports there were 380 MTOs written during the document review period. This reflects that 11 out of approximately 380 (.02%) of the MTOs were not provided to custody and can be attributed to human error.

Wellpath MTO for Patient includes the documentation of approval for Lower Bunk. The MTO is completed and approved by the Medical Provider after an individualized evaluation and provided to custody staff (ADA Coordinator). The County has implemented the following process (Custody Medical Treatment Order MTO Creation, Distribution, and Workflow) for the completion and distribution of the MTO.

1. Arresting Officer brings inmate to Nurse.
2. Nurse assesses Inmate for medical issues, including identified ADA concerns and accommodations.
3. Nurse completes MTO and saves as PDF.
4. Nurse emails MTO (PDF) to CustodyClassification@sbsheriff.org and ADA@sbsheriff.org.
5. ADA Coordinator receives emailed MTO.
6. Custody Classification receives emailed MTO.
7. ADA Coordinator confirms MTO accommodations are provided.
8. Custody Classification adds pdf to inmate electronic booking file.
9. Custody Classification inputs necessary JMS Flags
10. Custody Classification enters accommodations into JMS Classification narrative.
11. Nurse prints MTO.

12. Nurse gives printed MTO to arresting officer.
13. Arresting officer and inmate leave trailer go to Custody Booking/Intake.
14. Arresting officer gives Intake deputy booking paperwork and paper MTO.
15. Intake deputy ensures per MTO inmate is accommodated with ADA requirements.
16. Intake deputy gives paper MTO to inmate.

The County must ensure all information for incarcerated people with a qualified disability and their accommodation needs are readily available to custody, medical, mental health, and other staff at the Jail to ensure appropriate accommodations and adequate program access for people with disabilities.

5.E.3.a. Does health care staff, the ADA Coordinator, and any ADA Coordinator-designee have the ability to input information into the ADA Tracking System in real time?

The Classification Unit and the ADA Coordinators have the ability to input information into the ADA Tracking System when MTOs are received from Wellpath. However, as discussed above, the County and Wellpath need to ensure an effective process is put in place for routing/distribution of the MTO once the RN (during the intake process) and the Medical Providers complete an MTO designating an incarcerated person as disabled and identifying their accommodations.

As part of document production, the Expert requested, and the County produced emails where the ADA Coordinator had not received an MTO for cases where the ADA Coordinator had identified an incarcerated person with a disability and/or an ADA Flag in ATIMS. In a review of the document, the Expert identified ten (10) cases where the MTO had not been provided to the Classification Unit or ADA Coordinator. Additionally, during the monitoring tour, the Expert identified one (1) case at the NBJ where an incarcerated person was in possession of a wheelchair and was not listed on the ADA Active Alerts list. Additionally, during the onsite monitoring tour, the Classification staff and ADA Coordinators reported they do not consistently receive the MTO and, at times, must request the MTO from medical staff after the incarcerated person is housed. The County reports there were 380 MTOs written during the document review period. This reflects that 11 out of approximately 380 (.02%) of the MTOs were not provided to custody and can be attributed to human error.

The County must ensure Classification staff and the ADA Coordinators enter the disability-related information (disability and accommodations) promptly after the MTOs are approved. Real-time entry and tracking will require a comprehensive, standardized, electronic ADA tracking system that cannot be achieved with the current system. The County reports they are in the process of integrating CorEMR and ATIMS. The County clarifies that the manual entry is not the impediment to real time entry by healthcare and the ADA coordinators. Presently, even though manually entered, the ADA Coordinators can enter the information in real time. Healthcare staff will be able to do so once they have access to JMS.

5.E.4. *The County will print a prisoner's disability accommodation need(s) on the person's wristband.*

Compliance Rating: Not-Applicable by agreement of the parties

Prior Compliance Rating: Non-Compliance

County Response:

The County reports it is in the process of fully implementing this requirement. In the next six (6) months, the County will be exploring options to print a prisoner's disability accommodation needs on an inmate's wristband. This option is currently being explored with an upgrade to the current ATIMS JMS system. Thereafter, the County will perform the necessary training and implementation of this provision. However, full implementation may be deferred until a new ADA tracking or JMS system is in place. The County anticipates the updated system will be in place by summer 2024.

Analysis/Observations:

Currently, the incarcerated person's disability accommodation needs are not printed on the incarcerated person's wristband. During the most recent tour the parties discussed concerns that the wristbands will result in victimization of incarcerated persons. The County reported it is presently utilizing the ADA tracker to identify incarcerated persons that require accommodations during emergencies and they also offer the use of identifying vests for those ADA incarcerated persons that desire one. Based on this, the parties advised the Expert they have agreed that this provision is no longer necessary.

5.E.5. *Staff shall check the ADA Tracking System for each prisoner, and document that check, immediately prior to:*

- a) Intake screening;*
- b) Classification interview;*
- c) Assignment of housing;*
- d) Assignment of programs;*
- e) Medical and mental health encounters;*
- f) All due process proceedings, including but not limited to, resolving grievances and disciplinary infractions;*
- g) All trips to court or outside health care appointments.*

Compliance Rating: Partial Compliance

Prior Compliance Rating: Partial Compliance

County Response:

The County reports it is in the process of fully implementing this provision. While the County is partially completing the requirements of this provision, full compliance is pending the upgraded ADA Tracking System which the County anticipates will be complete in summer 2024. Training on the new system, including the requirements of this provision, will occur within three (3) months of implementation of the revised system. In the interim, the County will train Classification staff to meet sections (b) and (c) of this requirement. The County programs team is provided ADA Active Alerts List and will be providing that list to all outside program providers. Sections (a) and (e) are performed via CorEMR, and Effective Communication or other disability-related information is documented. Additional training regarding the appropriate documentation is pending. The transportation staff are checking and documenting as required by this provision. The County is working on improving compliance with the remainder of this provision; however, full compliance will occur with the implementation of the new ADA Tracking System.

Analysis/Observations:

Although the County has created "ADA Flags" and "ADA Notes" for staff to check the ADA Tracking System and document the check, the County reports that they plan to train staff to check the ADA Tracking System and document the check for each incarcerated person with a disability prior to intake screening, classification, assignment of housing, medical (medical, dental, and mental health) encounters, and due process proceedings. A review of the Santa Barbara Sheriff's Office Inmate History – Inmate Notes ADA-Accommodations Check reflects that in April 2024, some staff began checking and documenting the check in the ADA Tracking system for programs and disciplinary infraction hearings. The Santa Barbara Sheriff's Office Inmate History – Inmate Notes ADA-Accommodations Check does not reflect staff conducted the required check for classification, assignment of housing, medical and mental health encounters, grievances, and trips to a court or outside medical.

The County must ensure staff check the ADA Tracking System and document the check in the ADA Tracking System.

5. F. Screening for Disability and Disability-Related Needs

5.F.1. The County shall take steps to identify and verify each person's disability and disability-related needs, including by screening them for disabilities during medical intake and classification. The County shall ensure that all private health care and other service providers implement any policies and procedures needed to facilitate full implementation of these provisions.

Compliance Rating: Partial Compliance

Prior Compliance Rating: Partial Compliance

County Response:

The County reports it is in the process of fully implementing this requirement. The County is taking steps to identify and verify inmates' disabilities and disability-related needs and coordinating with Classification, CQA deputies, and the ADA Coordinators so that they are aware of inmates' Effective Communication needs and accommodations. The intake process identifies inmates with disabilities, including intellectual disability. Wellpath is in the process of redeveloping its pilot program for identifying intellectual and developmental disabilities and estimates that this program will return in the next six (6) to eight (8) months. Wellpath also developed an Adaptive Support Needs Assessment Form to identify possible ADA inmates during receiving, as well as a "learning disability" check box on the MTO. The County has also updated the Custody Operations ADA Policy (Section 209) to meet the provisions of this requirement. In the next six (6) months, the County will be incorporating the ADA Expert's additional intake questions that are not currently included in the medical intake process. Per the ADA Expert's recommendation, these additional questions will be asked during the Classification Interview. The County anticipates completing this requirement in the next ten (10) months.

Analysis/Observations:

As noted in the previous report, the Wellpath Policy HCD-110_E-02 Receiving Screening – Santa Barbara CA (10/29/20), Wellpath Policy HCD-110_F-08 Verification and Accommodation of Disability - Santa Barbara CA (9/27/19), and Wellpath Policy HCD-110_E-04 Initial Health Assessment – Santa Barbara CA (10/29/20) contains the process for the County to identify and verify disabilities and accommodation needs for persons being processed into the Jail.

The disabilities include:

- Mobility impairment requiring a wheelchair fulltime
- Mobility impairment requiring a wheelchair part-time
- Mobility impairment not requiring a wheelchair
- Hearing impairment
- Speech impairment
- Vision impairment
- Learning Disability
- Other Impairment or disability

In addition, the policies include the process for medical staff to identify the incarcerated person's disability-related needs/accommodations (assistive devices, health care appliances, durable medical equipment, housing accommodations including low

bunk/low tier/grab bars/accessible cell, etc.), and some of the Effective Communication needs. When observing the medical intake screening, the Expert noted that although the policies include directives for medical staff to screen, identify, and verify these disabilities, the County has not implemented a screening process to effectively screen for learning disabilities. The screening process only includes questions related to the incarcerated person's ability to read or write and does not assess an individual for potential learning disabilities. Individuals with learning disabilities are typically reluctant to disclose their disability and/or inability to read and write and will often respond with a "yes" when asked if they can read or write. The screening process has not been revised since the last monitoring tour.

Wellpath piloted a policy and process to screen incarcerated persons for intellectual and developmental disabilities. The pilot screening process included screening questions (Adaptive Needs Assessment) and a referral process to a psychologist for further evaluation if cases were identified as potentially having an Intellectual/Developmental Disability. The screening and identification process included timelines for the psychologist to make contact with the incarcerated person, including an expedited process for urgent referrals). The psychologist would conduct a record review as well as psychological testing using standardized intelligence assessments such as the Quick Test (QT) and the Test of Nonverbal Intelligence-4 (TONI-4), and in addition, conducts an Adaptive Support Evaluation. The psychologist would identify adaptive support deficits and adaptive support needs while in custody for cases identified as having an Intellectual/Developmental disability. The psychologist would also develop an adaptive support needs plan and identify the adaptive supports staff needed to provide. Incarcerated persons who had an adaptive supports needs plan were enrolled in the Mental Health Special Needs Program. This program was managed by Wellpath Regional Mental Health Department, and due to management changes, the pilot program was halted, and Wellpath is redeveloping the process. Wellpath and the County estimate that this program will return in the next six (6) to eight (8) months.

The Expert reviewed the revised Custody Operations Americans with Disabilities Act (ADA) Policy Section 209 (Revised 04/2024) and confirmed the policy includes the requirements of the *Murray v. Santa Barbara County* Remedial Plan. The policy states, "All incarcerated persons shall be screened by medical personnel prior to entry into the jail. This initial screening allows for the ability to identify most Disabilities or need for accommodations prior to the housing of the incarcerated person. Wellpath Policy F-08 outlines the process in which incarcerated persons being booked and/or housed in the Santa Barbara County Jail who claim or are observed to have a disability are screened and evaluated for disabilities and accommodations needs, including housing restrictions, physical limitations, effective communication, and adaptive support to ensure equal access to all programs, services, and activities." The policy also states, "It is the responsibility of medical staff to assess (testing/screening) incarcerated persons upon intake for evidence of a Disability or special management need. This assessment information will be entered into the incarcerated person's EMR."

During the previous monitoring tour, the Expert noted the Active ADA Alerts list reflected a total of 46 incarcerated persons designated as disabled. This was a significant increase from the previous monitoring tour. During this monitoring tour, the Expert noted that the Active ADA Alerts list reflected a total of 101 incarcerated persons designated as disabled. This is also a significant increase from the previous monitoring tour and represents an identified disability population proportion that is more consistent with Department of Justice data for jails. The Active ADA Alerts list only reflects one (1) incarcerated person as Learning disabled, and the list reflects no incarcerated persons designated as Intellectually/Developmentally disabled.

However, during the incarcerated person interviews and document review (ADA Disability Request for Accommodations and ADA-related grievances), the Expert identified the following cases as potentially having a qualified disability; however, these cases had not been identified by Wellpath as having a disability and/or accommodations have not been provided. These cases include;

- An incarcerated person (MJ) who has a mobility disability was observed having a difficult time walking to the interview room. The ADA Coordinator issued him a cane and referred him for a medical evaluation.
 - The ADA Coordinator approached this individual at the MJ and asked if he needed an accommodation after the ADA Coordinator observed him having an unsteady gait. The IP had not initiated an accommodation request and there was no evidence that the mobility disability was present at intake. The IP's unsteady gait could have been caused subsequent to intake while the IP was at the facility. The County position is that this incident demonstrated the ADA Coordinator's initiative and should not be negatively highlighted.
- An incarcerated person (NBJ) with a mobility disability was not identified during intake. He stated he had to write a medical request requesting a cane and brace.
 - County response - The patient denied the initial questions re accommodations needed at intake, however, he asked for and was given a blanket to use as a wedge. He was seen for a follow up appointment on 1/23 and did not make an accommodation request. He was seen on 2/13 for special shoes and they tasked for chart review to determine need for accommodation. He was seen 2/27 and received an MTO for orthotic shoes. 4/24 he asked for a knee brace, which was approved and ordered on 4/29. 5/13 he requested bi-lateral knee braces and a cane prior to transfer to prison. 5/17 provider documented that he already had right knee brace. Was provided left knee brace and medical advised ADA of need for cane. Patient made no further accommodation requests. Released 6/21.

- An incarcerated person (NBJ) who has a mobility disability stated the intake nurse told him they did not have a cane and he had to see a doctor.
 - County response - 8/20 Patient denied the initial questions re accommodations needed at intake. Cane was not indicated at time of intake as RN noted no ambulation issues. Patient placed in observation cell due to patient hearing voices. 8/23 provider ordered lower bunk, lower tier and orthotic shoes. 9/3 provided with orthotic shoes. 9/18 patient provided with knee brace and stockings. Patient made no request for a cane.
- An incarcerated person (NBJ) who has a mobility disability stated he was identified as mobility disabled two (2) weeks after arrival.
 - County response - 1/28 patient was unable to complete intake screening due to intoxication and patient was placed in observation. 2/1 intake re-attempted and completed and provided with lower bunk, cane, and orthotic shoes.

Disability Requests for Accommodation

- 34 cases where the incarcerated person requested shoes as an accommodation.
 - Note: This is based on a review of the requests for accommodation, and not necessarily requests that should have been identified absent notification by or request from the incarcerated person.
- Three (3) cases where the incarcerated person requested a lower bunk.
- Six (6) cases where the incarcerated persons claimed they had a vision disability and required glasses.
- One (1) case where an incarcerated person claimed they have a mobility disability and requested a prosthetic.
- Five (5) cases where the incarcerated person requested a brace (back/knee/ankle).
- Two (2) cases where the incarcerated persons requested a wheelchair.
- One (1) case where an incarcerated person requested hearing aids.
- Two (2) cases where the incarcerated person requested a cane.

ADA-related grievances

- 17 cases where the incarcerated person requested shoes as an accommodation.
- Two (2) cases where the incarcerated person requested a lower bunk.
- Eight (8) cases where the incarcerated persons claimed they had a vision disability and required glasses.
- Four (4) cases where the incarcerated person requested a brace (back/knee/ankle).
- Two (2) cases where the incarcerated persons requested a wheelchair.
- Two (2) cases where the incarcerated person claimed they had difficulty walking/standing.

- One (1) case where the incarcerated person requested a shower chair.

Based on these incarcerated persons not being identified as disabled and not being provided the necessary accommodations, they were placed in a position of a substantial risk of injury and not provided the necessary accommodations to access the jail's programs, services, and activities.

The County and Wellpath must take steps to identify qualified disabled incarcerated persons during the medical intake screening process so that staff can be aware of their disability and accommodation needs.

To successfully achieve the objectives of the *Murray v. Santa Barbara County* Remedial Plan, the Expert previously recommended that the County consider asking the incarcerated person the additional questions listed below as other County jail screening processes do:

- Do you use/need an assistive device (Cane, Walker, Wheelchair, Scooter, Crutches, Prosthetic device, or prescribed footwear)?
- Do you have difficulty walking? Describe
- Do you have difficulty using the stairs? Describe
- Would you have difficulty stepping up/down into/from a van/bus?
- Do you have difficulty stepping into a shower where you have to raise your leg 4-6 inches?
- Do you have difficulty standing? Describe (Long period of time, shower, etc.)
 - The County reports this question is included in the receiving screening.
- Would you have difficulty climbing onto a top bunk?
- Do you have difficulty raising your arms above your head?
- Do you have difficulty gripping? Explain (For example, Doorknob, Shower Knob, Tablet, Food tray, etc.)
- Do you have difficulty bending?
- Do you have difficulty lifting objects?
- Have you been sentenced to prison in California (CDCR)? If so, were you a class member of the Armstrong case? Did you get anything to help you with a disability when you were in CDCR? Do you still need that help?
- Do you have any other disabilities not covered in this evaluation that you need help with?
 - The County reports this question is included in the receiving screening.

These questions can be asked by custody staff as part of the Intake/Classification process, and cases that have not been identified by Wellpath can be referred to Wellpath for evaluation. These questions or questions similar to these must be incorporated into the screening process in order to ensure adequate screening and identification of disabled incarcerated persons and their accommodation needs. The

County reported that the County is looking into the process of incorporating the additional intake questions.

The County reported Wellpath conducts a thorough assessment and asks additional questions regarding disability as warranted in those instances. The County is happy to provide examples as needed. Qualified nurses are conducting these assessments and are trained to identify ADA needs and there is concern that additional questions will inundate the intake process.

Class counsel is supportive of this "backstop" process so long as it is designed to supplement health care intake screening for disability. If a new disability or accommodation need is identified by classification/custody staff, staff should refer the person back to health care staff for further ADA assessment and order for provision of accommodation needs. An interim accommodation can be provided pending the health care re-assessment/order.

On September 19, 2024, the County revised the Classification Assessment interview sheet to include the following questions:

- Do you have any difficulty:
 - Walking?
 - Using the stairs stepping up/down into/from a van/bus?
 - Stepping into a shower where you must raise your leg 4-6 inches?
 - Standing (long period time, shower, etc.)?
 - Climbing onto a top bunk?
 - Raising your arms above your head?
 - Gripping (e.g., doorknobs, shower knobs, tablets, food trays, etc.)?
 - Bending?
 - Lifting?
- If any are checked please describe
- Do you have any other disabilities not covered in this evaluation that you need help with?

The County must also ensure that a screening and identification process is in place for the identification of intellectual/developmental and learning-disabled incarcerated persons.

5.F.1.a. Does the County ensure that all private health care and other service providers implement any policies and procedures needed to facilitate full implementation of these provisions?

The Wellpath staff has specific policies in place for the identification and verification of disability and disability-related needs, including screening persons being processed into the Jail for disabilities during the medical intake process. However, as noted above,

there were cases identified where the incarcerated person had a qualified disability, and the Wellpath staff had not identified the disability and accommodations. The Expert was not provided medical progress notes to measure compliance with the requirements to provide and document Effective Communication. The County recently implemented an Effective Communication form, which the County intends to use for all staff and clinical encounters with incarcerated persons as required by the *Murray v. Santa Barbara County* Remedial Plan. The County must ensure medical staff takes steps to identify all incarcerated persons and their accommodations (including the preferred method of communication), conduct the required checks of the ADA Tracking System, and provide and document Effective Communication.

- 5.F.2. *The County, in consultation with subject matter experts and Plaintiffs' counsel, shall revise its ADA screening process to ensure consideration of:*
- a) The individual's self-identification or claim to have a disability;*
 - b) Documentation of a disability in the individual's health, custody, and any other available records;*
 - c) Staff observation that the individual may have a disability that affects placement, program access, or Effective Communication; and*
 - d) The request of a third party (such as a family member) for an evaluation of the individual for a possible disability.*

Suspension of Monitoring

Pursuant to paragraph 52 of the *Murray v. Santa Barbara County* Remedial Plan, the County formally requested the discontinuation of monitoring of this provision. The parties conferred, and Class Counsel had no objection to the County's request. This provision is discontinued from monitoring.

- 5.F.3. *The County shall ensure that ADA screening results are promptly entered in the ADA Tracking System.*

Compliance Rating: Partial Compliance

Prior Compliance Rating: Partial Compliance

County Response:

The County reports it is in the process of fully implementing this requirement. The County has developed an ADA tracking system ("Tracker"), which incorporates tabs for transgender and Effective Communication needs to address the ADA Expert's concerns. Additions have also been made to capture individuals with Intellectual Disabilities and to ensure Effective Communication. In the next three (3) months, the County will be updating JMS to include all flags and sub-flags recommended by the ADA Expert. In the next six (6) months, the County will coordinate with the ADA Expert

to discuss the necessary components of the ADA Tracking System and consult with ATIMS to have 'real-time' tracking incorporated into the Tracker and any later JMS iterations. Formal training on the ADA Tracking System will occur during the requisite ADA training and at all future Custody Academies. Training will be specific to the individual job class. As previously reported, the County created a process to improve intake procedures to better identify and track individuals with disabilities. During this rating period, the County further refined this process, in part due to having an ADA Coordinator dedicated to ADA coordination, including updating the ADA Tracker on a daily basis. Since further refining the process, a recent sampling of ADA Tracker documents and data demonstrates a 95% success rate when comparing the MTO information and the ADA tracker. The County has been meeting regularly with ATIMS to move toward an updated ADA System that will include improved functionality as requested by the ADA Expert, although not required by this provision. The County anticipates the updated system will be in place by summer 2024.

Analysis/Observations:

Staff interviewed reported that once a disability is verified and the accommodations are approved, an MTO is generated, and the MTO is emailed to the custody Classification Unit and the ADA Coordinators. Classification staff enter the information into the JMS Flag. However, as part of document production, the Expert requested, and the County produced emails where the ADA Coordinator had not received an MTO for cases where the ADA Coordinator had identified an incarcerated person with a disability and/or an ADA Flag in ATIMS. In a review of the document, the Expert identified ten (10) cases where the MTO had not been provided to the Classification Unit or ADA Coordinator. Additionally, during the monitoring tour, the Expert identified one (1) case at the NBJ where an incarcerated person was in possession of a wheelchair and was not listed on the ADA Active Alerts list. Additionally, during the onsite monitoring tour, the Classification staff and ADA Coordinators reported they do not consistently receive the MTO and, at times, must request the MTO from medical staff after the incarcerated person is housed. The County reports there were 380 MTOs written during the document review period. This reflects that 11 out of approximately 380 (.02%) of the MTOs were not provided to custody and can be attributed to human error.

Wellpath MTO for Patient includes the documentation of approval for Lower Bunk. The MTO is completed and approved by the Medical Provider after an individualized evaluation and provided to custody staff (ADA Coordinator). The County has implemented the following process (Custody Medical Treatment Order MTO Creation, Distribution, and Workflow) for the completion and distribution of the MTO.

1. Arresting Officer brings inmate to Nurse.
2. Nurse assesses Inmate for medical issues, including identified ADA concerns and accommodations.
3. Nurse completes MTO and saves as PDF.

4. Nurse emails MTO (PDF) to CustodyClassification@sbsheriff.org and ADA@sbsheriff.org.
5. ADA Coordinator receives emailed MTO.
6. Custody Classification receives emailed MTO.
7. ADA Coordinator confirms MTO accommodations are provided.
8. Custody Classification adds pdf to inmate electronic booking file.
9. Custody Classification inputs necessary JMS Flags
10. Custody Classification enters accommodations into JMS Classification narrative.
11. Nurse prints MTO.
12. Nurse gives printed MTO to arresting officer.
13. Arresting officer and inmate leave trailer go to Custody Booking/Intake.
14. Arresting officer gives Intake deputy booking paperwork and paper MTO.
15. Intake deputy ensures per MTO inmate is accommodated with ADA requirements.
16. Intake deputy gives paper MTO to inmate.
17. Complete.

The County and Wellpath must ensure that all ADA screening results (intake screening and post-housing screenings) are promptly entered into the ADA Tracking System. Based on the limitations of the current ADA Tracking System, until a comprehensive, standardized electronic ADA Tracking System is implemented, staff must ensure that all of these various ADA tracking components are promptly and accurately entered. The County reports that while the County is in the process of updating its ADA Tracking system, currently, the information is input into the Tracking system promptly. The only way to hasten the process is if medical input the information directly into the tracker, which is not required by the Remedial Plan. While the County is working towards such data sharing, such is not a requirement of this provision. But for a handful of outliers, it appears that the process delineated should meet the "prompt" requirement.

5. G. Disability-Related Requests and Grievances

5.G.1. The County shall revise its ADA Request Form to contain an explanation of how to appeal a denial of accommodations.

Suspension of Monitoring

Pursuant to paragraph 52 of the *Murray v. Santa Barbara County* Remedial Plan, the County formally requested the discontinuation of monitoring of this provision. The parties conferred, and Class Counsel had no objection to the County's request. This provision is discontinued from monitoring.

5.G.2. *The County shall provide a grievance procedure for people with disabilities to appeal any denial of an accommodation, and to report any disability-based discrimination or violation of the ADA, this Remedial Plan, or Jail ADA-related policy.*

Compliance Rating: Substantial Compliance

Prior Compliance Rating: Partial Compliance

County Response:

The County reports it has implemented a grievance procedure, which is outlined in the Custody Operations ADA Policy (Section 209) and Grievance Procedures Policy (Section 361). The County revised the policies to incorporate the language recommended by the ADA Expert. Since February 2023, the County has initiated a Grievance Tracker, which (daily) annotates and reports grievances received in the previous 24-hour period. The Grievance tracker includes a section specifically enumerated for ADA responses, which must be answered within 72 hours.

Analysis/Observations

The Expert reviewed the revised Custody Operations Americans with Disabilities Act (ADA) Policy Section 209 (Revised 04/2024) and confirmed the policy includes the requirements of the *Murray v. Santa Barbara County* Remedial Plan. The policy states, "The Grievance Form is a standard Office form that may be used by an incarcerated person to file a grievance including a grievance related to a Disability, and accommodation or any denial of accommodation, or discrimination or violation of the ADA or the *Murray v. County of Santa Barbara* Remedial Plan, or jail related policy. The grievance form has a checkbox for ADA-related grievances. When a grievance is submitted, a staff member shall provide a written response within fifteen (15) days, including the resolution and the basis for denial (if applicable). The instructions for appealing a grievance response are included on the grievance form. If the ADA grievance box is checked, the grievance shall be routed to the ADA Coordinator or Designee for response within 72 hours of receipt. Grievances with clear ADA references shall also be routed to the ADA Coordinator or Designee for response within 72 hours." The Expert also reviewed Custody Policy 361 - Grievance Procedures, which states, "ADA-related grievances will be immediately reported to the Lead Supervisor and will be responded to within 72 hours of receipt. The Lead Supervisor shall identify ADA grievances even if the checkbox is not selected by the incarcerated person submitting the grievance and shall route/respond to them appropriately.

5.G.3. *The County shall ensure that people who are Deaf or hard of hearing are interviewed and provided a qualified SLI as part of the grievance/appeal process.*

Compliance Rating: Partial Compliance

Prior Compliance Rating: Partial Compliance

County Response:

The County reports that it has obtained a VRS and VRI account with Purple Communications so that deaf and hard of hearing inmates have access to contact outside parties and to further ensure that deaf/ hard of hearing inmates are provided Effective Communication as part of the grievance/appeal process. Additionally, an on-call SLI can be utilized for Effective Communication for deaf or hard of hearing inmates in the interim. The County has revised the Custody Operations ADA Policy Section (Section 209) ADA to incorporate the language recommended by the ADA Expert.

Analysis/Observations

The Expert reviewed the revised Custody Operations Americans with Disabilities Act (ADA) Policy Section 209 (Revised 04/2024) and confirmed that the policy includes the requirement for staff to provide Qualified Sign Language Interpreters (SLIs) on-site or through a VRI service during intake and for due process functions, health care encounters, and Jail programming, when sign language is the person's primary means of Effective Communication unless the person waived the assistance of an interpreter and/or delay would pose an urgent safety or security risk. The Custody Policy 361 - Grievance Procedures states, "Incarcerated persons who are deaf or hard of hearing shall be provided with a sign-language interpreter if that is their preferred method of communication as part of the grievance/appeal process."

A review of the document production reflects three (3) incarcerated persons with a hearing disability who use sign language communication were housed at the jails during the document review period. However, in review of the grievances, none of the incarcerated persons submitted a grievance. During subsequent monitoring tours, the County will need to provide documents that reflect the provision of an SLI/VRI to the Expert if available.

Additionally, staff interviewed stated that incarcerated people who are Deaf and/or Hard of Hearing are provided with a qualified SLI as part of the grievance/appeal process.

Although the County has a process in place to document the provision of an SLI, there were no cases to review where an SLI/VRI was provided as part of the grievance/appeal process. The County established a contract with "Purple Communications" on 1/11/23 for on-demand sign language interpreting services.

During the next monitoring tour, the Expert will review cases and ensure that staff have been trained on these requirements.

5.G.4. *To ensure that ADA accommodations requests and ADA grievances are promptly addressed, the County shall:*

- a) Respond to an individual's Request for Accommodations within 72 hours of receipt;*
- b) Respond to an ADA-related grievance within 72 hours of receipt;*
- c) Establish an expedited process for urgent ADA requests and grievances (e.g., situations in which a person's safety or physical well-being is at risk); and*
- d) Allow each person to retain accommodation(s) they possess at the time of arrival at the Jail or that they have been previously provided by the Jail, pending review of a grievance/appeal regarding the denial or removal of such accommodation(s), absent an individualized security concern that is documented.*

Compliance Rating: Partial Compliance

Prior Compliance Rating: Partial Compliance

County Response:

The County reports it is in the process of implementing this requirement. The County has created an ADA Request for Accommodations Log to track the timeframe within which the County and Wellpath respond to accommodation requests. This log is updated daily. The ADA Coordinator responds to accommodation requests within 72 hours of receipt and will be annotating the ADA Request for Accommodations Log to reflect such response. The County is also updating that Log to include tracking of urgent accommodation requests. The County revised the Custody Operations Grievance Procedures Policy (Section 361) to address inmate-related ADA requests and Grievances, including the ADA Expert's recommended additions related to urgent grievances. Since February 2023, the County has initiated a Grievance Tracker, which (daily) annotates and reports grievances received in the previous 24-hour period. The Grievance tracker includes a section specifically enumerated for ADA responses, which must be answered within 72 hours. The County is auditing compliance during the quarterly grievance reviews. Absent security concerns, the County allows inmates to retain accommodations they possess upon arrival at the jail in accordance with this provision. The County also revised the Custody Operations ADA Policy (Section 209) to include the Expert's recommended additions related to the retention of accommodations upon arrival at the jail. In the next six (6) months, the County will conduct training regarding policies 209 and 361 and the procedures associated with those policies.

Analysis/Observations

- a.) *Respond to an individual's Request for Accommodations within 72 hours of receipt?*
The Expert reviewed the revised Custody Operations Americans with Disabilities Act (ADA) Policy Section 209 (Revised 04/2024) and Custody Policy 361 - Grievance

Procedures and confirmed that the policy includes the requirements of the *Murray v. Santa Barbara County* Remedial Plan.

The County produced 87 Disability Requests for Accommodation. The Disability Request for Accommodation Form includes signatures for medical staff, the ADA Coordinator, and the Division Lieutenant. The County reports that upon receipt of the Disability Requests for Accommodation, the ADA Coordinator reviews the Disability Request for Accommodation and if the Disability Request for Accommodation requires a medical review, forwards the Disability Request for Accommodation to the medical staff. The ADA Coordinator provides the incarcerated person a copy of the Disability Request for Accommodation reflecting the Disability Request for Accommodation has been forwarded to medical staff for review and response. In cases where the ADA Coordinator can respond to the Disability Request for Accommodation, the ADA responds and forwards the Disability Request for Accommodation to the Lieutenant for final review/approval. After the Lieutenant signs/approves the response, a copy of the final Disability Request for Accommodation is provided to the incarcerated person. The response provided by the ADA Coordinator in 72 hours is not the final resolution of the grievance.

In a review of the Disability Request for Accommodation, in 13 cases, the Disability Request for Accommodation was not reviewed by the ADA Coordinator within 72 hours of the request; in ten (10) cases, the Disability Request for Accommodation was not dated by the incarcerated person, and in 13 cases the Disability Request for Accommodation did not reflect the date of the ADA Coordinator signature or was not signed by the ADA Coordinator.

The County must ensure the Disability Request for Accommodation are responded to within 72 hours of receipt by the ADA Coordinator. The County must also revise Custody Policy 361 - Grievance Procedures and Custody Operations ADA Policy (Section 209) to include the requirements of the *Murray v. Santa Barbara County* Remedial Plan.

b.) Respond to an ADA-related grievance within 72 hours of receipt?

The Expert reviewed the revised Custody Operations Americans with Disabilities Act (ADA) Policy Section 209 (Revised 04/2024) and Custody Policy 361 - Grievance Procedures and confirmed that the policy includes the requirements of the *Murray v. Santa Barbara County* Remedial Plan.

The County produced nine (9) ADA Grievances. The Expert also reviewed Grievances Logs the County produced for all Experts for the months of August 2023 to February 2024. Based on this review, the Expert identified 108 grievances that contain an ADA component; however, these grievances were not identified as ADA Grievances and were not produced by the County as part of the ADA document production.

Of the 118 ADA Grievances reviewed, 14 were not responded to within the required 72 hours. The County reports that although the ADA Coordinator reviews the ADA-related grievances, the ADA Coordinator currently does not provide the incarcerated person with a notice advising them that the grievance has been forwarded to medical and/or other department for response. The County reported that the Disability Request for Accommodation workflow will be implemented for ADA-related grievances. This will provide notice to the incarcerated person that the grievance has been reviewed and will be processed for response.

Of the 118 grievances the Expert identified as having an ADA component and not identified as ADA Grievances by the County, The issues include;

- Requesting orthopedic appointment – one (1)
- Requesting HCA/DME/AD – eight (8) back support, back brace, brace, wheelchair, shower chair,
- Requesting MAT treatment – 66²
- Lack of programs for ADA – one (1) NW-Mod C
- Requesting glasses or vision test – eight (8)
- Requesting shoes – 13
- Requesting extra mattress – two (2)
- Mobility issues – three (3) difficulty (sitting, walking, laying down), can't go up the stairs, difficulty walking
- Requesting lower bunk – two (2)
- Requesting shoes and mattress – one (1)

The United States Department of Justice Guidance³ states, “People with OUD typically have a disability because they have a drug addiction that substantially limits one or more of their major life activities. Drug addiction is considered a physical or mental impairment under the ADA. Drug addiction occurs when the repeated use of drugs causes clinically significant impairment, such as health problems and or an inability to meet major responsibilities at work, school, or home. People with OUD may therefore experience a substantial limitation of one or more major life activities, such as caring for oneself, learning, concentrating, thinking, communicating, working, or the operation of major bodily functions, including neurological and brain functions. The ADA also protects individuals who are in recovery, but who would be limited in a major life activity in the absence of treatment and/or services to support recovery. Under the ADA, an individual's use of prescribed medication, such as that used to treat OUD, is not an “illegal use of drugs” if the individual uses the medication under the supervision of a licensed health care professional, including primary care or other non-specialty providers. This includes medications for opioid use disorder (MOUD) or medication

² These 66 grievances may not fall under the ADA grievance category

³ The Americans with Disabilities Act and the Opioid Crisis: Combating Discrimination Against People in Treatment or Recovery

assisted treatment (MAT). MOUD is the use of one of three medications (methadone, buprenorphine, or naltrexone) approved by the Food and Drug Administration (FDA) for treatment of OUD; MAT refers to treatment of OUD and certain other substance use disorders by combining counseling and behavioral therapies with the use of FDA-approved medications. Individuals whose OUD is a disability and who are participating in a supervised rehabilitation or drug treatment program are protected by the ADA if they are not currently engaging in the illegal use of drugs."

Based on some of the grievances related to MAT not falling under the ADA grievance category (continuation of MAT treatment), the County must ensure staff are trained on the ADA criteria so that staff can identify the grievances that fall under the ADA. USDOJ Guidance and track the grievances as ADA.

For future monitoring, the County must produce all grievance responses as part of document production. This will require implementation of a more effective system of identifying and tracking ADA grievances.

- c.) *Have an established expedited process for urgent ADA requests and grievances (e.g., situations in which a person's safety or physical well-being is at risk)?*

The Expert reviewed the Custody Operations Grievance Procedures Policy (Section 361) and confirmed that the policy includes the requirements of the *Murray v. Santa Barbara County* Remedial Plan. The policy states, "In cases where an incarcerated person's personal safety or physical well-being are at risk, the Lead Supervisor or designee will be immediately notified." The policy also states, "Should the Lead Supervisor determine immediate action is necessary (i.e., over detention, situations in which an incarcerated person's safety or physical well-being is at risk, dangerous environment, etc.), it shall be their responsibility to ensure that the appropriate staff member, or unit, be notified without delay to respond to the urgent grievance as soon as possible. In these instances, the Lead Supervisor may resolve the grievance and may note their actions to resolve the grievance on the grievance form."

In a review of the ADA-related grievances, there were no ADA-related grievances that were submitted with situations in which the disabled incarcerated person reported issues related to their safety or physical well-being or issues that put the incarcerated person's safety at risk.

- d.) *Allow each incarcerated person to retain accommodation(s) they possess at the time of arrival at the Jail or that they have been previously provided by the Jail, pending review of a grievance/appeal regarding the denial or removal of such accommodation(s), absent an individualized security concern that is documented?*

Custody Operations ADA Policy (Section 209), states, "No incarcerated person shall be deprived of a health care appliance/assistive device that was in the incarcerated person's possession upon entry into the Santa Barbara County Jail or was properly

obtained while in custody, unless for documented safety or security reasons or a medical provider determines that the appliance is no longer medically necessary or appropriate. Alternative devices may be deemed necessary by a clinician.”

The problems with tracking (and processing) ADA grievances, as identified in the previous report, have not been remedied. As described in this section again, this continues to offer additional evidence of the need for an effective, comprehensive, standardized ADA Tracking System to be implemented. The County must ensure ADA grievances and requests for accommodation are responded to and processed as required by the *Murray v. Santa Barbara County Remedial Plan*.

5.G.5. The County shall ensure that grievance forms contain an "ADA" box to indicate that a particular grievance relates to a disability-related issue. The County will ensure that disability-related grievances are so identified by the reviewing supervisor, even if the individual who submitted the grievance does not check the "ADA" box.

Compliance Rating: Partial Compliance

Prior Compliance Rating: Partial Compliance

County Response:

The County reports it is in the process of fully implementing this requirement. The County has implemented a grievance form containing the ADA box to meet this requirement. A reviewing supervisor checks grievances to ensure that they are identified as disability-related, even if the box is not checked. The County revised Custody Operations Policies 209 and 361 to incorporate the requirements of this provision. The County has also provided supervisor training regarding this provision, and managers are auditing all grievances quarterly. Based on those audits, the County has shown improvement in categorizing ADA grievances appropriately, even if the box is not checked. In the next six (6) months, the County will re-train regarding this provision.

Analysis/Observations

The County produced a blank Santa Barbara County Sheriff's Office Custody Operations – Inmate Grievance Form (SH – 585a). The Inmate Grievance Form includes an “ADA” box. All grievances reviewed were submitted on the new form.

5.G.5.a. Are disability-related grievances identified by the reviewing supervisor, even if the individual who submitted the grievance did not check the "ADA" box?

The Expert reviewed the revised Custody Operations Americans with Disabilities Act (ADA) Policy Section 209 (Revised 04/2024) and Custody Policy 361 - Grievance Procedures and confirmed that the policy includes the requirements of the *Murray v.*

Santa Barbara County Remedial Plan. Policy 209 states, "When reviewing grievances, lead supervisors shall review the grievance to determine if the grievance is related to a disability or accommodation and ensure that the "ADA" box is checked on the grievance and that the grievance is routed appropriately." Policy 361 states, "The grievance form shall contain an "ADA" box to indicate a particular grievance relates to a disability-related issue. Supervisors reviewing grievances shall ensure that disability-related grievances are so identified by the reviewing supervisor, even if the individual who submitted the grievance does not check the "ADA" box."

The County produced nine (9) ADA Grievances, and although two (2) of the grievances did not have the "ADA" box checked, the grievances were categorized as "ADA." However, of the 118 grievances that contained an ADA component (identified in question 4. b above), 93 were not categorized as ADA.⁴ Staff interviewed stated in cases where the reviewing supervisor reviews a grievance with disability-related issues, the grievance is processed and responded to as an ADA grievance. The County must ensure in cases where the incarcerated person submits an ADA-related grievance and does not check the "ADA" box, these grievances are categorized, processed, and responded to as ADA-related grievances.

5.G.6. The County will ensure that grievance forms are readily available and accessible to all prisoners at all times. Grievance forms shall be made available in large print (minimum 18-point font) to accommodate people with vision impairments.

Compliance Rating: Substantial Compliance

Prior Compliance Rating: Partial Compliance

Analysis/Observations

During the monitoring tour, the Expert asked housing unit deputies if grievance forms were readily available and accessible to incarcerated people. All of the housing units had grievance forms available. The Incarcerated persons interviewed all reported they have access to grievances forms.

This provision has been in substantial compliance for greater than 6 months. Based on this, the Expert recommended that monitoring for this provision be discontinued.

5.G.6.a. Are grievance forms available in large print (minimum 18-point font) to accommodate people with vision impairments?

As part of document production, the County produced a large print (18-point font) version of the grievance form used by the County to accommodate incarcerated people with vision impairments. The County reported that the County has implemented

⁴ Of the 93 grievances, 57 were related to the MAT program.

the grievance form in 18-point font. The Expert noted the large print grievance forms were available in the NBJ and the MJ.

5.G.7. *The County shall provide to the person with a disability a written grievance response, including the resolution, the basis for a denial (if applicable), and the process for appeal.*

Compliance Rating: Partial Compliance

Prior Compliance Rating: Non-Compliance

County Response:

The County reports it is in the process of fully implementing this requirement. The County provides a written grievance response in accordance with the requirements of this provision. The County recently updated the grievance form to include the process for appeal as required by this provision. Managers audit all grievances quarterly to ensure compliance with this provision. The County anticipates implementing the new grievance form and completing this requirement in the next two (2) months.

Analysis/Observations

The Expert reviewed the revised Custody Operations Americans with Disabilities Act (ADA) Policy Section 209 (Revised 04/2024) and Custody Policy 361 - Grievance Procedures and confirmed that the policy includes the requirements of the *Murray v. Santa Barbara County* Remedial Plan. Policy 209 states, "The Grievance Form is a standard Office form that may be used by an incarcerated person to file a grievance including a grievance related to a Disability, and accommodation or any denial of accommodation, or discrimination or violation of the ADA or the *Murray v. County of Santa Barbara* Remedial Plan, or jail related policy. The grievance form has a checkbox for ADA-related grievances. When a grievance is submitted, a staff member shall provide a written response within fifteen (15) days, including the resolution and the basis for denial (if applicable). The instructions for appealing a grievance response are included on the grievance form. If the ADA grievance box is checked, the grievance shall be routed to the ADA Coordinator or Designee for response within 72 hours of receipt. Grievances with clear ADA references shall also be routed to the ADA Coordinator or Designee for response within 72 hours."

The County produced nine (9) ADA Grievances. The Expert also reviewed Grievances Logs the County produced for all Experts for the months of August 2023 to February 2024. Based on this review, the Expert identified 108 grievances that contain an ADA component; however, these grievances were not identified as ADA Grievances and were not produced by the County as part of the ADA document production.

Of the 118 ADA Grievances reviewed, 14 were not responded to within the required 72 hours. The County reports that although the ADA Coordinator reviews the ADA-related grievances, the ADA Coordinator currently does not provide the incarcerated person with a notice advising them that the grievance has been forwarded to medical and/or other department for response. The County reported that the Disability Request for Accommodation workflow will be implemented for ADA-related grievances. This will provide notice to the incarcerated person that the grievance has been reviewed and will be processed for response.

A summary of the grievances is listed in Section 5.G.4.b.

The responses include the resolution and the basis for a denial (if applicable). However, the grievances do not include the process for appeal when provided to incarcerated persons with a disability.

Some of the grievance responses do not address the incarcerated person's request and/or do not include a thorough response. Some examples include:

- #21547, #21669, and #21671, 21575, 22167 – Requested placement in the MAT Program, and the response states, "Triage cases based on several factors...We do our best to provide services to as many individuals as possible."
- #21754, 21774, 22174, 22221, 22247, 22276, 22286, 22317, 22333, 22344 – Requested placement in the MAT Program, and the response states, "... will be placed on the waitlist."
- #21728 – Difficult to sit, stand and lay down, and the response states, "Patient receiving medication."
- #22029 - Requested thicker mattress, and the response states, "Medical or ADA have not received request. Use medical request process."
 - Requiring the incarcerated person to submit a request to medical and/or the ADA delays the process as staff have been made aware of the accommodation request via the grievance.
- #22074 - Requested back support, and the response states, "Use medical request or ADA request process."
 - Requiring the incarcerated person to submit a request to medical and/or the ADA delays the process as staff have been made aware of the accommodation request via the grievance.
- #21542 – Requested bottom bunk, and the response states, "Rehoused due to exposure to COVID. Will be rehoused back to original housing to continue program."
- #21958 – Requested wheelchair, and the response states, "HIPPA not signed unable to respond."

- If the HIPPA release must be signed staff should contact the incarcerated person and have him/her sign the release and respond to the grievance.
- #22067 – Requested shower chair and wheelchair, and the response states, "Refused yard and shower." The response does not address the wheelchair requests.
- #22139 – Requested shower chair, and the response states, "HIPPA not signed unable to respond."
- #2247 – Requested orthotic shoes; response states, "Did not previously report borderline diabetic diagnosis. Can discuss at next provider visit."

The County must ensure all ADA-related grievances responses, including the resolution, the basis for a denial (if applicable), and the process for appeal when responses are provided to incarcerated persons with a disability. For future monitoring, the County must also produce all ADA-related grievances, which should also be compiled for internal processing and quality assurance purposes.

The County reports it is the practice that every patient who is identified as having the potential to withdraw from alcohol is started on a Librium taper as well as other supportive medications. Patients with the potential for withdrawal from opiates are started on supportive medications and a Buprenorphine taper if indicated. All Opioid Use Disorder (OUD) patients identified at intake are referred to the Medication Assisted Treatment (MAT) Program. MAT is the use of FDA-approved medications, in combination with counseling and behavioral therapies, to provide a "whole-patient" approach to the treatment of substance use disorders. The County reports that its intention is for patients in jail with current prescriptions for Suboxone, Subutex, or Methadone to have their medications continued while at the facility to provide continuity of care. Such procedures will be assisted by the medical care Remedial Plan expert, to the extent covered by the *Murray* Remedial Plan and related requirements.

Due to the current volume of eligible patients, there is a waitlist to be enrolled into the MAT program. Although these patients are not currently enrolled in the MAT program, if a patient on the MAT waitlist has a release date upcoming, they will be initiated on MAT medications while still in custody. Additionally, a referral to a community-based MAT program is made to continue their treatment. Typically, an intake appointment is scheduled within 24 hours of their release. Access to the MAT program is monitored by another Expert.

5.G.8. The County shall take steps to ensure all prisoners are aware of the disability grievance procedures, including the availability of accommodations and staff assistance to submit a grievance and/or appeal.

Compliance Rating: Substantial Compliance

Prior Compliance Rating: Partial Compliance

County Response:

The County reports it has revised the Custody Operations Orientation Handbook and grievance section of the Custody Operations Policy 209 - ADA Policy to incorporate the revisions recommended by the Expert related to this provision. Additionally, the ECM has created a New Inmate Orientation Card, which documents the provision of the Orientation Handbook. These cards are routinely scanned and placed in the Box share file.

Analysis/Observations

The Expert reviewed the Santa Barbara County Sheriff's Office Custody Orientation Handbook Northern Branch Jail (Revised April 2022) and the Santa Barbara County Sheriff's Office Custody Orientation Handbook Main Jail (Revised 1/9/23). The Orientation Handbooks include information on the disability grievance procedures, availability of accommodations, and the provision of staff assistance in submitting grievances.

During the on-site review, staff that provides incarcerated persons with disabilities the Santa Barbara County Sheriff's Office Custody Orientation Handbook at the NBJ and MJ stated that incarcerated persons are provided with the Handbook when processing property and issuance of jail clothing. This information should also be communicated during the initial ADA coordinator interview with newly arrived or identified disabled persons.

This provision has been in substantial compliance for greater than 6 months. Based on this, the Expert recommended that monitoring for this provision be discontinued.

- 5.G.9. *The County shall implement a specific tracking system regarding the submission, processing, and responses for disability-related grievances and complaints, and regularly review such information for quality assurance purposes.*

Compliance Rating: Partial Compliance

Prior Compliance Rating: Partial Compliance

Analysis/Observations

The County reports it is in the process of implementing this requirement. The ADA Coordinators track ADA-related grievances on a daily Grievance Tracker. When the County receives ADA related grievances, the County regularly reviews such

information for quality assurance purposes. Managers are auditing all grievances quarterly. The County is now flagging ADA grievances per the ADA Expert's recommendation and is in the process of creating a specific tracking system for disability-related grievances. In the next six (6) months, the County will conduct additional training regarding grievance categorization to ensure that all ADA grievances are tracked, even if the ADA box is not checked. The County anticipates completing this requirement in the next six (6) months.

The County produced nine (9) ADA Grievances. The Expert also reviewed Grievances Logs the County produced for all Experts for the months of August 2023 to February 2024. Based on this review, the Expert identified 108 grievances that contain an ADA component; however, these grievances were not identified as ADA Grievances and were not produced by the County as part of the ADA document production.

The County must ensure all ADA-related grievances are tracked as ADA within the ATIMS grievance system.

5.G.9.a. Does the County regularly review the disability-related grievances and complaint information for quality assurance purposes?

The County reports, the ADA Coordinators track ADA-related grievances on a daily Grievance Tracker. When the County receives ADA related grievances, the County regularly reviews such information for quality assurance purposes. Managers are auditing all grievances quarterly. The County is now flagging ADA grievances per the ADA Expert's recommendation and is in the process of creating a specific tracking system for disability-related grievances. However, the County did not produce results of the quality assurance reviews, including grievances identified as not being processed in compliance with the policy and actions taken by the County to correct deficiencies identified during the quality assurance reviews.

In the previous report, the Expert noted the County has a quarterly grievance report process (Mauhrin 1Q23). The Expert also noted that the report does not include an analysis of the ADA grievances. The Expert also noted that the County has a summary of grievances for the NBJ and MJ. The summary includes the categories of ADA-Miscellaneous, ADA-Classification/Housing, and ADA-Medical. Since the County is required to have a specific tracking system for disability-related grievances, including as part of its QA/QI processes, an analysis of the ADA grievances should be incorporated into the quarterly Grievance Report process. This will help to get the County to a place where it can self-monitor and sustain compliance on this and other ADA/disability matters.

The County must provide the Expert with the ADA-related grievances quality assurance reviews, including the actions the County takes to correct deficiencies.

5. H. Housing Placements

5.H.1. *The County shall implement a housing assignment system that includes an individualized assessment to be completed by health care staff, the results of which shall be documented in the ADA Tracking System, of each person's functional limitations and restrictions, including but not limited to:*

- a) The need for a lower bunk;*
- b) The need for grab bars in the cell and/or shower;*
- c) The need for accessible toilets;*
- d) The need for no stairs in the path of travel; and*
- e) The need for level terrain.*

Compliance Rating: Substantial Compliance

Prior Compliance Rating: Partial Compliance

Analysis/Observations:

The County reports it has a process to identify an inmate's need for all items included in this provision apart from level terrain. The County has updated the ADA Tracking System to include a flag for level terrain. Likewise, Wellpath also revised the MTO to include the need for level terrain. The County presently implements a housing assignment system that includes an individualized assessment by health care staff and maintains the following flags in the ADA tracking system: Low Bunk, No stairs, Level Terrain, Grab Bar, and ADA housing (which includes accessible toilets). The County has trained Classification and CQA deputies and has created a process to improve intake procedures to better identify and track individuals with disabilities. At the completion of medical intake, Wellpath inputs disability, assistive devices, Effective Communication, and accommodation information into the Classification Input Form (CIF) and generates an MTO as needed. The CIF and MTO are transferred to the Classification Deputy, who then inputs all ADA flag information into the JMS tracking system and emails the ADA Coordinators. The County has updated the ADA Policy (209) to meet the requirements of this provision.

a) The need for a lower bunk

The Expert previously reviewed the Santa Barbara County Sheriff's Office Custody Operations – Policies and Procedures Manual (305 Bed Assignment) and found the policy addresses the management and assignment of incarcerated people to lower bunks. Additionally, the County has made revisions to the policy that provide additional guidance and requirements for staff to document the check of the ADA Tracking System when housing disabled incarcerated persons. However, the Classification staff reported they do not review the ADA Tracking System when making housing changes post initial housing. The County must ensure that Classification staff review the ADA

Tracking System to identify cases with lower bunk housing restrictions to ensure these cases are appropriately housed.

Wellpath MTO for Patient includes the documentation of approval for Lower Bunk. The MTO is completed and approved by the Medical Provider after an individualized evaluation and provided to custody staff (ADA Coordinator). The County has implemented the following process (Custody Medical Treatment Order MTO Creation, Distribution, and Workflow) for the completion and distribution of the MTO.

1. Arresting Officer brings inmate to Nurse.
2. Nurse assesses Inmate for medical issues, including identified ADA concerns and accommodations.
3. Nurse completes MTO and saves as PDF.
4. Nurse emails MTO (PDF) to CustodyClassification@sbsheriff.org and ADA@sbsheriff.org.
5. ADA Coordinator receives emailed MTO.
6. Custody Classification receives emailed MTO.
7. ADA Coordinator confirms MTO accommodations are provided.
8. Custody Classification adds pdf to inmate electronic booking file.
9. Custody Classification inputs necessary JMS Flags
10. Custody Classification enters accommodations into JMS Classification narrative.
11. Nurse prints MTO.
12. Nurse gives printed MTO to arresting officer.
13. Arresting officer and inmate leave trailer go to Custody Booking/Intake.
14. Arresting officer gives Intake deputy booking paperwork and paper MTO.
15. Intake deputy ensures per MTO inmate is accommodated with ADA requirements.
16. Intake deputy gives paper MTO to inmate.
17. Complete.

The Expert reviewed the revised Custody Operations Americans with Disabilities Act (ADA) Policy Section 209 (Revised 04/2024) the policy states, "Incarcerated persons with disabilities shall be housed in the jail consistent with their individual security classification. Classification staff shall not place incarcerated persons with disabilities in inappropriate security classifications because no ADA-accessible cells are available, designated medical areas unless an incarcerated person is currently receiving medical care requiring such placement, or any location that does not offer the same or equivalent programs, or activities as facilities where they would be housed absent a disability." The policy also states, "It is the responsibility of the Classification Deputy to input the incarcerated person's disability information and accommodations into the Jail Management system while the initial housing assignment is being entered. The Classification Deputy shall utilize a housing assignment system that includes an individualized assessment to be completed by health care staff, the results of which shall be documented in the ADA Tracking system, of each person's functional limitations and restrictions, including but not limited to:

- The need for a lower bunk;
- The need for grab bars in the cell and/or shower;
- The need for accessible toilets;
- The need for no stairs in the path of travel; and
- The need for level terrain."

The Expert finds that the County has a process in place to identify a disabled incarcerated person's need for a lower bunk and document the accommodation need in the current ADA Tracking System. However, during the onsite monitoring tour, the Classification staff and ADA Coordinators reported they do not consistently receive the MTO and, at times, must request the MTO from medical staff after the incarcerated person is housed. The County must ensure the MTO workflow process is followed so the Classification staff making housing determinations can appropriately house the incarcerated person based on their housing accommodation needs.

b) The need for grab bars in the cell and/or shower

The County has added grab bar in the cell and/or shower accommodations to the ADA Tracking System.

The Wellpath Medical Treatment Order for the Patient includes the documentation of approval for "House in ADA Cell," "Shower Chair/ADA Shower," and "Grab Bars." The MTO is completed and approved by the Medical Provider after an individualized evaluation and provided to Classification staff and the ADA Coordinators.

As noted in a) above, the County has implemented a process (Custody Medical Treatment Order MTO Creation, Distribution, and Workflow) for the completion and distribution of the MTO.

The Expert reviewed the revised Custody Operations Americans with Disabilities Act (ADA) Policy Section 209 (Revised 04/2024) the policy includes the *Murray v. Santa Barbara County* Remedial Plan requirements.

The Expert finds that the County has a process in place to identify disabled incarcerated persons need for grab bars in the cell and/or shower and document the accommodation need in the current ADA Tracking System. However, during the onsite monitoring tour, the Classification staff and ADA Coordinators reported they do not consistently receive the MTO and, at times, must request the MTO from medical staff after the incarcerated person is housed. The County must ensure the MTO workflow process is followed so the Classification staff making housing determinations can appropriately house the incarcerated person based on their housing accommodation needs.

c) The need for accessible toilets

The County has added accessible toilets to the ADA tracking system.

The Wellpath Medical Treatment Order for Patient includes the documentation of approval for "House in ADA Cell" and "Grab Bars." The MTO is completed and approved by the Medical Provider after an individualized evaluation and provided to Classification staff and the ADA Coordinators.

As noted in a) above, the County has implemented a process (Custody Medical Treatment Order MTO Creation, Distribution, and Workflow) for the completion and distribution of the MTO.

The Expert reviewed the revised Custody Operations Americans with Disabilities Act (ADA) Policy Section 209 (Revised 04/2024) the policy includes the *Murray v. Santa Barbara County* Remedial Plan requirements.

The Expert finds that the County has a process in place to identify disabled incarcerated persons' need for accessible toilets and document the accommodation need in the current ADA Tracking System. However, during the onsite monitoring tour, the Classification staff and ADA Coordinators reported they do not consistently receive the MTO and, at times, must request the MTO from medical staff after the incarcerated person is housed. The County must ensure the MTO workflow process is followed so the Classification staff making housing determinations can appropriately house the incarcerated person based on their housing accommodation needs.

d) *The need for no stairs in the path of travel*

The ADA tracking system includes the Lower Tier accommodation.

The Wellpath Medical Treatment Order for Patient includes the documentation of approval for Lower Tier. The MTO is completed and approved by the Medical Provider after an individualized evaluation and provided to Classification staff and the ADA Coordinators.

As noted in a) above, the County has implemented a process (Custody Medical Treatment Order MTO Creation, Distribution, and Workflow) for the completion and distribution of the MTO.

The Expert reviewed the revised Custody Operations Americans with Disabilities Act (ADA) Policy Section 209 (Revised 04/2024) the policy includes the *Murray v. Santa Barbara County* Remedial Plan requirements.

The Expert finds that the County has a process in place to identify a disabled incarcerated person's need for no stairs in the path of travel (lower tier) and document the accommodation needs in the current ADA Tracking System. However, during the

onsite monitoring tour, the Classification staff and ADA Coordinators reported they do not consistently receive the MTO and, at times, must request the MTO from medical staff after the incarcerated person is housed. The County must ensure the MTO workflow process is followed so the Classification staff making housing determinations can appropriately house the incarcerated person based on their housing accommodation needs.

e) The need for level terrain

The Wellpath Medical Treatment Order for Patient includes the documentation of approval for Level Terrain. The MTO is completed and approved by the Medical Provider after an individualized evaluation and provided to Classification staff and the ADA Coordinators.

As noted in a) above, the County has implemented a process (Custody Medical Treatment Order MTO Creation, Distribution, and Workflow) for the completion and distribution of the MTO.

The Expert reviewed the revised Custody Operations Americans with Disabilities Act (ADA) Policy Section 209 (Revised 04/2024) the policy includes the *Murray v. Santa Barbara County* Remedial Plan requirements.

During the onsite monitoring tour, the Classification staff and ADA Coordinators reported they do not consistently receive the MTO and, at times, must request the MTO from medical staff after the incarcerated person is housed. The County must ensure the MTO workflow process is followed so the Classification staff making housing determinations can appropriately house the incarcerated person based on their housing accommodation needs. The County reports there were 380 MTOs written during the document review period. This reflects that 11 out of approximately 380 (.02%) of the MTOs were not provided to custody and can be attributed to human error. Although there were 11 cases where the Classification staff and ADA Coordinators did not receive the MTO had to request the MTO from medical staff after the incarcerated person was housed, the Expert finds that the County has a process in place to identify a disabled incarcerated person's need for Level Terrain and document the accommodation needs in the current ADA Tracking System.

5.H.2. People with disabilities shall be housed in the Jail consistent with their individual security classification. Classification staff shall not place prisoners with disabilities in: (a) inappropriate security classifications because no ADA-accessible cells or beds are available; (b) designated medical areas unless the prisoner is currently receiving medical care requiring such placement; or (c) any location that does not offer the same or equivalent programs, services, or activities as facilities where they would be housed absent a disability.

Compliance Rating: Partial Compliance

Prior Compliance Rating: Partial Compliance

County Response:

The County reports it is in the process of fully implementing this requirement. The County presently houses people with disabilities consistent with their security classification at the Northern Branch Jail. The County does so at MJ, subject to the structural constraints of that facility. Given the current MJ population, the County presently houses inmates consistent with their security classification regardless of disability. During COVID-19 outbreaks or quarantine, the County ensures that inmates with disabilities are housed in areas where they have access to ADA showers, even if the quarantine cells are not ADA compliant. If the MJ population requires additional ADA housing, the County will work within the confines of the structural barriers of the facility to provide accommodations to those with disabilities that cannot be ADA cells. Additionally, all locations within the MJ offer the same or equivalent programs, services, or activities as facilities where they would be housed absent a disability. To address the ADA Expert's concerns, the County is in the process of ensuring employment opportunities for inmates in MJ South Dorm. Inmates in MJ South Dorm utilize the MJ Yard and are engaged in in-person programs. This requirement has yet to be completed due to structural building issues. The County anticipates fulfilling this requirement once the proposed MJ renovation, remodel, or reconstruction is complete.

Analysis/Observations

The Santa Barbara County Sheriff's Office Custody Operations – Policy and Procedures Manual 301 Inmate Classification states, "Inmates shall be housed in the least restrictive setting necessary to ensure their own safety, as well as the safety of staff and other inmates. An inmate shall not be housed in more restrictive settings, including Restrictive Housing, based on gender identity, mental illness, or any other disability.

Classification assignments and housing decisions shall be supported by all available information, such as:

- Prior criminal history;
- Past behavior in custody;
- Sophistication of crime(s);
- Length of sentence;
- Potential for violent or assaultive behavior;
- Medical and/or mental health status, when appropriate, ADA requirements;
- Age; and
- Any other information that will provide for the safety of staff and other inmates."

The Expert reviewed the revised Custody Operations Americans with Disabilities Act (ADA) Policy Section 209 (Revised 04/2024) the policy states, "Incarcerated persons with disabilities shall be housed in the jail consistent with their individual security classification. Classification staff shall not place incarcerated persons with disabilities in inappropriate security classifications because no ADA accessible cells are available, designated medical areas unless an incarcerated person is currently receiving medical care requiring such placement, or any location that does not offer the same or equivalent programs, or activities as facilities where they would be housed absent a disability."

During the on-site monitoring tour, the Expert noted that incarcerated people with disabilities were housed in the following locations:

Main Jail

- East Module-01
- East Module-06
- East Module-08
- East Module-23
- East-Module 24
- East Module-31
- IRC-100
- IRC-300
- Northwest-A
- Northwest-C
- Northwest-D
- South Dorm
- South Tank
- West Module-04
- West Module-06
- West Module-08
- West Module-10
- West Module-13

Northern Branch Jail

- Module-A
- Module-B
- Module-C
- Module-D
- Module-E
- Module-F
- Module-G
- Module-J
- Module-K

- Module-M

The County presently houses people with disabilities consistent with their security classification at the NBJ. The County does so at the MJ, subject to the structural constraints of that facility. Given the current MJ population, the County presently houses inmates consistent with their security classification regardless of disability, except in exigent circumstances such as when quarantining inmates during COVID-19 outbreaks. During COVID-19 outbreaks, the County ensures that inmates with disabilities are housed in areas where they have access to ADA showers, even if the housing areas are not ADA-compliant. In these cases, the County escorts the disabled incarcerated person to accessible showers. During the incarcerated person interviews, there were no complaints that the incarcerated persons were not provided accommodations (accessible showers). If the MJ population requires additional ADA housing, the County works within the confines of the structural barriers of the facility to provide accommodations to incarcerated persons with disabilities who cannot be housed in ADA-accessible cells.

The County has expanded worker opportunities and the STP. However, additional steps need to be taken, such as providing access to community-based education/programming. Additionally, although the MJ Northwest Isolation cells have been deactivated from housing incarcerated persons with MH disabilities, the County, at times, continues to house this population in the MJ NE Isolation) cells where they have far less access to yard, dayroom, work assignment opportunities, in-person programs, and in-person education classes.

The Expert recognizes that due to the structural building issues, compliance with this requirement will be dependent on the completion of the proposed MJ renovation, remodel, or reconstruction.

Note: In a Memorandum (ADA Housing Directive" dated December 13, 2023, a Custody Commander issued a directive to the Custody Classification as follows:

"DIRECTIVE:

Effective immediately, Incarcerated Persons housed in the Sheriff's Jail Facilities with ADA accessible housing needs will only be housed at the Northern Branch Jail, or SDORM in the Main Jail. If there is a question about an Incarcerated Persons ADA accessible housing need, you must contact the ADA Coordinator for clarification or direction prior to housing the individual.

RATIONALE:

Disability Accessibility Requirements. Defendants will cease housing class members with ADA-accessible housing needs in any of the housing units in West, East, Central, Back Central, and Northwest and will ensure that all class members with ADA-

accessible housing needs are provided accessible housing and equitable access to the Jail's programs, services, and activities (see Remedial Plan Section V.H (Housing Placements)). (p. 12)"

Class members who were housed in the MJ housing units in West, East, Central, Back Central, and Northwest when the directive was issued had the ability to elect to stay at the MJ by signing a waiver. During the onsite tour, the Expert confirmed that class members with ADA-accessible housing needs were not housed in the MJ housing units in West, East, Central, Back Central, and Northwest unless a waiver was signed by the incarcerated person. However, of concern is the directive is having an impact on the ability of the Classification unit to house the ADA population. The Classification staff reported that currently, all incarcerated persons who have a prescribed assistive device are required to be housed in an ADA-accessible cell. Not all mobility-disabled incarcerated persons who are prescribed an assistive device require accessible housing. Incarcerated persons who are prescribed a wheelchair fulltime/parttime and those prescribed a walker will require accessible housing. Incarcerated persons who are prescribed other assistive devices (cane or crutches) may not need fully accessible housing (e.g., "accessible" per DOJ's ADA technical guidance on specifications related to wheelchair accessibility). The County should evaluate these on a case-by-case basis, ensuring that each incarcerated person is safely housed to meet their specific accessibility needs. Doing this will give the Classification staff more housing options to better manage the population. The County reported that post tour, a new directive was issued clarifying the definition of "ADA accessible housing" consistent with the Expert's recommendation.

5.H.2.a. Are incarcerated people with disabilities placed by Classification staff in:

(a) Inappropriate security classifications because no ADA-accessible cells or beds are available?

As stated above, the County presently houses people with disabilities consistent with their security classification at the NBJ. The County does so at MJ, subject to the structural constraints of that facility. However, the placement of incarcerated persons with mental health disabilities in the NE Isolation cells amounts to placement in higher security settings due to the incarcerated person's disability.

Given the current MJ population, the County presently houses inmates consistent with their security classification regardless of disability, except in exigent circumstances such as when quarantining inmates during COVID-19 outbreaks. During COVID-19 outbreaks, the County ensures that inmates with disabilities are housed in areas consistent with their security classification. During the incarcerated person interviews, there were no complaints that the incarcerated persons were not housed in areas consistent with their classification. If the MJ population requires additional ADA housing, the County works within the confines of the structural barriers of the facility

to provide accommodations to incarcerated persons with disabilities who cannot be housed in ADA-accessible cells.

This requirement has yet to be completed due to structural building issues and the need to quarantine inmates during the COVID-19 pandemic. The County anticipates fulfilling this requirement once the proposed MJ remodel is complete. The County has implemented some structured mental health program units as required by the *Murray v. Santa Barbara County* Remedial Plan.

(b) Designated medical areas unless the prisoner is currently receiving medical care requiring such placement?

There is no specific medical housing area for incarcerated people at the MJ. South Dorm is primarily used to house incarcerated people who may require greater access to medical staff. Based on MJ South Dorm being in the general vicinity of the medical treatment area classification, staff houses incarcerated people who may need greater access to medical staff. However, MJ South Dorm is not considered/classified as medical housing. MJ South Dorm serves as a de facto Medical unit that houses incarcerated persons with disabilities even though they are not receiving medical care that would warrant medical unit placement. The MJ South Dorm may be the best MJ option available for some class members with disabilities at present, but the current practice does not comply with the Remedial Plan or with 28 CFR 35.152. In accordance with the parties August 2023 stipulation, the County may continue to house ADA inmates in South Dorm.

The NBJ has a medical housing area, and during the monitoring tour, there were two (2) incarcerated persons with disabilities housed in the medical area (NBJ Mod M) who were housed due to medical treatment necessity.

The Expert recognizes that due to the structural building issues, compliance with this requirement will be dependent on the completion of the proposed MJ renovation, remodel, or reconstruction.

(c) Any location that does not offer the same or equivalent programs, services, or activities as facilities where they would be housed absent a disability?

As stated above, with the exception of MJ South Dorm, and in case of an incarcerated person requiring temporary COVID-19 quarantine/isolation, incarcerated people with disabilities are housed in areas consistent with their classification case factors. The County must ensure that the forthcoming renovations at the SBJ provide the disabled incarcerated persons to equal access the the jails programs, services and activities.

Post tour, the County reported they do not transfer incarcerated persons to NBJ, other than those requiring ADA accessible housing that are not housed in South Dorm. The MJ does not presently have any in-person programs. Incarcerated persons are placed

at MJ/NBJ generally based on the location of their offense and since there is no in-person programming at MJ, the South Dorm incarcerated persons are not being deprived of programs at the facility. The County has not taken a system-wide approach and instead have offered programs and opportunities based on what is possible/available at each facility. The ADA incarcerated persons have equal access to the programs available at the facility where they are housed. The intention is to move to in-person programming at the MJ and when that occurs such programming will be equally available to incarcerated persons with disabilities.

The Expert recognizes that due to the structural building issues, compliance with this requirement will be dependent on the completion of the proposed MJ renovation, remodel, or reconstruction.

5. I. Visitation

5.I.1. The County shall ensure that family/personal and professional visitation areas are accessible for people with disabilities and visitors.

Compliance Rating: Partial Compliance

Prior Compliance Rating: Partial Compliance

County Response:

The County reports it is in the process of fully implementing this provision. The Northern Branch Jail is in compliance with this provision. The County is proceeding with remodel of the Inmate Receiving Center of the MJ, which will address accessibility requirements including visitation space. This remodel is scheduled to be complete by Summer of 2027.

Analysis/Observations:

The County conducts family/personal visits at the NBJ via video visiting and professional visits in the professional visiting booths unless a video visit is requested. The locations of the video-visiting areas at the NBJ are accessible to visitors and incarcerated persons.

The County conducts all visits (family/friends/professional) in person at the MJ. The Expert toured the visiting areas and found there are 81 visiting stations that do not have a permanent stool and can be accessed by incarcerated people with disabilities. The Accessibility Expert will have to confirm if the visiting areas (family/personal and professional) comply with the Americans with Disabilities Act Architectural Guidelines. This will be conducted by the Accessibility Expert. In addition, during the incarcerated person interviews, an incarcerated person housed in MJ South Dorm (amputee/fulltime wheelchair user) stated that he has to transfer from his wheelchair to the stool in the

visiting booth as the visiting booth is not accessible for a wheelchair. The County reported that in this case, the incarcerated person should be escorted to the IRC professional visiting booth for his visit.

In the next monitoring round, the Expert will assess the accessibility of video equipment used for personal and professional visits (including for people with vision, hearing, and cognitive disabilities). Incarcerated persons and those persons visiting them may need assistance and accommodation to meaningfully and effectively access video equipment used for visitation.

5.1.2. The County shall perform an individualized assessment as needed and shall ensure that people with disabilities have full access to visitation at the jail.

Compliance Rating: Substantial Compliance

Prior Compliance Rating: Partial Compliance

County Response:

The County reports it is in the process of completing this requirement. Individuals with disabilities presently have full access to visitation at the jail. The County has worked towards remedying the ADA Expert's concerns related to Effective Communication with this population by adapting the Adaptive Needs Assessment Form to incorporate Effective Communication. The individualized assessment is initiated with the Medical Treatment Order, which is provided to custody staff to ensure accommodations are provided. In the next six (6) months, the County will train staff regarding the provisions of this requirement. The County anticipates completing this requirement in the next six (6) months.

Analysis/Observations

The Wellpath MTO includes the documentation of approval accommodations the incarcerated people with disabilities need to access the Jails programs, services, and activities. After the individualized evaluation is conducted, the MTO is provided to custody staff.

The Expert reviewed the revised Custody Operations Americans with Disabilities Act (ADA) Policy Section 209 (Revised 04/2024) the policy states, "Reasonable accommodations shall be afforded to all incarcerated persons with disabilities to facilitate their full participation in visiting, whether contact or non-contact (based on incarcerated person eligibility in accordance with custody and housing status). Incarcerated persons shall be allowed to retain their prescribed health care appliance/assistive device (e.g., cane, walker, crutches) during the course of their assigned visit."

During the incarcerated person interviews, an incarcerated person housed in south dorm (amputee/fulltime wheelchair user) stated that he has to transfer from his wheelchair to the stool in the visiting booth as the visiting booth is not accessible for a wheelchair. The County reported that in this case, the incarcerated person should be escorted to the IRC professional visiting booth for his visit. The County reported that the ADA Coordinators are in the process of developing a "checklist" that will be used to interview incarcerated persons once they are identified as having a qualified disability. The Expert recommends that a question regarding access to visiting be included in the "checklist."

As the County works to renovate the SBJ facility (including to meet ADA/accessibility requirements), it is essential that the County it is essential that accessibility deficiencies in the visiting area(s) be addressed. In the interim, there must be a process in place to consistently accommodate people with mobility disabilities (including wheelchair users) who need an alternative setting in order to participate in visiting in an accessible setting.

The County has committed to send a reminder to all staff ensuring that disabled incarcerated persons are provided accommodations to ensure equal access to the SBJ visiting pending the SBJ renovations.

5. J. Access to Programs, Services, and Activities

5.J.1. The County shall ensure people with disabilities, including those housed in specialty health care units, have equal access to programs, services, and activities available to similarly situated people without disabilities, consistent with their health and security needs. The County shall ensure that staff provide appropriate assistance to people with disabilities as needed to ensure equal access to programs, services, and activities provided at the Jail. Such programs, services, and activities include, but are not limited to:

- a) Educational, vocational, reentry, and substance abuse programs*
- b) Work Assignments*
- c) Dayroom and other out-of-cell time*
- d) Outdoor recreation (including accessible exercise equipment)*
- e) Structured programming (including in-cell activities)*
- f) Showers*
- g) Telephones and/or videophones*
- h) Reading materials (including easy reading, large print books, and other materials accessible to people with a vision-related disability)*
- i) Religious services*
- j) Family/personal and professional visits*
- k) Medical, mental health, and dental services and treatment*

Compliance Rating: Partial Compliance

Prior Compliance Rating: Partial Compliance

County Response:

The County reports it offers inmates the STP, a partnership with Santa Barbara City College, and tablets. These programs are available to all individuals regardless of ADA status. The County also has outdoor exercise equipment, audiobooks, and magnifiers to meet this requirement. The County currently provides auxiliary aids, large print, and easy reading material during programs for individuals needing those accommodations. The County is in the process of obtaining pocket talkers per the ADA Expert's recommendation. The County also offers work assignments to ADA inmates and is in the process of further expanding work assignments for this population. The County provides program facilitators with a list of inmates with disabilities and their accommodation needs. The County currently provides equal access to all components of these provisions, including showers, telephones, videophones, religious services, visitation, medical services, mental health services, etc. Per the ADA Expert's recommendation, the County installed accessible exercise equipment at both facilities. Per the ADA Monitor's Recommendation, the County updated the Custody Operations ADA Policy (Section 209) to include language related to equal access in accordance with this provision. The Expert noted concern regarding access to programming opportunities for inmates in the MJ South Dorm and Northwest housing units. The County has restructured housing in the Northwest, including housing inmate workers in MJ Northwest's upper tier, closing the lower tier restrictive housing units, and piloting the MJ BHU in A-module. The County presently offers in-person programming to inmates in MJ South Dorm, MJ Northwest Upper Tier, SB J Northwest A and B Modules. The County will be expanding in-person programming as the BHU units continue to expand. In the next six (6) months, the County will be rotating in-person programming through all housing units in both facilities. With respect to the Expert's concerns regarding ADA-compliant showers, the County escorts inmates with disabilities to an accessible shower. However, full compliance with this component of the provision will occur when the remodel of the MJ is complete. The County is proceeding with remodeling of the IRC of the MJ, which will address accessibility requirements. This remodel is scheduled to be completed by the Summer of 2027.

Analysis/Observations:

The County has installed accessible exercise equipment in all recreation/exercise yards/locations.

The April 2023 Northern Branch Jail (NJB) Programs Calendar reflects the following types of programs are available to incarcerated persons in the following locations:

- Chaplain Services/Bible Studies – All Mods
- Health Presentation – Mods J and F

- Sheriff Treatment Program – Mods A, C, D, E, F, G, H and J
- Alan Hancock College – Mods A, C, D, E and H
- Yoga Mods D, E, and F
- Planned Parenthood Workshop – Mod G
- AA – All Mods
- Tattoo Removal – All Modules

The May 2024 Southern Branch Jail (SBJ) Programs Calendar reflects the following programs available to incarcerated persons in the following locations:

- Sheriff's Treatment Program – BHU Mod-A, BHU Mod-B, BHU Mod-C, BHU Mod-D, East 4, 8 and 24, Central 1 and 4, West 4, 6 and 8 and South Dorm
- Wellpath – BHU Mod C and BHU Mod-D
- Santa Barbara City College – Northwest Isolation
- AA – Central 1 and 4, West 4, 6 and 13

The MJ Program staff reported that the EDOVO Tablet Program is also available to all incarcerated persons, including those who do not participate in the above-listed programs.

The County now offers the STP in all modules with the exception of Mod B at the NBJ. The STP and Wellpath programs are also now being provided in the MJ BHU's (NW A-D Mods) and NBJ Mods J and F. In a review of the MJ/NBJ Programs Calendar/Schedule, mobility-disabled incarcerated persons housed at the NBJ have equal access to the programs that are available to similarly situated people without disabilities, consistent with their health and security needs. Incarcerated persons housed in the BHUs (NBJ Mods J and K and MJ NW Mods A-D) now have access to in-person STP. The MJ does not provide programming opportunities such as those that are offered at the NBJ (Alan Hancock College) and the Northwest Isolation workers housing (Santa Barbara City College), and mobility incarcerated persons housed in the MJ Northwest BHU's and MJ South Dorm are only provided remote programming opportunities. The incarcerated persons housed in the BHUs do not have access to other in-person programs that are available in other housing locations. Because the BHUs house people with serious mental health needs, it is essential that this group have equal access to programs, including community-based programming. As these modules primarily house people with serious mental health disabilities (Northwest) and medical/physical disabilities (South Dorm), it is essential that this group have equal access to programs and community-based programming.

In a review of the grievances produced as part of the document production, an incarcerated person filed a grievance (#22205) regarding lack of programs for ADA MJ NW Mod C, "We have not had any programs – Books – Television for more than three (3) months and we are all ADA here in Northwest C Mod. May we please have television and programs – church or school and or classes, yoga, or yard time." The

response states, "I reviewed your grievance submitted on 01/02/24. The TV in your housing unit was damaged and had to be removed. A new TV has been purchased and will be installed later this week. We will also be providing structured programming and other specialized services and activities in February."

The County must explore ways to expand community-based program opportunities to reach disabled incarcerated persons who are housed in the MJ, as well as units where persons with mental health disabilities are clustered (NBJ's Modules J and K, MJ's Northwest Modules A, C, D).

5.J.1.a. Are incarcerated people with disabilities provided appropriate assistance to ensure equal access to programs, services, and activities provided at the Jail as needed?

The Expert reviewed the revised Custody Operations Americans with Disabilities Act (ADA) Policy Section 209 (Revised 04/2024) the policy states, "Disabled incarcerated persons must be provided reasonable accommodations as necessary to ensure access to jail programs, services, and activities in a manner consistent with their custody designation. In addition to Effective Communication techniques and examples of accommodations identified throughout this policy, additional methods of accommodations or aids that may be made available to disabled incarcerated persons include, but are not limited to: video remote interpreting service, video visiting, sign language interpreters, reading glasses, magnifiers, easy read books/materials, large print books/materials, Braille books/materials, audio books, photocopying machines with enlargement capabilities, staff assistance, structural modifications, grab bars, transfer bars, raised sinks and toilets, special transport vehicles, prosthetic or orthotic devices, health care appliances/assistive devices/durable medical equipment, modification of work/education assignments and schedules, shower chairs, shower hoses, shower benches, and lower bunk/lower tier."

The programs, services, and activities include, but are not limited to:

a) Educational, vocational, reentry, and substance abuse program

The program facilitators stated they now receive a list of incarcerated people with disabilities and their accommodations needs. The Program staff also reported that information on the accommodations needs of disabled incarcerated persons is provided to the community-based providers. The County also reports they currently provide auxiliary aids, large print, and easy reading material during programs for individuals needing those accommodations. Access to educational, vocational, reentry, and substance abuse programs is covered in detail in above.

b) Work Assignments

Access to work assignments is covered in detail in section 5.J.3. below.

c) *Dayroom and other out-of-cell time*

All incarcerated people with disabilities have equal access to the dayroom and other out-of-cell time. Other portions of the *Murray v. Santa Barbara County* Remedial Plan will address access to the dayroom for all incarcerated persons housed in the SBCJ.

d) *Outdoor recreation (including accessible exercise equipment)*

Accessible exercise equipment is now available in all of the MJ and NBJ recreation yards.

In a previous report, the Expert noted that the physical layout and structure of the exercise yards vary significantly in size and availability of exercise opportunities at the MJ. Incarcerated people with physical and mental health disabilities housed in the South Dorm continue to have access to a smaller and inferior yard as compared to the non-disabled incarcerated person housed in the general population who can access the MJ Main Yard. Furthermore, when not used as COVID-related quarantine units, the MJ Northwest unit and the MJ New East Isolation unit continue to provide inferior outdoor recreation space for incarcerated people with mental health disabilities, who are generally housed in MJ Northwest and MJ New East Isolation units. As recommended in the previous report, the County should consider allowing incarcerated persons housed in these areas the opportunity to use the larger MJ recreation yard. The County will need to remedy the deficiencies of providing equal and adequate access to the dayroom, recreation, and other programming opportunities at the MJ through the physical plant modifications in order for the County to be found in Substantial Compliance with the Remedial Plan components.

e) *Structured programming (including in-cell activities)*

The program facilitators stated they continue to receive a list of incarcerated people with disabilities and their accommodation needs. They also reported that accommodations they provide to incarcerated people with disabilities are the provision of reading glasses, assistance in understanding the program content, and the provision of an SLI. Other accommodations (auxiliary aids, large print, magnifiers) are available for incarcerated people with disabilities in coordination with the ADA Coordinators.

f) *Showers*

Although incarcerated people with disabilities are escorted to an accessible shower, the parties' August 2023 stipulation confirms that "The housing units in West, East, Central, Back Central, and Northwest need not undergo physical plant remediation of existing ADA accessibility deficiencies as part of interim or long-term remedial measures set forth herein and in the Remedial Plan." The South Dorm shower is ADA accessible.

There are accessible showers in every housing Module at the NBJ.

g) Telephones and/or videophones

The Expert addresses access to videophones in Section 5.N.8 of the report. The County provides disabled incarcerated persons with access to telephone amplifiers, TTY's, and videophones. There were no complaints during the incarcerated person interviews that incarcerated person are not being provided accommodations in accessing the telephones and/or videophones.

h) Reading materials (including easy reading, large print books, and other materials accessible to people with a vision-related disability)

During a previous monitoring tour, the County advised the Expert that recreational reading material is provided to the County by donations. During the monitoring tour, the Expert noted that easy reading, large print books, and other materials are available and accessible to people with a vision-related disability. The Expert noted that Books-on-Tape are also available in the event an incarcerated person with a vision disability requires the accommodation. The County previously informed the Expert that the reading material on the tablets is accessible for incarcerated persons with vision disabilities. The Expert will rate this during the next monitoring round.

i) Religious services

Religious services are provided in a group and on a one-on-one basis, and incarcerated people with disabilities are provided equal access. Incarcerated people who are deaf and whose preferred/primary method of communication is ASL/SLI must be provided an SLI during the religious program. There were no cases to review where an SLI/VRI was provided during religious services. The County established a contract with "Purple Communications" on 1/11/23 for on-demand sign language interpreting services. In addition, incarcerated persons who are hard of hearing are provided with an amplification device, "PocketTalker," to use during the religious service. The Expert will continue to monitor this in detail during the next monitoring tour.

j) Family/personal and professional visits

During the incarcerated person interviews, an incarcerated person housed in MJ South Dorm (amputee/fulltime wheelchair user) stated that he has to transfer from his wheelchair to the stool in the visiting booth as the visiting booth is not accessible for a wheelchair. The County reported that in this case, the incarcerated person should be escorted to the IRC professional visiting booth for his visit. The County reported that the ADA Coordinators are in the process of developing a "checklist" that will be used to interview incarcerated persons once they are identified as having a qualified disability. The Expert recommends that a question regarding access to visiting be included in the "checklist." The Expert will be assessing the video equipment in the

next monitoring round and assessing whether that equipment sufficiently accommodates incarcerated people with vision, hearing, and cognitive disabilities.

k) Medical, mental health, and dental services and treatment

All medical, mental health, and dental services are accessible to incarcerated people with disabilities. The Architectural Expert will review the physical access to the treatment rooms in more detail. The County must ensure that disabled incarcerated persons who require assistance in reading and writing are provided assistance in submitting sick call slips.

5.J.2. The County's policy shall include the provision of assistance in reading or scribing legal documents, sick call requests, grievances, documents related to disciplinary procedures, and documents related to health care encounters.

Compliance Rating: Partial Compliance

Prior Compliance Rating: Partial Compliance

County Response:

The County reports it is in the process of fully implementing this requirement. The County has revised the Custody Operations ADA Policy (Section 209) and Healthcare Policy (section 240) to include the provisions of this requirement. This requirement has been incorporated into the Custody Operations Orientation Handbook. The County is currently assisting inmates if they request scribing and reading assistance. The County will be training on this process in the next six (6) months and is otherwise in full compliance with this provision.

Analysis/Observations

Wellpath Policy HCD-110_F-09 Effective Communication – Santa Barbara, CA includes specific directives for medical staff to provide reading and writing/scribing medical-related documents to incarcerated people with disabilities.

The Expert reviewed the revised Custody Operations Americans with Disabilities Act (ADA) Policy Section 209 (Revised 04/2024) the policy states, "Staff must provide assistance to disabled incarcerated persons who need help with the completion of accommodation requests, other requests, or grievances, or understanding the processes relating to both. The assistance may include scribing or reading legal documents, sick call requests, grievances, documents related to disciplinary procedures, and documents related to health care encounters." The policy also states, "Jail staff must provide the necessary assistance to all disabled incarcerated persons on a case-by-case basis to ensure that those who have difficulty reading and/or communicating in writing (e.g., developmentally disabled/intellectually disabled,

learning disabled, and vision-impaired incarcerated persons) will be provided reasonable access to forms, documents, regulations, and procedures.”

No incarcerated persons with learning and/or intellectual/developmental disabilities were interviewed (only one (1) case on the ADA Tracking list who was not available for interview).

The County must ensure staff are trained on the policy and the *Murray v. Santa Barbara County* Remedial Plan. The County must also provide the Expert proof of practice during the next monitoring round.

5.J.3. The County shall ensure equitable work opportunities for people with disabilities, including by ensuring (a) clear job duty statements, with essential functions and specific criteria, for each worker position; and (b) that health care and other relevant staff conduct an individualized assessment to identify work duty restrictions and/or physical limitations to facilitate appropriate work/industry assignments, to ensure reasonable accommodations, and to prevent improper exclusions from work opportunities.

Compliance Rating: Partial Compliance

Prior Compliance Rating: Partial Compliance

County Response:

The County reports it is in the process of fully implementing this requirement. ADA inmates are presently offered work opportunities. The CQA unit is currently working with Classification to create job assignments within each housing unit at the MJ. The County will finalize clear job duty statements with essential functions and limitations to complete this requirement. Wellpath has begun outlining a process for identifying specific disabilities that will affect job duties and anticipates completing that process within the next four (4) to six (6) months. Per the ADA Expert's request, the County is in the process of generating a list of all work assignments/positions available for inmates, including housing locations of workers and a list of all incarcerated persons currently assigned to work positions. The County will be revising the Inmate Orientation Handbook to include all available work assignments to address the Expert's recommendation to ensure inmates are informed of available assignments. The County anticipates completing this provision in the next eight (8) months. Post tour the County reported they have completed this and placed the worker matrix in the “Box” shared folder prior to the tour. The matrix includes the job duty statements as required by this provision.

Analysis/Observations

The Expert reviewed the revised Custody Operations Americans with Disabilities Act (ADA) Policy Section 209 (Revised 04/2024) and noted that the policy states, “The

County shall ensure equitable work opportunities for people with disabilities, including by ensuring:

- Clear job duty statements, with essential functions and specific criteria, for each worker position; and
- That health care and other relevant staff conduct an individualized assessment to identify work duty restrictions and/or physical limitations to facilitate appropriate work/industry assignments, to ensure reasonable accommodations, and to prevent improper exclusions from work opportunities.

Jail facilities and work supervisors must not establish criteria that screen out or tend to screen out incarcerated persons with disabilities who have the ability to participate in the programs being offered.

Education/work assignments must be defined to take into account functioning limitations, e.g., difficulty/complexity of each task, lack of initiative, etc.

Classification Staff who are responsible for hiring/filling incarcerated person work assignments must examine the prospective incarcerated person's qualifications and documented physical limitations (by a medical doctor), if any, or limitations due to mental health, developmental disability/intellectual disability, or learning disability (by a mental health clinician or educator) if any and compare against the essential functions of the potential work assignment.

Disabled incarcerated persons must be considered for any job assignments where the incarcerated person can perform the essential functions of the assignment, with or without reasonable accommodations.

To measure compliance with this requirement, the Expert requested a list of all work assignments/positions available for incarcerated persons, housing locations of workers, and a list of all incarcerated persons currently assigned to work positions. To date, the County has not provided the requested information. The County has established a worker program in the MJ South Dorm, and in review of the Inmate Work Vocational Matrix positions for Latrine Detail, Shower Detail, and Dayroom Detail, are included.

During the incarcerated person interviews, three (3) of the 31 incarcerated persons interviewed reported they were assigned to a work position. The County must ensure that disabled incarcerated persons have an equal opportunity to be assigned to work positions.

Some disabled incarcerated persons at the Jails have been provided work opportunities. However, the County must ensure work opportunities are equitable for disabled incarcerated persons as non-disabled incarcerated persons. The Expert again recommends that staff do specific outreach to incarcerated people with disabilities to inform them of work opportunities and the availability of reasonable accommodations as needed. This can be done during the ADA Coordinator interviews with people with

disabilities or through some other method. Many incarcerated people with disabilities have, based on past practices at the jail, been given an understanding that work opportunities are not available to them. Correcting this now-inaccurate understanding is important to ensuring equal and meaningful access to work opportunities moving forward.

5.J.3.a. Are the job duty statements clear, and do they include essential functions and specific criteria for each worker position?

The County produced an Excel Spreadsheet, "Inmate Work Vocational Matrix Final." The spreadsheet includes:

- Job Titles
- Physical Requirements
 - Mobility
 - Lifting
- Medical & MH Consideration and/or Disqualifiers Wellpath (Case by case basis)
- Training Requirements
- Classification Considerations & Disqualifiers
- Charge Disqualifiers

The *Murray v. Santa Barbara County* Remedial Plan requires the job duty statements to be clear and include the essential functions and specific criteria for each worker position. Although the "Inmate Work Vocational Matrix Final" includes essential functions for the worker positions. The Medical & MH Consideration includes medical conditions such as "chronic knee leg or back problems" where staff must evaluate and consider the disabled incarcerated persons placement into these job positions on a case-by-case basis.

In cases where the incarcerated person has a qualifying disability, the County must provide the incarcerated person reasonable accommodations and the opportunity to be assigned to the work if they can perform the essential function of the work position. Some of the positions that disabled incarcerated persons with "chronic knee leg or back problems" could be assigned to work with modified duties and reasonable accommodations include:

- Kitchen Crew
 - Serving trays and/or preparing lunches etc. in a seated position
- Laundry Crew
 - Folding and sorting clothes in a seated position
- Lobby Crew
 - Intermittent rest periods
- Paint Crew
 - Intermittent rest periods

- Landscaping Crew
 - Intermittent rest periods
- Welder
 - Intermittent rest periods
- Yard Clean-Up
 - Intermittent rest periods
- Latrine Detail
 - Intermittent rest periods
- Shower Detail
 - Intermittent rest periods
- Dayroom Detail
 - Wiping tables and walls, intermittent rest periods
- Paint shop Crew
 - Intermittent rest period.

5.J.3.b. Do health care and other relevant staff conduct an individualized assessment to identify work duty restrictions and/or physical limitations to facilitate appropriate work/industry assignments, to ensure reasonable accommodations, and to prevent improper exclusions from work opportunities?

The Initial Health History and Physical Exam (NCCHC), which is conducted within 14 days of a person's arrival at the Jail, includes a check box for "Work Restrictions." The MTO for Patient Housing includes a section for medical staff to document Physical Limitations.

The Expert reviewed the revised Custody Operations Americans with Disabilities Act (ADA) Policy Section 209 (Revised 04/2024) the policy states.

"The County shall ensure equitable work opportunities for people with disabilities, including by ensuring:

- Clear job duty statements, with essential functions and specific criteria, for each worker position; and
- That health care and other relevant staff conduct an individualized assessment to identify work duty restrictions and/or physical limitations to facilitate appropriate work/industry assignments, to ensure reasonable accommodations, and to prevent improper exclusions from work opportunities."

Medical staff reported they are in the process of implementing this requirement. During the next monitoring round, the Expert will review the individualized assessments produced by the County.

5. K. Health Care Appliances, Assistive Devices, Durable Medical Equipment

5.K.1. The County shall establish a written policy to ensure the timely provision of safe and operational HCA/AD/DME to people with a disability based on an individualized

assessment by medical staff, with a process for timely repair and replacement of such devices as needed.

Suspension of Monitoring

Pursuant to paragraph 52 of the *Murray v. Santa Barbara County* Remedial Plan, the County formally requested the discontinuation of monitoring of this provision. The parties conferred, and Class Counsel had no objection to the County's request. This provision is discontinued from monitoring.

- 5.K.2. *A person's request for a particular device or other accommodation shall be given primary consideration and shall be granted unless the request is unreasonable for specific, articulated reasons allowable under the ADA, or unless other effective accommodations are available.*

Compliance Rating: Partial Compliance

Prior Compliance Rating: Partial Compliance

County Response:

The County reports it is in the process of fully implementing this requirement. The County is further updating the Custody Operations ADA Policy (Section 209) to meet the provisions of this requirement. The ADA Coordinators are considering an inmate's request for accommodation and granting the request absent specific, articulated reasons for denial allowable under the ADA or unless another effective accommodation is available. Requests for ADA accommodations are tracked, and the reason for denial is documented accordingly. In the upcoming months, the County will work with the ADA expert to ensure the ADA policy is revised and to determine what else is needed to obtain substantial compliance with this provision.

Analysis/Observations

As noted in a previous report, Wellpath Policy HCD-110_F-10 Durable Medical Equipment Medical Supply – Santa Barbara, CA, requires the approval of Durable Medical Equipment only as medically necessary. The policy defines medical necessity as "Health care services that are determined by the licensed practitioner to be reasonable and necessary to protect life, prevent significant illness, or disability, or alleviate severe pain, and are supported by health outcome data as being effective medical care."

Additionally, the Expert was informed during a previous tour that in cases where medical staff determined the authorization of an assistive device was not medically

necessary, the ADA coordinator makes an individualized assessment, and, in some cases, the incarcerated person is issued the assistive device as an accommodation.

The Expert reviewed the revised Custody Operations Americans with Disabilities Act (ADA) Policy Section 209 (Revised 04/2024 the policy states, " Health care appliances/durable medical equipment/orthopedic devices/prosthetic devices/assistive devices shall be prescribed and approved for eligible incarcerated persons by licensed medical providers. Incarcerated personal health care appliances, including those belonging to an incarcerated person prior to entry into Santa Barbara County Jail (MJ/NBJ), must be approved in accordance with Wellpath Policy HCD-110_F-10 Durable Medical Equipment Medical Supply.

"Health care appliances being prescribed and issued to incarcerated persons from an approved list approved by the medical provider will be reviewed monthly by both the ADA Coordinator and Continuous Quality Assurance (CQA) Sergeant.

Staff must complete an individualized assessment as to whether an assistive device is necessary to ensure meaningful access to programs, services, and activities offered by the jail, and not simply whether the device is "medically necessary unless the medical provider deems the accommodation detrimental to the incarcerated persons recovery."

The ADA Coordinator at times provides incarcerated persons with HCA/AD/DME based on their request, on an interim basis. Such a situation was reflected during an incarcerated person interview where the ADA Coordinator observed an incarcerated person struggling to walk without an assistive device (cane. In this case, the ADA Coordinator referred the incarcerated person to medical for an evaluation.

Once it is determined the person has a qualified disability, the County must provide the disabled person with a reasonable accommodation as needed. The accommodations must be determined by the incarcerated person's need for the accommodation to access the Jail's programs, services, and activities. It is not necessarily based on medical treatment or "necessity." If an incarcerated person expresses a preferred accommodation, the accommodation should be provided so long as it is (1) reasonable, (2) not medically harmful, and (3) does not pose a safety or security risk. As an example, if the incarcerated person requests a cane for ambulating, a cane should be provided unless the provision of the cane would be medically harmful to the individual (or would pose a security threat based on an individualized assessment of the person's current circumstances). The fact that the provider prefers to prescribe another device (walker) instead of a cane is a violation of the ADA when the incarcerated disabled person's request is a reasonable request for a cane.

This determination should be a two-step process:

1. A qualified healthcare professional conducts the individualized assessment of the incarcerated person to determine if they have a qualified disability and/or impairment and, the need for accommodation, if any.
2. Jail staff provide the incarcerated disabled person with an accommodation that is reasonable so the incarcerated person can access the Jail's programs, services, and activities. If the incarcerated person has a preferred accommodation (e.g., walker over cane), the incarcerated person must articulate the reason for the alternate accommodation and healthcare and jail staff will confer and assess whether the request is unreasonable, poses a specific security risk that is documented, and/or would be medically harmful.

The County and Wellpath must ensure a process is put in place with policies and procedures, give primary consideration for the incarcerated person's request for a particular device or other accommodation, and that the request be granted unless the request is unreasonable for specific, articulated reasons allowable under the ADA or unless other effective accommodations are available. Revised Wellpath policies were not provided to the Expert for review.

- 5.K.3. *The County shall allow people to retain personal HCAs/ADs/DME (including mobility devices, glasses, and hearing aids) unless there is an individualized determination that doing so would create an articulated safety or security risk.*
- a) *Where Jail staff determine it is necessary to remove personal HCA/AD/DME for security reasons, the County shall provide an equivalent Jail-issued device unless custody staff, with ADA Coordinator approval, determine and document, based on an individualized assessment, that the device constitutes a risk of bodily harm or threatens the security of the facility.*
 - b) *If such a determination is made, the ADA Coordinator shall document the decision and reasons for it and shall consult with medical staff to determine an appropriate alternative accommodation.*

Compliance Rating: Partial Compliance

Prior Compliance Rating: Partial Compliance

County Response:

The County reports it is in the process of fully implementing this requirement. The County presently allows inmates to retain HCAs/ADs/DME unless there is a security risk identified during an individualized assessment of the inmate, consistent with this provision. The County has updated the Custody Operations ADA Policy (Section 209) to meet the requirements of this provision. The ADA Expert recently approved the County's Safety and Security Assessment Form, which aids in meeting the requirements of this provision. The County will be providing staff training regarding this provision and anticipates completing this requirement in the next ten (10) months.

Analysis/Observations

The Expert reviewed the revised Custody Operations Americans with Disabilities Act (ADA) Policy Section 209 (Revised 04/2024) the policy states, "If an appliance being prescribed by the medical provider is not on the approved list, the Health Services Lieutenant will be consulted to determine if there are any safety and security concerns with the incarcerated person possessing the medical appliance. If legitimate security concerns are evident, the Health Services Lieutenant will consult with the medical provider in order to modify the medical appliance for approval (See Remedial Plan section 5.K.3). Only under exceptional circumstances shall a medical supply be rejected, and an alternate means provided.

No incarcerated person shall be deprived of a health care appliance/assistive device that was in the incarcerated person's possession upon entry into the Santa Barbara County Jail or was properly obtained while in custody unless for documented safety or security reasons or a medical provider determines that the appliance is no longer medically necessary or appropriate. Alternative devices may be deemed necessary by a clinician."

The "Safety and Security Assessment Form" has been finalized; however, staff have not been trained.

The County must ensure staff is trained on the policy and the *Murray v. Santa Barbara County* Remedial Plan requirements. The Expert will assess the implementation during the next monitoring round.

5.K.3.a. In cases where staff determine it is necessary to remove personal HCA/AD/DME for security reasons, did the County provide an equivalent Jail-issued device unless custody staff, with ADA Coordinator approval, determine and document, based on an individualized assessment, that the device constituted a risk of bodily harm or threatened the security of the facility?

The County did not provide documentation of any cases where staff determined it was necessary to remove a personal HCA/AD/DME for security reasons.

The Expert reviewed the revised Custody Operations Americans with Disabilities Act (ADA) Policy Section 209 (Revised 04/2024) the policy states, "If an appliance being prescribed by the medical provider is not on the approved list, the Health Services Lieutenant will be consulted to determine if there are any safety and security concerns with the incarcerated person possessing the medical appliance. If legitimate security concerns are evident, the Health Services Lieutenant will consult with the medical provider in order to modify the medical appliance for approval (See Remedial Plan section 5.K.3). Only under exceptional circumstances shall a medical supply be rejected, and an alternate means provided.

No incarcerated person shall be deprived of a health care appliance/assistive device that was in the incarcerated person's possession upon entry into the Santa Barbara County Jail or was properly obtained while in custody unless for documented safety or security reasons or a medical provider determines that the appliance is no longer medically necessary or appropriate. Alternative devices may be deemed necessary by a clinician."

Additionally, the County has finalized the "Safety and Security Assessment Form" that will document the individualized determination.

The County must ensure the Safety and Security Assessment Form is used for cases where a personal HCA/AD/DME for security reasons and ensure staff is trained on the policy and the *Murray v. Santa Barbara County* Remedial Plan requirements. The Expert will assess the implementation during the next monitoring round.

5.K.3.b. In cases where such a determination was made, did the ADA Coordinator document the decision and reasons for the determination?

The County did not provide documentation of any cases where staff determined it was necessary to remove a personal HCA/AD/DME for security reasons.

The Expert reviewed the revised Custody Operations Americans with Disabilities Act (ADA) Policy Section 209 (Revised 04/2024) the policy states, "If an appliance being prescribed by the medical provider is not on the approved list, the Health Services Lieutenant will be consulted to determine if there are any safety and security concerns with the incarcerated person possessing the medical appliance. If legitimate security concerns are evident, the Health Services Lieutenant will consult with the medical provider in order to modify the medical appliance for approval (See Remedial Plan section 5.K.3). Only under exceptional circumstances shall a medical supply be rejected, and an alternate means provided.

No incarcerated person shall be deprived of a health care appliance/assistive device that was in the incarcerated person's possession upon entry into the Santa Barbara County Jail or was properly obtained while in custody unless for documented safety or security reasons or a medical provider determines that the appliance is no longer medically necessary or appropriate. Alternative devices may be deemed necessary by a clinician."

Additionally, the County has finalized the "Safety and Security Assessment Form" that will document the individualized determination.

The County must ensure the Safety and Security Assessment Form is used for cases where a personal HCA/AD/DME for security reasons and ensure staff is trained on the policy and the *Murray v. Santa Barbara County* Remedial Plan requirements. The Expert will assess the implementation during the next monitoring round.

5.K.3.c. Did the ADA Coordinator consult with medical staff to determine an appropriate alternative accommodation?

The County did not provide documentation of any cases where staff determined it was necessary to remove a personal HCA/AD/DME for security reasons.

The Expert reviewed the revised Custody Operations Americans with Disabilities Act (ADA) Policy Section 209 (Revised 04/2024) the policy states, "If an appliance being prescribed by the medical provider is not on the approved list, the Health Services Lieutenant will be consulted to determine if there are any safety and security concerns with the incarcerated person possessing the medical appliance. If legitimate security concerns are evident, the Health Services Lieutenant will consult with the medical provider in order to modify the medical appliance for approval (See Remedial Plan section 5.K.3). Only under exceptional circumstances shall a medical supply be rejected, and an alternate means provided.

No incarcerated person shall be deprived of a health care appliance/assistive device that was in the incarcerated person's possession upon entry into the Santa Barbara County Jail or was properly obtained while in custody unless for documented safety or security reasons or a medical provider determines that the appliance is no longer medically necessary or appropriate. Alternative devices may be deemed necessary by a clinician."

Additionally, the County has finalized the "Safety and Security Assessment Form" that will document the individualized determination.

The County must ensure the Safety and Security Assessment Form is used for cases where a personal HCA/AD/DME for security reasons and ensure staff is trained on the policy and the *Murray v. Santa Barbara County* Remedial Plan requirements. The Expert will assess the implementation during the next monitoring round.

5.K.4. The County shall implement a written policy governing the release of people who need assistive devices.

- a) The County will ensure that any personal mobility device belonging to a person is returned prior to release.*
- b) If a person does not have a personal mobility device, but is ambulatory with the assistance of a cane, crutch, or walker, the prisoner will be permitted to retain such device that was used while in custody upon release, or will be provided a comparable device, upon release.*
- c) If a person who is due for release requires a wheelchair but does not have a personal wheelchair, Jail staff shall coordinate with the prisoner, family or friends, and other County agencies as needed to secure a wheelchair or take other steps to address the individual's needs upon release. The County shall document this*

process in the ADA Tracking System for purposes of individual tracking and quality assurance.

Compliance Rating: Partial Compliance

Prior Compliance Rating: Partial Compliance

County Response:

The County reports it is in the process of fully implementing this requirement. The County has updated the Custody Operations ADA Policy (Section 209) to meet the requirements of this provision and will work with the ADA Expert to incorporate any recommended revisions. The County will be providing staff training regarding this provision and anticipates completing this requirement in the next ten (10) months.

Analysis/Observations

5.K.4.a. *In cases where an incarcerated person with a disability arrived at the Jail with a personal mobility device, was the device returned to the incarcerated person prior to release?*

The Expert reviewed the revised Custody Operations Americans with Disabilities Act (ADA) Policy Section 209 (Revised 04/2024) and noted that the policy states, "If an incarcerated person who is being released has a mobility device as an accommodation while incarcerated or came into custody with a mobility device, the staff member shall:

The Property Officer will ensure that any personal mobility device belonging to a person is returned prior to release."

The Expert toured the property rooms and the MJ and NBJ and identified two (2) personal mobility devices being stored in the property room. A review of the JMS found that all of the devices belonged to incarcerated persons who were still in custody.

In addition, the County produced two (2) SBSO Santa Barbara Sheriff Inmate History-Inmate Notes ADA-Accommodation At Release reports that reflect six (6) incarcerated persons were released with assistive devices and/or orthotic shoes. The number of cases provided in the document production is not a representation of the cases released.

The policy has been implemented; however, staff have not been trained. The County must ensure staff is trained on the policy and the *Murray v. Santa Barbara County* Remedial Plan requirements and that staff document the accommodations provided at release.

5.K.4.b. If an incarcerated person with a disability does not have a personal mobility device but is ambulatory with the assistance of a cane, crutch, or walker, was the prisoner permitted to retain the device that was used while in custody upon release, or was he/she provided a comparable device, upon release.

The Expert reviewed the revised Custody Operations Americans with Disabilities Act (ADA) Policy Section 209 (Revised 04/2024) the policy states, "If a person does not have a personal mobility device, but is ambulatory with the assistance of a cane, crutch, or walker, the prisoner will be permitted to retain such device that was used while in custody upon release, or will be provided a comparable device, upon release."

In addition, the County produced two (2) SBSO Santa Barbara Sheriff Inmate History-Inmate Notes ADA-Accommodation At Release reports that reflect six (6) incarcerated persons were released with assistive devices and/or orthotic shoes. The number of cases provided in the document production is not a representation of the cases released. The Note section of the reports reflects the following cases:

- Given size 13 orthotic shoes upon release
- Was released with his issued cane
- Given size 13 orthotic shoes upon release
- Was transported to prison with orthotic shoes
- Released with County wheelchair
- Was released with walking cane

Three (3) of the notes were entered by the ADA Coordinator and not the staff that processed the release.

The Custody Support Technicians that are assigned to property and release stated they identify incarcerated persons with prescribed HCA/AD/DME who are being released by reviewing the ATIMS Property Release queue and the ADA Flags. They further indicated that the incarcerated person would be released with the County issued HCA/AD/DME.

The policy has been implemented; however, staff have not been trained. The County must ensure staff is trained on the policy and the *Murray v. Santa Barbara County* Remedial Plan requirements and that staff document the accommodations provided at release.

5.K.4.c. If a person who was due for release required a wheelchair but did not have a personal wheelchair, did Jail staff coordinate with the prisoner, family or friends, and other County agencies as needed to secure a wheelchair or take other steps to address the individual's needs upon release?

The Expert reviewed the revised Custody Operations Americans with Disabilities Act (ADA) Policy Section 209 (Revised 04/2024) the policy states, "If a person who is due for release requires a wheelchair, but does not have a personal wheelchair, Jail staff shall coordinate with the prisoner, family or friends, and other County agencies as needed to secure a wheelchair or take other steps to address the individual's needs upon release. This shall be documented and tracked in the ADA Tracking System for purposes of individual tracking and quality assurance."

The Custody Support Technicians that were assigned to property and release stated that in cases where an incarcerated person is due for release and requires a wheelchair but does not have a personal wheelchair, the County coordinates with the prisoner, family or friends, and other County agencies as needed to secure a wheelchair and/or takes other steps to address the individual's needs upon release.

The policy has been implemented; however, staff have not been trained. The County must ensure staff is trained on the policy and the *Murray v. Santa Barbara County* Remedial Plan requirements and that staff document the accommodations provided at release.

5.K.4.d. Did the County document this process in the ADA Tracking System for purposes of individual tracking and quality assurance?

The Expert reviewed the revised Custody Operations Americans with Disabilities Act (ADA) Policy Section 209 (Revised 04/2024) the policy states, "If a person who is due for release requires a wheelchair, but does not have a personal wheelchair, Jail staff shall coordinate with the prisoner, family or friends, and other County agencies as needed to secure a wheelchair or take other steps to address the individual's needs upon release. This shall be documented and tracked in the ADA Tracking System for purposes of individual tracking and quality assurance."

In addition, the County produced two (2) SBSO Santa Barbara Sheriff Inmate History-Inmate Notes ADA-Accommodation At Release reports that reflect six (6) incarcerated persons were released with assistive devices and/or orthotic shoes. The Note section of the reports reflects the following cases:

- Given size 13 orthotic shoes upon release
- Was released with his issued cane
- Given size 13 orthotic shoes upon release
- Was transported to prison with orthotic shoes
- Released with County wheelchair
- Was released with walking cane

The number of cases provided in the document production is not a representation of the cases released during the document production period.

The policy has been implemented; however, staff have not been trained. The County must ensure staff providing the accommodation (AD/DME/HCA) document the provision of the accommodations provided at release.

5. L. Transportation

5.L.1. The County shall provide reasonable accommodations for people with disabilities when they are in transit, including during transport between facilities, to and from court, or to and from outside health care services.

Suspension of Monitoring

Pursuant to paragraph 52 of the *Murray v. Santa Barbara County* Remedial Plan, the County formally requested the discontinuation of monitoring of this provision. The parties conferred, and Class Counsel had no objection to the County's request. This provision is discontinued from monitoring.

Although this provision has been designated as "Discontinued From Monitoring," during the incarcerated person interviews, there were complaints from five (5) incarcerated persons that the County does not consistently transport them in accessible vehicles. The cases are listed below:

- Case #1 – NBJ - Vehicle Accommodation on ADA Tracker List "ADA Van." He reported that four (4) days ago, he was transported in a regular van.
- Case #2 – NBJ - Vehicle Accommodation on ADA Tracker List "ADA Van." He reported he is transported in a non-accessible vehicle.
- Case #3 – MJ - Vehicle Accommodation on ADA Tracker List "ADA Van." He reported staff ask him if he needs an accessible vehicle.
- Case #4 – MJ - Vehicle Accommodation on ADA Tracker List "ADA Van." He reported he is transported from the NBJ to the MJ in a non-accessible vehicle.
- Case #5 – MJ - Vehicle Accommodation on ADA Tracker List "ADA Van." She reported that one (1) month ago she was transported in a bus and she was shackled and fell off the bus's steps. On the date of the interview, she reported she was transported in a bus, was not shackled, and was allowed to use her cane ambulating the bus's steps.

During the previous monitoring tour, the Transportation staff reported they identify incarcerated people who require accommodations during the transport by reviewing information/reports from ATIMS (SBSO Santa Barbara Sheriff's Court-Appointments by Booking) and the "Active ADA Alerts" report distributed by the ADA Coordinator. The "Active ADA Alerts" identifies the incarcerated persons who require accessible transportation and the type of accommodations/vehicle required. The Expert

requested that the County produce the transportation logs for the cases listed above. However, the County has not produced the documents.

Class counsel advised the Expert of one issue that has come up several times but has not been resolved is the County's rule against sweatshirts at court. Class counsel's position is that standard-issue sweatshirts should be permitted at court for everyone. However, there is a disability accommodation piece here, as some people with disabilities will need access to sweatshirts at court to accommodate them. The Expert recommends that the County address the issue of how the County will ensure accommodations will be provided in these cases.

The County must ensure that disabled incarcerated persons who are identified with transportation accommodations are transported with using the identified vehicle listed in the "Active ADA Alerts." In the event the incarcerated persons accommodation needs changes over time, the County must update the "Active ADA Alerts" as appropriate. The Expert recommends that the County provide additional training to the transportation staff to remind them of accommodations that must be provided to disabled incarcerated persons during the transportation process including type of vehicles used and application of restraints.

5.L.2. Prescribed HCAs/ADs/DME for people with disabilities shall be available to them at all times during the transport process, including in temporary holding cells.

Compliance Rating: Substantial Compliance

Prior Compliance Rating: Substantial Compliance

Analysis/Observations

The County has revised the Custody Operations ADA Policy (Section 209) to meet the requirements of this provision.

The Expert reviewed the revised Custody Operations Americans with Disabilities Act (ADA) Policy Section 209 (Revised 04/2024) and confirmed that the policy includes the requirements for staff to ensure prescribed HCAs/ADs/DMEs are people with disabilities be available to them at all times during the transport process, including in temporary holding cells. The policy includes the requirements of the *Murray v. Santa Barbara County Remedial Plan*.

The Transportation staff interviewed stated that incarcerated persons with prescribed HCAs/ADs/DME are able to retain the devices during the transport, including while they are in temporary holding cells. All incarcerated people with Mobility-Disabilities interviewed confirmed the County allows them to retain their HCAs/ADs/DME at all times during the transport process, including while they are in the temporary holding cells.

This provision has been in substantial compliance for greater than 6 months. Based on this, the Expert recommended that monitoring for this provision be discontinued.

- 5.L.3. *The County shall maintain a sufficient number of accessible vehicles to ensure timely transport of people with disabilities that require special transportation. The County intends for all transport vehicles to be accessible.*

Suspension of Monitoring

Pursuant to paragraph 52 of the *Murray v. Santa Barbara County* Remedial Plan, the County formally requested the discontinuation of monitoring of this provision. The parties conferred, and Class Counsel had no objection to the County's request. This provision is discontinued from monitoring.

Based on the finding in 5.L.1. above, the Expert recommends that the County determine if the reason for the County not using an accessible vehicle was due to a vehicle not being available (already in use/maintenance) and evaluate if an additional accessible vehicle is needed.

- 5.L.4. *Staff will provide assistance to people with mobility or other disabilities where necessary to ensure safe access on and off of transport vehicles.*

Compliance Rating: Substantial Compliance

Prior Compliance Rating: Substantial Compliance

Analysis/Observations

The County has updated the Custody Operations ADA Policy (Section 209) to meet the requirements of this provision.

The Expert reviewed the revised Custody Operations Americans with Disabilities Act (ADA) Policy Section 209 (Revised 04/2024) and confirmed that the policy includes the requirements for staff to provide assistance to people with mobility or other disabilities where necessary to ensure safe access on and off of transport vehicles. Upon review, the draft Custody Operations ADA Policy (Section 209) includes the requirements of the *Murray v. Santa Barbara County* Remedial Plan.

The Transportation staff interviewed stated that in the event an incarcerated person with a mobility disability requires assistance to ensure safe access on and off of transport vehicles, staff would provide assistance. All incarcerated people with mobility disabilities interviewed confirmed where they require assistance to ensure safe access on and off of transport vehicles, and staff would provide assistance. During the

incarcerated person interviews, all incarcerated persons interviewed stated that staff provide the assistance necessary for them to safely access the transport vehicles during onloading and off-loading.

This provision has been in substantial compliance for greater than 6 months. Based on this, the Expert recommended that monitoring for this provision be discontinued.

5. M. Effective Communication

5.M.1. The County shall develop and implement a Custody Operations policy to ensure that people with disabilities receive accommodations and services necessary to provide Effective Communication, consistent with the provisions set forth herein.

Compliance Rating: Partial Compliance

Prior Compliance Rating: Partial Compliance

County Response:

The County reports it is in the process of fully implementing this requirement. The ADA Expert recently approved the County's Effective Communication Form, which the County will be included in the ADA Tracking system for proof of practice. The Form will be implemented following training. The County utilizes Purple Communications VRS and VRI for Effective Communication. The County has issued an informational briefing on how to utilize Purple Communications and will conduct training on Purple and the Effective Communication Form in the next three (3) months. Wellpath has incorporated an Adaptive Needs Assessment screening at intake to identify possible Effective Communication issues as well. The County has updated the Custody Operations ADA Policy (Section 209) to meet the requirements of this provision and will work with the ADA Expert to incorporate any recommended revisions. The County anticipates completing this requirement in the next four (4) months.

Analysis/Observations:

The Expert reviewed the revised Custody Operations Americans with Disabilities Act (ADA) Policy Section 209 (Revised 04/2024) and confirmed that the policy includes the requirements for staff to provide people with disabilities accommodations and services necessary to provide Effective Communication consistent with the provisions of the Settlement Agreement. The policy includes the requirements for staff to ensure that people with disabilities receive accommodations and ensure Effective Communication is provided for the incarcerated persons to participate in the Jails programs, services, and activities. In addition, the County has developed a mechanism within ATIMS and the ADA Tracking List for staff to identify incarcerated persons who require Effective Communication accommodations and to identify the incarcerated persons' preferred method of communication. The County has also

implemented a process for staff to document the requirements of the *Murray v. Santa Barbara County* Remedial Plan.

The County utilizes Purple Communications VRS and VRI for Effective Communication in addition to other auxiliary aids when communicating with incarcerated persons during the delivery of the Jails programs, services, and activities. In addition, Wellpath has incorporated an Adaptive Needs Assessment screening at intake to identify possible Effective Communication issues as well. The County has updated the Custody Operations ADA Policy (Section 209) to meet the requirements of this provision.

The County must ensure that Effective Communication is provided for all services, programs, and activities. The County has implemented an Effective Communication form which the County uses for all staff and clinical encounters with incarcerated person as required by the *Murray v. Santa Barbara County* Remedial Plan. However, the County must provide completed Effective Communication forms and/or ADA-Effective Communication entries from the ATIMS Inmate History notes.

5.M.2. The County shall assess all people detained at the Jail for any period of time for Effective Communication needs and take steps to provide Effective Communication based on individual need. The County shall ensure that Jail custody and health care policies and procedures contain sufficient guidance on the provision of Effective Communication.

Compliance Rating: Partial Compliance

Prior Compliance Rating: Partial Compliance

County Response:

The County reports it is in the process of fully implementing this requirement. The ADA Expert recently approved the County's Effective Communication Form, which the County will be included in the ADA Tracking system for proof of practice. The Form will be implemented following training. Wellpath is presently screening for Effective Communication needs, including intellectual and developmental disabilities, at intake and at the 14-day Health Appraisal. As indicated in prior provisions, the County has trained Classification and CQA deputies and has created a process to improve intake procedures to better identify and track individuals with disabilities. Wellpath also an Adaptive Support Needs Assessment Form to identify possible ADA inmates during receiving, as well as a "learning disability" check box on the Medical Treatment Form. Wellpath will be training staff on the use of this form and will incorporate this process into Wellpath's site-specific policy. For inmates identified with intellectual and developmental disabilities, Wellpath refers such inmates for additional assessment. Wellpath is in the process or redeveloping its pilot program for identifying intellectual and developmental disabilities and estimates that this program will return in the next

six (6) to eight (8) months. The County presently takes steps to provide Effective Communication based on identified needs using simple language, SLI, Purple Communications VRS and VRI, written communication, etc. The County has updated the Custody Operations ADA Policy (Section 209) to meet the requirements of this provision. The County will train and implement this policy in the next ten (10) months.

Analysis/Observations

The Wellpath medical intake screening process assesses all people processed and detained at the Jail for disabilities. The receiving screening includes the following questions to assess Effective Communication needs (Wellpath Receiving Screening):

- Developmental Disability – (have an individual education plan or attend special education classes?)
- Adaptive Support Needs Assessment – Ask the patient the following questions and indicate their response in the appropriate box.
 - Do you have a reading problem?
 - When you were in school, were you in classes for slow learners?
- Patient Education – Is patient able to read or write (English/Spanish)?

The medical intake screening does not include an assessment for Effective Communication as the screening process only asks the individual if they can read or write.

The Expert recommends that the County consider asking the following questions to identify potential intellectual and learning disabilities:

- What is the highest grade completed in school?
- Were you ever in special education classes in school?
- Did you ever receive services from a regional center. growing up?
- Do you have any problems with reading or writing?
- Do you have any problems with understanding or following instructions?
- Do you sometimes need to be reminded to do things?
 - To be somewhere where you are supposed to be at?
 - To get someplace on time?
 - To do something you were supposed to do?
- Have you ever had any problems with people taking things from you?
- Have you ever had problems with people bullying you?
- Have you ever had problems with people asking for sexual favors?
- Were you ever in state prison (in the California Department of Corrections and Rehabilitation [CDCR])?
 - If so, what prison were you last housed at?
 - If so, when did you parole or discharge from prison?

- If so, were you in the Clark/developmental disability program (DDP), such as a DD1, DD2, or DD3?

In the previous report, the Expert noted that Wellpath Policy HCD-110_E-02 Receiving Screening – Santa Barbara, CA, did not contain a process to assess people being detained at the Jail for Effective Communication needs. In addition, the Expert noted that Wellpath Policy HCD-110_E-04 Initial Health Assessment – Santa Barbara, CA, did not contain a process to assess people being detained at the Jail for Effective Communication needs. Revisions to these policies have not been provided to the Expert.

The Initial Health History and Physical Exam (NCCHC), which is conducted within 14 days of an incarcerated person's arrival at the Jail, includes the following questions to assess Effective Communication needs:

- Interpreter used? (If yes, list language and name of interpreter) *If yes is marked, an alert will automatically generate for an interpreter Needed.
- ADA Issues – Hearing, Glasses, Contacts, Other.
- Developmental Disability - *If yes is marked, an alert will automatically generate for ADA/Special Needs, and a task will generate for Psychiatric Sick Call for today.
- Physical Examination – Visual Acuity (Snellen)
- Hearing – Appears Adequate, Hearing Diminished, Deaf, Other

Wellpath Policy HCD-110_F-09 Effective Communication – Santa Barbara, CA states, "All patients shall be screened for the need of accommodation assistance to achieve Effective Communication as part of the intake receiving screening process, Health Assessment and Physical Exam, and as needed at each interaction with health care staff on an ongoing basis."

The Expert reviewed the revised Custody Operations Americans with Disabilities Act (ADA) Policy Section 209 (Revised 04/2024) and confirmed that the policy includes the *Murray v. Santa Barbara County* Remedial Plan requirements. The policy states, "Effective Communication: It is the responsibility of all Santa Barbara County Jail staff to ensure Effective Communication (EC) with all incarcerated persons. The type of auxiliary aid or service necessary to ensure Effective Communication will vary in accordance with the method of communication used by the incarcerated person; the nature, length, and complexity of the communication involved; and the context in which the communication is taking place. In determining what types of auxiliary aids and services are necessary, staff shall give primary consideration to the requests of incarcerated person. In order to be effective, auxiliary aids and services must be provided in accessible formats, in a timely manner, and in such a way as to protect the privacy and independence of the incarcerated person with a disability. Such aids may include bilingual aides, SLIs, readers, sound amplification devices, captioned

television/video text displays, Videophones and telecommunication services for deaf persons, audiotaped texts, Braille or large print materials, writing materials, and signage.”

Although the County has policies in place that require medical staff to identify the Effective Communication needs of people being processed into the Jail, and the County is conducting an assessment to identify Effective Communication needs, the Medical Treatment Order for Patient (Identification of Special Needs) – Santa Barbara, CA-R only includes a section for medical staff to specify accommodations for Hearing Impaired (Effective Communication Needs) American Sign Language, Lip Reading, and Hearing Aids.

The disabilities that require identification of Effective Communication needs include:

- Vision
- Hearing
- Speech
- Learning Disabled (includes individuals that have not been diagnosed)
- Intellectually Disabled

Wellpath must revise the MTO to include additional Effective Communication needs such as:

- Simple English
- Repeat statements
- Speak slowly
- Rephrase statements
- Written communication
- Read documents
- Provide magnifier/reading glasses
- Large print
- Scribe

5.M.2.a. Do the County custody and health care policies and procedures contain sufficient guidance on the provision of Effective Communication?

The Wellpath Policy HCD-110_F-09 Effective Communication – Santa Barbara, CA, contains sufficient guidance for Wellpath staff for the provision and documentation of Effective Communication.

The Expert reviewed the revised Custody Operations Americans with Disabilities Act (ADA) Policy Section 209 (Revised 04/2024) and confirmed that the policy contains sufficient guidance for Jail staff to identify incarcerated persons Effective Communication needs and for staff to provide Effective Communication

accommodations and document the Effective Communication provided. However, staff will need to be trained on the *Murray v. Santa Barbara County Remedial Plan* requirements.

- 5.M.3. *The County shall ensure that appropriate staff assess individual Effective Communication needs at the beginning of the medical intake screening and at the beginning of the classification screening, to facilitate Effective Communication throughout those and all subsequent processes.*

Compliance Rating: Partial Compliance

Prior Compliance Rating: Non-Compliance

County Response:

The County reports it is in the process of fully implementing this requirement. Please see the response to 5.M.2 above. Consistent with the ADA Experts' recommendation, Wellpath, and Classification will be trained to ensure an inmate's Effective Communication needs are screened at the beginning of the medical intake screening and classification screening and to ensure that Effective Communication is used in all subsequent processes. Staff will also be trained on appropriate documentation related to Effective Communication. In the next ten (10) months, the County will conduct training to comply with this provision.

Analysis/Observations

The Expert observed the medical intake screening process at the MJ and NBJ and interviewed classification staff regarding the assessment and provision of Effective Communication. During the observation of the medical intake screening process, although the medical provider conducting the medical intake screening asked the incarcerated person if they had a reading problem, they did not assess the individual's Effective Communication needs at the beginning of the medical intake screening. During the interviews with the Classification Unit, the classification staff reported they do not query or review the ADA Tracking System at the beginning of the classification screening process to assess and identify Effective Communication needs.

The County must train medical intake staff and classification staff on the requirements to assess the individual's Effective Communication needs at the beginning of the medical intake screening and classification screening and ensure staff conducts the assessments. The Expert will review the document production and observe medical intake screening for the next monitoring tour to confirm staff are conducting the assessment.

- 5.M.4. *Enhanced procedures for the provision of Effective Communication, as described in the paragraph below, shall apply in the following situations:*

- a) *Due Process Events, including the following:*
 - i. *Classification processes*
 - ii. *Disciplinary hearing and related processes*
 - iii. *Service of notice (to appear and/or for new charges)*
 - iv. *Release processes*
 - v. *Probation encounters/meetings in custody*
- b) *Clinical Encounters, including the following:*
 - i. *Determination of medical history or description of ailment or injury*
 - ii. *Diagnosis or prognosis*
 - iii. *Medical care and medical evaluations*
 - iv. *Provision of mental health evaluations, rounds, group and individual therapy, counseling and other therapeutic activities*
 - v. *Provision of the patient's rights, informed consent, or permission for treatment*
 - vi. *Explanation of medications, procedures, treatment, treatment options, or surgery*
 - vii. *Discharge instructions*

Compliance Rating: Partial Compliance

Prior Compliance Rating: Partial Compliance

County Response:

The County reports it is in the process of fully implementing this provision. The County has updated the Custody Operations ADA Policy (Section 209) to meet the provisions of this requirement. Currently, the County tracks Effective Communications on disciplinary logs. The County will be utilizing the ADA Effective Communication Form to allow for greater tracking of Effective Communication in all instances required by this provision. In the next ten (10) months, the County will conduct training to ensure Effective Communication is used and documented in all situations as required by this provision. The County will work with the ADA Expert to provide proof of practice in compliance with this provision.

Analysis/Observations

a) Due Process Events

The County produced SBSO Santa Barbara Sheriff Inmate History – Inmate Notes ADA-Effective Communication report from ATIMS and three (3) completed Santa Barbara County Sheriff's Office ADA Effective Communication Forms. The documents are not related to a due process event.

In addition, the County did not produce completed classification documents, completed disciplinary reports, completed service of notices (to appear and/or for new

charges), completed release documents, and probation encounters/meetings in custody. Based on this, the Expert was not able to measure the County's compliance with these requirements.

During subsequent monitoring tours, the County will need to provide documents that reflect the provision of Effective Communication to the Expert if available. The ADA Coordinators and some additional staff have been documenting Effective Communication; however, the County must provide training and ensure staff provide and document the Effective Communication as required by the *Murray v. Santa Barbara County* Remedial Plan.

b) Clinical Encounters

The County produced the SBSO Santa Barbara Sheriff Inmate History – Inmate Notes ADA-Effective Communication report from ATIMS and three (3) completed Santa Barbara County Sheriff's Office ADA Effective Communication Forms. One (1) of the Effective Communication Forms is related to a medical intake evaluation and completed by a Wellpath staff.

In addition, the County did not produce any completed documents for medical, dental, and mental health encounters. Based on this, the Expert was not able to measure the County's compliance with these requirements. During subsequent monitoring tours, the County will need to provide documents that reflect the provision of Effective Communication to the Expert if available.

During subsequent monitoring tours, the County will need to provide documents that reflect the provision of Effective Communication to the Expert if available. The ADA Coordinators and some additional staff have been documenting Effective Communication; however, the County must provide training and ensure staff provide and document the Effective Communication as required by the *Murray v. Santa Barbara County* Remedial Plan.

5.M.5. In the situations described in the previous paragraph, Jail staff shall:

- a) Identify each person's disability where there may be a barrier to comprehension or communication requiring reasonable accommodation(s);*
- b) Provide effective reasonable accommodation(s) to overcome the communication barrier; and*
- c) Document the method used to achieve Effective Communication and how the staff person determined that the person understood the encounter, process, and/or proceeding.*

Compliance Rating: Partial Compliance

Prior Compliance Rating: Partial Compliance

County Response:

The County reports it is in the process of fully implementing this provision. The County has updated the Custody Operations ADA Policy (Section 209) to meet the provisions of this requirement. Currently, the County tracks Effective Communications on disciplinary logs. The County will be utilizing the ADA Effective Communication Form to allow for greater tracking of Effective Communication in all instances required by this provision. In the next ten (10) months, the County will conduct training to ensure Effective Communication is used and documented in all situations as required by this provision. The County will work with the ADA Expert to provide proof of practice in compliance with this provision.

Analysis/Observations

The County produced the SBSO Santa Barbara Sheriff Inmate History – Inmate Notes ADA-Effective Communication report from ATIMS and three (3) completed Santa Barbara County Sheriff's Office ADA Effective Communication Forms. One (1) of the Effective Communication Forms is related to a medical intake evaluation and completed by a Wellpath staff.

In addition, the County did not produce any completed documents for clinical and due process events. Based on this, the Expert was not able to measure the County's compliance with these requirements. During subsequent monitoring tours, the County will need to provide documents that reflect the provision of Effective Communication to the Expert if available.

During subsequent monitoring tours, the County will need to provide documents that reflect the provision of Effective Communication to the Expert if available. The ADA Coordinators and some additional staff have been documenting Effective Communication; however, the County must provide training and ensure staff provide and document the Effective Communication as required by the *Murray v. Santa Barbara County* Remedial Plan.

5.M.5.a. *Did staff provide effective reasonable accommodation(s) to overcome the communication barrier?*

The County produced the SBSO Santa Barbara Sheriff Inmate History – Inmate Notes ADA-Effective Communication report from ATIMS and three (3) completed Santa Barbara County Sheriff's Office ADA Effective Communication Forms. One (1) of the Effective Communication Forms is related to a medical intake evaluation and completed by a Wellpath staff.

In addition, the County did not produce any completed documents for clinical and due process events. Based on this, the Expert was not able to measure the County's compliance with these requirements. During subsequent monitoring tours, the County

will need to provide documents that reflect the provision of Effective Communication to the Expert if available.

During subsequent monitoring tours, the County will need to provide documents that reflect the provision of Effective Communication to the Expert if available. The ADA Coordinators and some additional staff have been documenting Effective Communication; however, the County must provide training and ensure staff provide and document the Effective Communication as required by the *Murray v. Santa Barbara County Remedial Plan*.

5.M.5.b. Did staff document the method used to achieve Effective Communication and how the staff person determined that the person understood the encounter, process, and/or proceeding?

The County produced the SBSO Santa Barbara Sheriff Inmate History – Inmate Notes ADA-Effective Communication report from ATIMS and three (3) completed Santa Barbara County Sheriff's Office ADA Effective Communication Forms. One (1) of the Effective Communication Forms is related to a medical intake evaluation and completed by a Wellpath staff.

In addition, the County did not produce any completed documents for clinical and due process events. Based on this, the Expert was not able to measure the County's compliance with these requirements. During subsequent monitoring tours, the County will need to provide documents that reflect the provision of Effective Communication to the Expert if available.

During subsequent monitoring tours, the County will need to provide documents that reflect the provision of Effective Communication to the Expert if available. The ADA Coordinators and some additional staff have been documenting Effective Communication; however, the County must provide training and ensure staff provide and document the Effective Communication as required by the *Murray v. Santa Barbara County Remedial Plan*.

5.M.6. In determining what auxiliary aid or service to provide, the County shall give primary consideration to the request of the person with Effective Communication needs. Such aids may include bilingual aides, SLIs, readers, sound amplification devices, captioned television/video text displays, Videophones and telecommunication services for deaf persons, audiotaped texts, Braille materials, large print materials, writing materials, and signage.

Compliance Rating: Partial Compliance

Prior Compliance Rating: Partial Compliance

County Response:

The County reports it is in the process of completing this requirement. The County presently documents an inmate's request on the Classification Input Form and provides SLI, bilingual aids, TTY/TDD and video phones, and Purple Communications VRS/VRI, including 24/7 SLI services. The County and Wellpath also currently offer translation services via the Language Line. Per the ADA Expert's recommendation, the County has purchased amplification devices for phone calls. Large font books and audiobooks are offered to visually impaired inmates. Presently, the County has very few inmates who require the services identified in this provision but will work with the Expert to provide proof of compliance with this provision. In the next ten (10) months, the County will conduct training to ensure Effective Communication is used and documented in all situations as required by this provision. The County will also capture this information in the current ADA tracking system.

Analysis/Observations

The County produced SBSO Santa Barbara Sheriff Inmate History – Inmate Notes ADA-Effective Communication and ADA-VRS and Videophone (blank) reports from ATIMS and three (3) completed Santa Barbara County Sheriff's Office ADA Effective Communication Forms. One (1) of the Effective Communication Forms is related to the provision of VRS access. The County reports that it provides access to bilingual interpreters, SLIs, staff readers, sound amplification devices (PocketTalkers), captioned television/video text displays, Videophones, and telecommunication services for deaf persons, audiotaped texts (books on tape), Braille materials, large print materials, writing materials, and signage.

The County did not produce any completed documents for medical, dental, and mental health encounters, completed classification documents, completed disciplinary reports, completed service of notices (to appear and/or for new charges), completed release documents, probation encounters/meetings in custody and program participation reports.

Based on this, the Expert was not able to fully measure the County's compliance with these requirements. During subsequent monitoring tours, the County will need to provide documents that reflect the provision of Effective Communication to the Expert if available.

The County must ensure that when determining what auxiliary aid or service to provide, staff give primary consideration to the request of the person with Effective Communication needs.

5.M.7. The County shall ensure that all outside education, program, and service providers at the Jail provide Effective Communication for people participating in such programs.

Compliance Rating: Partial Compliance

Prior Compliance Rating: Un-ratable

County Response:

The County reports it is in the process of fully implementing this requirement. The County has updated the Custody Operations ADA Policy (Section 209) to meet the provisions of this requirement, including the process for notifying and ensuring that outside providers are informed of those inmates who require Effective Communication. The County programs team is provided the ADA Active Alerts List which will be provided to all outside program providers. In the next ten (10) months, the County will conduct training on this provision.

Analysis/Observations

The Expert reviewed the revised Custody Operations Americans with Disabilities Act (ADA) Policy Section 209 (Revised 04/2024) and confirmed that the policy includes the requirement for disabled incarcerated persons to be provided reasonable accommodations as necessary to ensure access to jail programs, services and activities in a manner consistent with their custody designation. The policy also requires the Santa Barbara County Sheriff's Office Program Staff to issue the ADA Tracking System List to any provider working with incarcerated persons.

The County reported they have implemented this process. During the next rating period, the County will need to provide proof of practice for this provision.

5. N. Access for Individuals with Hearing Impairments

5.N.1. The County shall develop and implement a policy for newly arrived and newly identified people with hearing disabilities to determine each person's preferred method of communication.

Compliance Rating: Substantial Compliance

Prior Compliance Rating: Partial Compliance

County Response:

The County reports that The County is in the process of fully implementing this provision. The County has updated the Custody Operations ADA Policy (Section 209) to meet the provisions of this requirement. The MTO includes the Effective Communication accommodations necessary to meet this requirement. In the next two (2) months, the County will work with the ADA Expert to determine any screening tools that remain outstanding and will update them accordingly.

Analysis/Observations:

The Wellpath Policies and Procedures for Santa Barbara County (HCD-110_F-09 Effective Communication – Santa Barbara, and the Santa Barbara County) includes a process for all patients to be screened for the need for accommodation or assistance to achieve Effective Communication as part of the intake receiving screening process, Health Assessment and Physical Exam, and as needed at each interaction with health care staff on an ongoing basis. The policy also requires healthcare staff to determine the primary accommodation or assistance required to achieve Effective Communication by reviewing the alerts and problems list in the health record.

The screening questions include specific questions for the identification of an incarcerated person's (with a hearing disability) preferred method of communication. The Medical Treatment Order for Patient (Identification of Special Needs) – Santa Barbara, CA-R includes a section for medical staff to specify the following: Hearing Impaired (Effective Communication Needs): American Sign Language, Lip Reading, and Hearing Aids.

This provision has been in substantial compliance for greater than 6 months. Based on this, the Expert recommended that monitoring for this provision be discontinued.

- 5.N.2. *Qualified Sign Language Interpreters (SLIs), on-site or through a VRI service, will be provided during intake and for due process functions, health care encounters, and Jail programming, when sign language is the person's primary means of Effective Communication, unless the person waives the assistance of an interpreter and/or delay would pose an urgent safety or security risk.*

Compliance Rating: Partial Compliance

Prior Compliance Rating: Partial Compliance

County Response:

The County reports it is in the process of fully implementing this provision. The County has contracted with Purple Communications to provide SLI services at both facilities. The County revised the Custody Operations ADA Policy (Section 209) to include language advising that if an inmate's preferred method of communication is via an SLI, it will be provided for all due process encounters. In the next three (3) months, the County will train staff on the use of Purple Communications and documentation within the ADA Tracking System. The County will provide the ADA Expert proof of compliance during the upcoming rating period. The County anticipates completing this requirement in the next four (4) months.

Analysis/Observations

The Wellpath Policy, HCD-110_F-09 Effective Communication – Santa Barbara requires an SLI to be used during exchanges of health care information with patients whose primary method of communication is American Sign Language (ASL).

The Expert reviewed the revised Custody Operations Americans with Disabilities Act (ADA) Policy Section 209 (Revised 04/2024) and confirmed that the policy includes the requirement for staff to provide Qualified Sign Language Interpreters (SLIs) on-site or through a VRI service during intake and for due process functions, health care encounters, and Jail programming, when sign language is the person's primary means of Effective Communication unless the person waived the assistance of an interpreter and/or delay would pose an urgent safety or security risk.

A review of the Active ADA Alerts produced by the County reflects one (1) incarcerated person with a hearing disability who uses sign language communication. The County produced SBSO Santa Barbara Sheriff, Inmate History-Inmate Notes for two (2) incarcerated persons. A review of the notes reflects that the incarcerated persons were provided an SLI during the mental health encounters. However, the encounters are outside the document production period. There is no documentation that incarcerated persons were provided an SLI for any encounter, including MH, medical, classification, orientation, programming, etc.

During the next monitoring tour, the County will need to produce documents supporting the provision of an SLI due process functions, medical health care encounters, and Jail programming.

5.N.3. The County will maintain a log of

- (a) when, for whom, and for what purpose an SLI was used; and*
- (b) when, for whom, and why an SLI was not used for a person with an identified need for SLI services (e.g., waived or delay would have posed urgent safety or security risk).*

Compliance Rating: Partial Compliance

Prior Compliance Rating: Partial Compliance

County Response:

The County reports it is in the process of fully implementing this requirement. Currently, SLI encounters are logged in JMS under the 'notes' section. Additionally, The County has contracted with Purple Communications to provide SLI services at both facilities. The County revised the Custody Operations ADA Policy (Section 209) to include language advising that if an inmate's preferred method of communication is via an SLI, it will be provided for all due process encounters. In the next three (3) months, the County will train staff on the use of Purple Communications and documentation within the ADA Tracking System. The County will provide the ADA Expert with the Purple

Communications usage log as proof of compliance during the upcoming rating period. The County anticipates completing this requirement in the next four (4) months.

Analysis/Observations

The Wellpath Policy, HCD-110_F-09 Effective Communication – Santa Barbara requires Health Care Staff requires staff to document accommodation or assistance used for reaching Effective Communication with the patient when documenting exchanges of health care information.

The Expert reviewed the revised Custody Operations Americans with Disabilities Act (ADA) Policy Section 209 (Revised 04/2024) and confirmed that the policy includes the requirement for staff to log when, for whom, and for what purpose an SLI was used.

A review of the Active ADA Alerts produced by the County reflects one (1) incarcerated person with a hearing disability who uses sign language communication. The County produced SBSO Santa Barbara Sheriff, Inmate History-Inmate Notes for two (2) incarcerated persons. A review of the notes reflects that the incarcerated persons were provided an SLI during the mental health encounters. However, the encounters are outside the document production period. There is no documentation that incarcerated persons were provided an SLI for any encounter, including MH, medical, classification, orientation, programming, etc. There were no documents, Effective Communication Forms, SBSO Santa Barbara Sheriff, Inmate History-Inmate Notes or SLI Logs reflecting that an SLI was provided during the incarcerated persons Intake Booking, Medical Screening, Classification, or medical/mental health encounters.

During the next monitoring tour, the County will need to produce documents supporting the provision of an SLI for due process functions, medical health care encounters, and Jail programming.

5.N.3.a. Did staff log when, for whom, and why an SLI was not used for a person with an identified need for SLI services (e.g., waived or delay would have posed urgent safety or security risk)?

The Wellpath Policy, HCD-110_F-09 Effective Communication – Santa Barbara, Health Care Staff states, "A patient with documented hearing, vision, speech impairments, developmental disability, learning disability, functional illiteracy, and/or limited English proficiency shall be questioned to determine their understanding of the information presented during an exchange of health care information, health care grievance interview and/or communication. Health care staff shall determine the patient's ability to understand and participate in the exchange of health care information. If no assistance or accommodation is needed, the reason shall be documented."

The Expert reviewed the revised Custody Operations Americans with Disabilities Act (ADA) Policy Section 209 (Revised 04/2024) and confirmed that the policy includes the requirement for staff to log when, for whom, and why an SLI was not used for a person with an identified need for SLI services (e.g., waived or delay would have posed urgent safety or security risk).

A review of the Active ADA Alerts produced by the County reflects one (1) incarcerated person with a hearing disability who uses sign language communication. The County produced SBSO Santa Barbara Sheriff, Inmate History-Inmate Notes for two (2) incarcerated persons. A review of the notes reflects that the incarcerated persons were provided an SLI during the mental health encounters. However, the encounters are outside the document production period. There is no documentation that incarcerated persons were provided an SLI for any encounter, including MH, medical, classification, orientation, programming, etc.

During subsequent monitoring tours, the County will need to provide documents for cases of when, for whom, and why an SLI was not used for a person with an identified need for SLI services (e.g., waived or delay would have posed urgent safety or security risk) to the Expert if available.

Although the County has a process in place to document the provision of an SLI, there were no SLI Logs reflecting that an SLI was provided during the incarcerated persons Intake Booking, Medical Screening, Classification or Medical/Mental Health encounters of when, for whom, and why an SLI was not used for an incarcerated person with an identified need for SLI services who was housed at the SBJ during the document production period. There was also no log produced that reflected that SLI services were waived or a delay would have posed urgent safety or security risk.

5.N.4. When a prisoner waives an SLI, the log must document.

(a) the method of communication of the waiver, and

(b) the method staff used to determine that the waiver was knowing and freely given.

Compliance Rating: Partial Compliance

Prior Compliance Rating: Partial Compliance

Analysis/Observations

The County reports it is in the process of fully implementing this requirement. Sabot has approved the ADA Effective Communication Form for use in the facilities which specifies the manner of Effective Communications encounter. The County has developed a documentation section (ADA-SLI) in the ADA tracking system to log all required documentation. The County has revised the Custody Operations ADA Policy (Section 209) to contain verbiage indicating that all due process encounters that

require an SLI will be documented in the ADA Tracking System. The County is also in the process of developing a training class to teach staff how to properly log any inmate waiver of SLI within the ADA Tracking System. The County anticipates completing this requirement in the next six (6) to eight (8) months.

The Wellpath Policy, HCD-110_F-09 Effective Communication – Santa Barbara requires that if the patient refuses the assistance of an SLI, the patient must sign a refusal of clinical services form, and the circumstances must be documented on the form. However, there is no requirement for staff to document/log the method of communication of the waiver.

The Expert reviewed the revised Custody Operations Americans with Disabilities Act (ADA) Policy Section 209 (Revised 04/2024) and confirmed that the policy includes the requirement for staff to log the method of communication of the waiver in cases where an incarcerated person whose preferred method of communication is SLI waives an SLI.

A review of the Active ADA Alerts produced by the County reflects one (1) incarcerated person with a hearing disability who uses sign language communication. During the incarcerated person interviews, he reported that he had not waived the service of an ASL/SLI. The County is working with the Expert in the development of a log to be used to document the requirements of the *Murray v. Santa Barbara County* Remedial Plan.

During subsequent monitoring tours, the County will need to provide documents that reflect the waiver of an SLI/VRI to the Expert if available. The County must also include the requirement for staff to log the method of communication of the waiver in cases where an incarcerated person whose preferred method of communication is SLI waives an SLI in the policies.

Although the County has a process in place to document the waiver of an SLI, there were no cases to review where an SLI/VRI was waived during intake and for due process functions, medical health care encounters, and Jail programming.

5.N.4.a. In cases where an incarcerated person whose preferred method of communication is SLI waives an SLI, did staff log the method staff used to determine that the waiver was knowing and freely given?

The Wellpath Policy, HCD-110_F-09 Effective Communication – Santa Barbara requires that if the patient refuses the assistance of an SLI, the patient must sign a refusal of clinical services form, and the circumstances must be documented on the form. However, there is no requirement for staff to document/log the method of communication of the waiver.

The Expert reviewed the revised Custody Operations Americans with Disabilities Act (ADA) Policy Section 209 (Revised 04/2024) and confirmed that the policy includes

the requirement for staff to log the method staff used to determine that the waiver was knowing and freely given.

A review of the Active ADA Alerts produced by the County reflects one (1) incarcerated person with a hearing disability who uses sign language communication. During the incarcerated person interviews, he reported that he had not received and he did not waive the service of an ASL/SLI. The County is working with the Expert in the development of a log to be used to document the requirements of the *Murray v. Santa Barbara County* Remedial Plan.

During subsequent monitoring tours, the County will need to provide documents that reflect the waiver of an SLI/VRI to the Expert if available. The County must also include the requirement for staff to log the method of communication of the waiver in cases where an incarcerated person whose preferred method of communication is SLI waives an SLI in the policy.

Although the County has a process in place to document the waiver of an SLI, there were no cases to review where an SLI/VRI was waived during intake and for due process functions, medical health care encounters, and Jail programming.

For future monitoring, the Expert will need proof of practice for cases where an incarcerated person whose preferred method of communication is SLI waived an SLI, and staff logged the method staff used to determine that the waiver was knowing and freely given.

- 5.N.5. The County shall maintain a contract or service agreement with interpreter services, including a VRI service, in order to provide such services for deaf or hard of hearing prisoners. The County will ensure that appropriate Jail staff have sufficient guidance regarding use of such services.*

Suspension of Monitoring

Pursuant to paragraph 52 of the *Murray v. Santa Barbara County* Remedial Plan, the County formally requested the discontinuation of monitoring of this provision. The parties conferred, and Class Counsel had no objection to the County's request. This provision is discontinued from monitoring.

- 5.N.6. Lip reading will not be the sole method of Effective Communication used by staff, unless the person indicates that is their preferred method of communication.*

Compliance Rating: Substantial Compliance

Prior Compliance Rating: Partial Compliance

County Response:

The County reports it updated the Custody Operations ADA Policy (Section 209) to include language advising that if an inmate's preferred method of communication is SLI, written communication, lip reading or any other type of Effective Communication device or service, it will be provided for all encounters. The County has created the ADA Tracking system which provides notice of inmate's preferred Effective Communication requests, which is provided to housing units daily. The County has an appropriate process to meet the requirements of this provision. While the County has very few inmates who utilize lip reading, the County will work with the Expert to provide proof of compliance with this provision.

Analysis/Observations

The Wellpath Policy, HCD-110_F-09 Effective Communication – Santa Barbara requires an SLI to be used during exchanges of health care information with patients whose primary method of communication is American Sign Language (ASL).

The Expert reviewed the revised Custody Operations Americans with Disabilities Act (ADA) Policy Section 209 (Revised 04/2024) and confirmed that the policy states, "Using lip reading (only if the incarcerated person indicates it is their preferred method of communication, in other instances lip reading shall not be the sole method of Effective Communication)."

A review of the Active ADA Alerts produced by the County reflects one (1) incarcerated person with a hearing disability who uses sign language communication as his preferred method of communication. During the incarcerated interview, he reported staff use ASL/VRI during encounters.

5.N.7. In cases where the use of an SLI is not practicable, or is waived by the prisoner, Jail staff shall employ the most effective form of communication available.

Compliance Rating: Partial Compliance

Prior Compliance Rating: Partial Compliance

County Response:

The County reports it is in the process of fully implementing this requirement. The County updated the Custody Operations ADA Policy (Section 209) to include language advising that if an inmate's preferred method of communication is via an SLI, it will be provided for all encounters. If an SLI accommodation is waived by the inmate, or not practicable, Jail staff will employ the most effective form of communication available. A section in the ADA-Tracking System has been generated (ADA-Accommodation refusal) to document these types of interactions. In the next ten (10) months, the

County will conduct training to ensure the most Effective Communication is used and documented in all situations as required by this provision. The County will work with the Expert to provide proof of compliance with this provision.

Analysis/Observations

The Expert reviewed the revised Custody Operations Americans with Disabilities Act (ADA) Policy Section 209 (Revised 04/2024) and confirmed that the policy includes the requirement for Jail staff to employ the most effective form of communication available in cases where the use of an SLI was not practicable or was waived by the incarcerated person.

A review of the Active ADA Alerts produced by the County reflects no incarcerated persons with a hearing disability who use sign language communication. A review of the ADA-SLI report produced by the County found one (1) case where the County documented, "XXXX had a difficult time communicating with the SLI via Purple Communication. The SLI was not comfortable translating to XXXX due to there being the possibility of mistranslation. Written Spanish communication used in lieu." In this case the incarcerated persons preferred method of communication was not ASL.

There were no SLI Logs reflecting that an SLI was provided during the incarcerated persons Intake Booking, Medical Screening, Classification or Medical/Mental Health encounters of when, for whom, and why an SLI was not used for an incarcerated person with an identified need for SLI services who was housed at the SBJ during the document production period. There was also no log produced that reflected that *the use of an SLI was not practicable or was waived by the incarcerated person and Jail staff employed the most effective form of communication available.*

During subsequent monitoring tours, the County will need to provide documents that reflect Jail staff employed the most effective form of communication available in cases where the use of an SLI was not practicable or was waived by the incarcerated person to the Expert if available.

- 5.N.8. *The County shall make videophones available for deaf and hard of hearing people. The videophones shall provide for calls that utilize Video Relay Services (VRS) at no cost to deaf and hard of hearing prisoners, or for calls directly to another videophone.*

Compliance Rating: Substantial Compliance

Prior Compliance Rating: Partial Compliance

County Response:

The County reports it is in the process of fully implementing this requirement. The County presently utilizes Purple Communications VRS and VRI and IS also utilizes

ViaPath GTL for technical assistance. The County has acquired one (1) tablet and three (3) video phones for the use of Purple Communications for video phone, TDD/TTY, VRS, and VRI usage. The County has contacted ViaPath GTL to assist with tablet or kiosk access to the Purple Communications VRS/VRI services. The County is in the process of installing Purple Communications on the Wellpath computers and County issue tablets. The County revised the Custody Operations ADA Policy (Section 209) to meet the requirements of this provision. The County will maintain documentation of completed Effective Communication encounters. The County anticipates completing this requirement in the next three (3) months.

Analysis/Observations

The Expert reviewed the revised Custody Operations Americans with Disabilities Act (ADA) Policy Section 209 (Revised 04/2024) and confirmed that the policy includes the requirement for Jail staff to provide videophones to deaf and/or hard of hearing incarcerated people.

The County advised the Expert the County provides deaf and/or hard of hearing incarcerated persons access to video phones via tablets and Purple Communications at the MJ and the NBJ. The County advised the Expert that in cases where a deaf and/or hard-of-hearing incarcerated person requests access to a video phone, the incarcerated person advises the ADA Coordinator, and the ADA Coordinator issues them a tablet that can access the video phone technology and documents the issuance of the technology. The County produced Santa Barbara Sheriff's Office Inmate History – Inmate Notes ADA-VRS and Videophone that reflects, New VRS tablet was provided to XXXX as original VRS tablet had an error code.

5.N.8.a. Do videophones provide for calls that utilize Video Relay Services (VRS) at no cost to deaf and hard of hearing incarcerated persons or for calls directly to another videophone?

The County advised the Expert the County provides deaf and/or hard of hearing incarcerated persons access to video phones via tablets and Purple Communications. Purple Communications customers can use the Software and Purple Products to place free VRS calls, to receive VRS calls, and to make and receive non-VRS point-to-point calls at no cost to the incarcerated person.

5.N.9 The County shall provide deaf/hard of hearing people with twice as much time for calls using telecommunication relay services, such as a videophone or TDD/TTY, to account for the fact that such conversations take longer than spoken conversations. The County shall document the time that each prisoner uses and has access to such equipment.

Compliance Rating: Partial Compliance

Prior Compliance Rating: Partial Compliance

County Response:

The County reports it is in the process of fully implementing this requirement. The County currently meets the requirements of this provision. The County revised the Custody Operations ADA Policy (Section 209) to meet the requirements of this provision. The County will maintain documentation of completed Effective Communication encounters. The County has created a section in the ADA Tracking System to document this requirement (ADA-VRS Video phone) and has revised the Custody Operations ADA Policy (Section 209) to meet the requirements of this provision. The County is in the process of installing Purple Communications on the County issued tablets, which will provide equal access to videophones. As inmates will have access to tablets at all times, any documentation concerns should be resolved. The County anticipates completing this requirement in the next three (3) months.

Analysis/Observations

The Expert reviewed the revised Custody Operations Americans with Disabilities Act (ADA) Policy Section 209 (Revised 04/2024) and confirmed that the policy includes the *Murray v. Santa Barbara County* Remedial Plan requirements. The policy states, "Time limits will not be imposed on the use of the TTY/TDD, Captioned telephones, VRS and videophone technology absent exigent circumstances. Time of the TTY/TDD shall be at least twice as much time for calls as the time given to non-disabled incarcerated persons on the regular incarcerated person telephones. For example, a TTY/TDD call of 30 minutes is generally equivalent to a regular 15-minute phone call. Staff shall document the time that each incarcerated person uses and has access to such equipment in the ADA Tracking System."

5.N.9.a. Did staff document the time that each prisoner used and had access to videophone/VRS/TDD/TTY equipment?

The County has created a section in the ADA Tracking System to document this requirement (ADA-VRS Video phone) and has revised the Custody Operations ADA Policy (Section 209) to meet the requirements of this provision.

In review of the document production, the County produced Santa Barbara Sheriff's Office Inmate History – Inmate Notes ADA-VRS and Videophone that reflects, New VRS tablet was provided to XXXX as original VRS tablet had an error code. There is no documentation provided that documents the time that each prisoner used and had access to videophone/VRS/TDD/TTY equipment. During subsequent monitoring tours, the County will need to provide documents that reflect Jail staff documented the time that each incarcerated person used and had access to videophone/VRS/TDD/TTY equipment to the Expert if available.

The County must also ensure Custody Operations ADA Policy (Section 209) is revised and includes language that requires staff to document the time each prisoner uses and has access to videophone/VRS/TDD/TTY equipment.

5.N.10. People who require an SLI as their primary method of communication shall be provided an SLI for education, vocational, and religious programs.

Compliance Rating: Partial Compliance

Prior Compliance Rating: Partial Compliance

County Response:

The County reports it is in the process of completing this requirement. The County currently provides SLI services via Purple Communication VRI. The County has included this provision in the Custody Operations ADA Policy (Section 209). The County programs team is provided the ADA Active Alerts List which will be provided to all outside program providers. In the next ten (10) months, the County will provide comprehensive ADA training to all staff, including training on this provision.

Analysis/Observations

The Expert reviewed the revised Custody Operations Americans with Disabilities Act (ADA) Policy Section 209 (Revised 04/2024) and confirmed that the policy includes the requirement for staff to provide an SLI/VRI for education, vocational, and religious programs when the incarcerated person's primary method of communication is SLI.

A review of the Active ADA Alerts produced by the County reflects no incarcerated persons with a hearing disability who use sign language communication. The County established a contract with "Purple Communications" on 1/11/23 for on-demand sign language interpreting services. The County reported that during the document production period, there were two (2) incarcerated persons whose preferred method of communication was ASL; however, in the review of the document production, the Expert noted there were no "case notes" or Effective Communication Forms completed for education, vocational and religious programs. Programs staff interviewed reported they are aware of the *Murray v. Santa Barbara County Remedial Plan* requirements and how to obtain interpreting services.

During subsequent monitoring tours, the County will need to provide documents that reflect Jail staff provided an SLI/VRI for education, vocational, and religious programs when the incarcerated person's primary method of communication is SLI to the Expert if available.

5.N.11. In housing units where an individual with a hearing-related disability resides, public announcements shall be communicated as consistent with individual Effective

Communication needs. This includes announcements regarding visiting, meals, recreation release and recall, count, lock-up, and unlock. Verbal announcements may be effectively communicated via written messages on a chalkboard or dry-erase board or by personal notification, as consistent with individual needs. These procedures shall be communicated to people during the orientation process and shall be incorporated into relevant policies and post orders.

Compliance Rating: Partial Compliance

Prior Compliance Rating: Partial Compliance

County Response:

The County reports they County is in the process of fully implementing this requirement. The County has developed a documentation section (ADA-Effective Communication) in the ADA Tracking System to log all alerts, including an Effective Communication Alert in the ADA Tracking system, so custody staff will know in what method to properly communicate with the inmates. The County has revised the Custody Operations ADA Policy (Section 209) and the Custody Operations Orientation Handbook to meet the requirements of this provision. Per the ADA Expert's recommendation, in the next six (6) months, the County will incorporate this requirement in the New Orientation video. In the next ten (10) months, the County will provide comprehensive ADA training to all staff, including training on this provision.

Analysis/Observations

The Expert reviewed the revised Custody Operations Americans with Disabilities Act (ADA) Policy Section 209 (Revised 04/2024) and confirmed that the policy includes the requirement for staff in housing units where an individual with a hearing-related disability resides, for public announcements to be communicated as consistent with individual Effective Communication needs. The policy includes the requirement for staff to effectively communicate announcements for visiting, meals, recreation release, recall, count, lock-up, and unlock. Additionally, the policy allows for verbal announcements to be effectively communicated via written messages on a chalkboard or dry-erase board or by personal notification, as consistent with individual needs.

5.N.11.a. Were the procedures for public announcements communicated to incarcerated people during the orientation process?

The Expert reviewed the Santa Barbara County Sheriff's Office Custody Operations Orientation Handbook and found the Handbook contains the following language, "Jail staff will be sure to let you know about all directions and announcements." However, as reported in section 5.C.3, an accessible video presenting the contents of the Orientation Handbook (including the ADA-related policies, procedures, and information) is currently not in place.

The County must ensure the procedures for public announcements are included in the orientation video. In addition, the County reported that the ADA Coordinators are in the process of developing a "checklist" that will be used to interview incarcerated persons once they are identified as having a qualified disability. The Expert recommends that this *Murray v. Santa Barbara County* Remedial Plan requirement be included in the "checklist."

5.N.11.b. Have the procedures for public announcements been incorporated into relevant policies and post orders?

The Expert reviewed the revised Custody Operations Americans with Disabilities Act (ADA) Policy Section 209 (Revised 04/2024) and confirmed that the policy includes the requirement for staff in housing units where an individual with a hearing-related disability resides for public announcements to be communicated as consistent with individual Effective Communication needs. The policy includes the requirement for staff to effectively communicate announcements for visiting, meals, recreation release, recall, count, lock-up, and unlock. Additionally, the policy allows for verbal announcements to be effectively communicated via written messages on a chalkboard or dry-erase board or by personal notification, as consistent with individual needs. The County did not produce post orders for the Expert to review.

Staff must be trained on the policy and the County must provide proof of practice that staff provide accommodations during public announcements.

5. O. Prisoners with Intellectual/Developmental Disabilities

5.O.1. The County shall develop and implement a comprehensive written policy and procedure regarding people with Intellectual and/or Developmental Disabilities, including:

- a) Screening;*
- b) Identification of their adaptive support needs and adaptive functioning deficits; and*
- c) Monitoring, management, and accommodations for people with Intellectual or Developmental Disabilities.*

Compliance Rating: Partial Compliance

Prior Compliance Rating: Partial Compliance

County Response:

The County reports it is in the process of fully implementing this requirement. The County's Custody Operations ADA Policy (Section 209) includes the requirements of this provision. Wellpath is in the process of redeveloping its pilot program for

identifying intellectual and developmental disabilities and estimates that this program will return in the next six (6) to eight (8) months. Wellpath will be revising its policies to include the requirements of this provision. In the next ten (10) months, the County will provide comprehensive ADA training to all staff, including training on this provision.

Analysis/Observations:

During a previous monitoring period, Wellpath was piloting a policy and process to screen incarcerated persons for intellectual and developmental disabilities. The pilot screening process included screening questions (Adaptive Needs Assessment) and a referral process to a psychologist for further evaluation if cases were identified as potentially having an Intellectual/Developmental Disability. The screening and identification process included timelines for the psychologist to make contact with the incarcerated person, including an expedited process for urgent referrals). The psychologist would conduct a record review as well as psychological testing using standardized intelligence assessments such as the Quick Test (QT) and the Test of Nonverbal Intelligence-4 (TONI-4), and in addition, conducts an Adaptive Support Evaluation. The psychologist would identify adaptive support deficits and adaptive support needs while in custody for cases identified as having an Intellectual/Developmental disability. The psychologist would also develop an adaptive support needs plan and identify the adaptive supports staff needed to provide. Incarcerated persons who had an adaptive supports needs plan were enrolled in the Mental Health Special Needs Program. Wellpath staff reported that the "Global" Wellpath policies are in the process of being finalized, and once finalized, a site-specific policy will be developed and implemented and will include a process to screen incarcerated persons for intellectual and developmental disabilities and identify adaptive deficits and adaptive supports as required by the *Murray v. Santa Barbara County* Remedial Plan.

The Expert reviewed the revised Custody Operations Americans with Disabilities Act (ADA) Policy Section 209 (Revised 04/2024) and confirmed the policy includes the requirement for custody staff to be made aware of incarcerated persons who are identified as Intellectually/Developmentally disabled and their adaptive support needs. The policy also includes the requirements for staff to provide and document adaptive supports.

The County must ensure Wellpath policies and procedures are finalized and implemented and ensure they include the requirements of the *Murray v. Santa Barbara County* Remedial Plan.

5.O.1.a. Do the policy and procedures include the following?

- a) Screening?
- b) Identification of their adaptive support needs and adaptive functioning deficits?

c) Monitoring, management, and accommodations for people with Intellectual or Developmental Disabilities?

As detailed above, Wellpath is in the process of developing and implementing a comprehensive screening process for the screening, identification of adaptive support needs and adaptive functioning deficits for incarcerated persons with Intellectual/Developmental disabilities. The Expert reviewed the revised Custody Operations Americans with Disabilities Act (ADA) Policy Section 209 (Revised 04/2024) and confirmed the policy includes procedures for the management and provision of accommodations for incarcerated people with disabilities once their adaptive support deficits and needs are identified.

The County must ensure the Wellpath policies and procedures include the requirements of the *Murray v. Santa Barbara County Remedial Plan*.

5.O.2. If a person is known to have or suspected of having an Intellectual or Developmental Disability, the County shall contact the appropriate Regional Center within the next business day of the person's arrival at the Jail. The County shall request the prisoner's current IPP (Individualized Program Plan) with the individual's authorization. Once received, medical and custody staff shall review the IPP to ensure that all communications and services being provided are appropriate. If the person is not a Regional Center client, the County shall request that the Regional Center (or other appropriate agency) perform an evaluation. Whenever possible, Jail staff will work with the Regional Center and any relevant County agencies to move a person with an identified Intellectual or Developmental Disability out of custody and into a setting with appropriate supports to meet the person's individual needs.

Compliance Rating: Partial Compliance

Prior Compliance Rating: Non-Compliance

County Response:

The County reports that Wellpath's Mental Health Coordinator communicates with Tri-Counties Regional Center staff regarding the identified inmates and appropriate treatment plans as required by this provision. The County has provided Wellpath (approved) documentation to record interactions with the Tri-County Regional Center. The County will provide the ADA Expert with proof of practice to demonstrate compliance with this provision.

Analysis/Observations

The County produced a "Contact with Tri-County Regional Center," which reflects ten (10) cases where the County contacted the Tri-County Regional Center. However, six (6) cases are outside the rating period. The Expert reviewed documents produced by

the County and identified ten (10) cases where the documents reflect the cases as having or potentially having an intellectual/developmental disability. However, these cases were not included in the "Contact with Tri-County Regional Center" list.

The County must ensure policies and procedures are implemented that require that in cases where a person is known to have or suspected of having an Intellectual or Developmental Disability, the County must contact the appropriate Regional Center within the next business day of the person's arrival at the Jail. Post monitoring tour, the County reported they have re-initiated this process and intend to continue the practice for all incarcerated persons who are suspected to have an intellectual or developmental disability.

5.O.2.a. Did the County request the incarcerated person's current IPP (Individualized Program Plan) with the individual's authorization?

The County produced a "Contact with Tri-County Regional Center," which reflects ten (10) cases where the County contacted the Tri-County Regional Center. However, six (6) cases are outside the rating period. The Expert reviewed documents produced by the County and identified ten (10) cases where the documents reflect the cases as having or potentially having an intellectual/developmental disability. However, these cases were not included in the "Contact with Tri-County Regional Center" list. Of the 14 cases, the County only requested the IPP in four (4) cases.

The County must ensure the County requests the incarcerated person's current IPP (Individualized Program Plan) with the individual's authorization.

5.O.2.b. Once received, did medical and custody staff review the IPP to ensure that all communications and services being provided are appropriate?

The County produced the IPP for one (1) case. However, the County did not produce documentation that medical and custody staff reviewed the IPP.

The County must ensure that once received, medical and custody staff review the IPP to ensure that all communications and services being provided are appropriate.

5.O.2.c. In cases where the incarcerated person is not a Regional Center client, did the County request that the Regional Center (or other appropriate agency) perform an evaluation?

Of the three (3) cases where the incarcerated person was not a Regional Center client, the County did not produce documentation that the County requested that the Regional Center (or other appropriate agency) perform an evaluation.

The County must ensure that for cases where the incarcerated person is not a Regional Center client, the County must request that the Regional Center (or other appropriate agency) perform an evaluation.

- 5.O.2.d. *Whenever possible, did Jail staff work with the Regional Center and any relevant County agencies to move a person with an identified Intellectual or Developmental Disability out of custody and into a setting with appropriate supports to meet the person's individual needs?*

The County did not produce documentation for cases where Jail staff worked with the Regional Center and any relevant County agencies to move a person with an identified Intellectual or Developmental Disability out of custody and into a setting with appropriate supports to meet the person's individual needs.

The County must ensure that whenever possible, Jail staff work with the Regional Center and any relevant County agencies to move a person with an identified Intellectual or Developmental Disability out of custody and into a setting with appropriate supports to meet the person's individual needs. The County should also identify cases where the County can provide appropriate supports to meet the person's individual needs within the County's custody setting.

- 5.O.3. *People identified as having an Intellectual or Developmental Disability will be provided with accommodations tailored to their needs, which may include but are not limited to communications at the appropriate comprehension level, more time to complete directions, and specific behavioral supports.*

Compliance Rating: Non-Compliance

Prior Compliance Rating: Non-Compliance

County Response:

The County reports it is in the process of fully implementing this requirement. The Custody Operations ADA Policy (Section 209) includes the requirements of this provision. Wellpath implemented an Adaptive Support Needs Assessment Form to identify possible ADA inmates during receiving, as well as a "learning disability" check box on the Medical Treatment Form. Additionally, ID/DD accommodations are incorporated into the JMS active alerts and the daily ADA Tracker. Wellpath is in the process of redeveloping its pilot program for identifying intellectual and developmental disabilities and estimates that this program will return in the next six (6) to eight (8) months.

Analysis/Observations

The Expert reviewed the revised Custody Operations Americans with Disabilities Act (ADA) Policy Section 209 (Revised 04/2024) and confirmed that the policy includes the requirement for staff to provide Intellectually/Developmentally disabled incarcerated persons with accommodations tailored to their needs, which include but

are not limited to communications at the appropriate comprehension level, more time to complete directions, and specific behavioral supports. However, the process for screening, identification, and verification of Intellectually/Developmentally disabled incarcerated persons and their adaptive support needs is currently not in place. Additionally, a process for staff to document the provision of the accommodations is not in place.

The County must ensure incarcerated persons identified as having an Intellectual or Developmental Disability are provided with accommodations tailored to their needs, which include but are not limited to communications at the appropriate comprehension level, more time to complete directions, and specific behavioral supports, including a process to document the provision of the accommodations.

These accommodations and supports should be contained in an Individualized Plan that is made available to relevant health care and SBSO staff and should be reflected in the County's Jail ADA tracking system.

5.O.4. *A multidisciplinary team that includes appropriate health care staff will monitor and ensure appropriate care for people with an Intellectual or Developmental Disability. The multidisciplinary team will develop an individualized plan for each person with an Intellectual or Developmental Disability, which addresses:*

- (1) safety, vulnerability, and victimization concerns,*
- (2) adaptive support needs, and*
- (3) programming, housing, and accommodation needs.*

The multidisciplinary team's plan will be regularly reviewed and updated as needed.

Compliance Rating: Non-Compliance

Prior Compliance Rating: Non-Compliance

County Response:

The County reports it is in the process of fully implementing this requirement. In the next month, the County will establish a multidisciplinary team to address the requirements of this provision. The County will confer with the ADA Expert in the next three (3) months to ensure compliance with this provision.

Analysis/Observations

As noted in section 5.O.1. above, Wellpath had a pilot program for identifying intellectual and developmental disabilities and is currently in the process of finalizing "Global" Wellpath policies and once finalized, a site-specific policy will be developed and implemented and will include a process to screen incarcerated persons for intellectual and developmental disabilities and identify adaptive deficits and adaptive supports as required by the *Murray v. Santa Barbara County* Remedial Plan.

The Wellpath Policies and Procedures for Santa Barbara County address the multidisciplinary team for incarcerated people diagnosed with a Developmental Disability, include HCD-110_F-03 Mental Health Services - Santa Barbara CA 6.6.8 and HCD-110_F-01 Patients with Chronic Disease and Other Special Needs - Santa Barbara CA. These policies define the Treatment Plan as "A patient-specific individualized mental health treatment plan for special needs patients with input and documentation including, but not limited to: QHP, QMHP, custody staff, community resources, etc. when available." The policies state: "The treatment plan includes and is not limited to the following:

- Diagnostic information
- Individualized risk and protective factors
- Program participation plan such as individual and group treatment, as well as structured programming
- Recommendations concerning housing
- Job assignment"

The RP requires the County to develop an individualized plan that addresses:

- safety, vulnerability, and victimization concerns,
- adaptive support needs, and
- programming, housing, and accommodation needs.

Although the policy requires the patient-specific individualized mental health treatment plan for special needs patients includes:

- Individualized risk and protective factors
- Recommendations concerning housing

The remedial topics required by the RP must be included.

The Expert reviewed the revised Custody Operations Americans with Disabilities Act (ADA) Policy Section 209 (Revised 04/2024) and confirmed that the policy includes the requirement for a multidisciplinary team that includes appropriate healthcare staff to monitor and ensure appropriate care for people with an Intellectual or Developmental Disability. The policy includes the requirement and process for the multidisciplinary team to ensure the provision of adaptive support services necessary for a developmentally disabled/intellectually disabled inmate to function at an acceptable level in the jail environment. The policy includes specific functions and timelines for the multidisciplinary team to conduct the reviews. However, as previously noted, the process for screening and verification of Intellectually/Developmentally disabled incarcerated persons and their adaptive support needs is currently not in

place. Additionally, a process for staff to document the provision of the accommodations is not in place.

The County must ensure a multidisciplinary team (including appropriate health care staff) monitor and ensures appropriate care for people with an Intellectual or Developmental Disability and the development of an individualized treatment plan as required by the *Murray v. Santa Barbara County* Remedial Plan requirements.

5.O.4.a. Did the multidisciplinary team develop an individualized plan for each person with an Intellectual or Developmental Disability?

The Expert reviewed the revised Custody Operations Americans with Disabilities Act (ADA) Policy Section 209 (Revised 04/2024) and confirmed that the policy includes the requirement for a multidisciplinary team that includes appropriate healthcare staff to monitor and ensure appropriate care for people with an Intellectual or Developmental Disability. The policy includes the requirement and process for the multidisciplinary team to ensure the provision of adaptive support services necessary for a developmentally disabled/intellectually disabled inmate to function at an acceptable level in the jail environment. The policy includes specific functions and timelines for the multidisciplinary team to conduct the reviews. However, as previously noted, the process for screening and verification of Intellectually/Developmentally disabled incarcerated persons and their adaptive support needs is currently not in place. Additionally, a process for staff to document the provision of the accommodations is not in place.

The County must ensure a multidisciplinary team develops an individualized plan for each incarcerated person with an Intellectual or Developmental Disability as required by the Custody Operations ADA Policy (Section 209) and the *Murray v. Santa Barbara County* Remedial Plan requirements.

5.O.4.b. Did the individualized plan address safety, vulnerability, and victimization concerns?

The Expert reviewed the revised Custody Operations Americans with Disabilities Act (ADA) Policy Section 209 (Revised 04/2024) and confirmed that the policy includes the requirement for a multidisciplinary team that includes appropriate healthcare staff to monitor and ensure appropriate care for people with an Intellectual or Developmental Disability. The policy includes the requirement and process for the multidisciplinary team to ensure the provision of adaptive support services necessary for a developmentally disabled/intellectually disabled inmate to function at an acceptable level in the jail environment. The policy includes specific functions and timelines for the multidisciplinary team to conduct the reviews. However, as previously noted, the process for screening and verification of Intellectually/Developmentally disabled incarcerated persons and their adaptive support needs is currently not in place. Additionally, a process for staff to document the provision of the accommodations is not in place.

The County must ensure the individualized plan addresses safety, vulnerability, and victimization concerns as required by the Custody Operations ADA Policy (Section 209) and the *Murray v. Santa Barbara County* Remedial Plan requirements.

5.O.4.c. Did the individualized plan address adaptive support needs?

The Expert reviewed the revised Custody Operations Americans with Disabilities Act (ADA) Policy Section 209 (Revised 04/2024) and confirmed that the policy includes the requirement for a multidisciplinary team that includes appropriate healthcare staff to monitor and ensure appropriate care for people with an Intellectual or Developmental Disability. The policy includes the requirement and process for the multidisciplinary team to ensure the provision of adaptive support services necessary for a developmentally disabled/intellectually disabled inmate to function at an acceptable level in the jail environment. The policy includes specific functions and timelines for the multidisciplinary team to conduct the reviews. However, as previously noted, the process for screening and verification of Intellectually/Developmentally disabled incarcerated persons and their adaptive support needs is currently not in place. Additionally, a process for staff to document the provision of the accommodations is not in place.

The County must ensure the individualized plan addresses adaptive support needs as required by the Custody Operations ADA Policy (Section 209) and the *Murray v. Santa Barbara County* Remedial Plan requirements.

5.O.4.d. Did the individualized plan address programming, housing, and accommodation needs?

The Expert reviewed the revised Custody Operations Americans with Disabilities Act (ADA) Policy Section 209 (Revised 04/2024) and confirmed that the policy includes the requirement for a multidisciplinary team that includes appropriate healthcare staff to monitor and ensure appropriate care for people with an Intellectual or Developmental Disability. The policy includes the requirement and process for the multidisciplinary team to ensure the provision of adaptive support services necessary for a developmentally disabled/intellectually disabled inmate to function at an acceptable level in the jail environment. The policy includes specific functions and timelines for the multidisciplinary team to conduct the reviews. However, as previously noted, the process for screening and verification of Intellectually/Developmentally disabled incarcerated persons and their adaptive support needs is currently not in place. Additionally, a process for staff to document the provision of the accommodations is not in place.

The County must ensure the individualized plan addresses the programming, housing, and accommodation needs as required by the Custody Operations ADA Policy (Section 209) and the *Murray v. Santa Barbara County* Remedial Plan requirements.

5.O.4.e. Was the multidisciplinary team's plan reviewed on a regular basis and updated as needed?

The Expert reviewed the revised Custody Operations Americans with Disabilities Act (ADA) Policy Section 209 (Revised 04/2024) and confirmed that the policy includes the requirement for a multidisciplinary team that includes appropriate healthcare staff to monitor and ensure appropriate care for people with an Intellectual or Developmental Disability. The policy includes the requirement and process for the multidisciplinary team to ensure the provision of adaptive support services necessary for a developmentally disabled/intellectually disabled inmate to function at an acceptable level in the jail environment. The policy includes specific functions and timelines for the multidisciplinary team to conduct the reviews. However, as previously noted, the process for screening and verification of Intellectually/Developmentally disabled incarcerated persons and their adaptive support needs is currently not in place. Additionally, a process for staff to document the provision of the accommodations is not in place.

The County must ensure the multidisciplinary team's plan is reviewed on a regular basis and updated as needed as required by the Custody Operations ADA Policy (Section 209) and the *Murray v. Santa Barbara County* Remedial Plan requirements.

5. P. Physical Accessibility Requirements

5.P.1. The County shall implement an ADA transition plan to remedy Main Jail physical plant features that could result in access barriers for people with disabilities.

Compliance Rating: Partial Compliance

Prior Compliance Rating: Partial Compliance

County Response:

The County is in the process of fully implementing this requirement and has begun the ADA transition plan, including proposed remodel plans and the County's request for participation. In 2018, the County commissioned Vanir Construction to identify ADA deficiencies and develop an ADA transition plan for the MJ. On November 9, 2021, a contract was awarded to Nacht and Lewis for the redesign of the MJ campus to bring it in compliance with ADA requirements. In 2022, Nacht and Lewis began holding a series of workshops with the County's project team to develop detailed program requirements for renovating the existing facilities. As a result of those meetings, the County is proceeding with remodeling the IRC of the MJ to address accessibility concerns, which is scheduled to be complete by the Summer of 2027. Intake Improvements will include accessibility compliance of cells, showers, public restrooms, visiting (for public and incarcerated population), and toilets for the incarcerated

population, as well as an ADA path-of-travel to public parking. The County will also remedy accessibility issues in the main recreation yard at the MJ.

Analysis/Observations:

The County further reports that per the terms of the parties' 2023 Stipulation Re: Implementation of the *Murray v. Santa Barbara County* Remedial Plan, the County intends to achieve compliance with the *Murray v. Santa Barbara County* Remedial Plan through the addition of ADA-compliant housing capacity at the NBJ. Upon activation of the additional unit(s) at the NBJ (expected by 2029), the County will cease housing class members in the MJ's South, West, East, Central, and Back Central housing units. Per the parties agreement, the housing units in MJ West, East, Central, Back Central, and Northwest need not undergo physical plant remediation of existing ADA accessibility deficiencies as part of interim or long-term remedial measures set forth in the *Murray v. Santa Barbara County* Remedial Plan. In the interim, the County will cease housing class members with ADA-accessible housing needs in any of the housing units in MJ West, East, Central, Back Central, and Northwest by December 2023 and will ensure that all class members with ADA accessible housing needs are provided accessible housing and equitable access to the Jail's programs, services, and activities. The County has initiated interim accessibility measures, including installing ADA-accessible workout equipment in the recreation yards at both facilities, ensuring equal access to programming and mental health housing, and initiating discharge planning protocols to ensure accommodations and accessible transportation is provided on discharge.

The County previously produced the ADA Self-Evaluation and Transition Plan of the SBCJ conducted by Vanir. The Transition Plan does not have an issue date. However, the Vanir Transition Plan reflects the site evaluation was conducted from September 6, 2016, to June 7, 2018. The County of Santa Barbara - Santa Barbara Jail ADA Transition Plan for Adult Detention Facility completed by Vanir identifies physical plant accessibility barriers of the MJ.

In the previous report, the Expert noted that on May 16, 2023, the County of Santa Barbara Board of Supervisors voted to recommend that the Board of Supervisors:

- Receive a report on conceptual options for renovations at the MJ and new construction at the NBJ Jail;
- Regarding the MJ, direct staff to proceed with a minimized renovation plan that addresses the Inmate Reception Center makes Americans with Disabilities Act (ADA) improvements and eliminates use of other beds.

5.P.2. The above ADA transition plan will be implemented in the timeframe set forth in the Stipulated Judgment. The County and the Sheriff's Office agree that, during the period of implementation of the ADA transition plan at the Main Jail, they will take all reasonable steps to promote and ensure accessibility for people with disabilities to the

maximum extent possible. This includes the use of interim measures to address existing access barriers in order to ensure safety and program access for people with disabilities.

Interim Measures: Defendants will complete development of the ADA Transition Plan for the entire Jail system, to include interim measures to address disability accessibility deficiencies, as follows:

- 1) Measures During Period of Physical Plant Remediation/Improvements. Defendants will implement interim remedial measures towards mitigating ADA/Disability-related physical plant deficiencies consistent with the plan contained in Exhibit A.*
- 2) Development of ADA Plan for Main Jail Renovation. As a part of the design phase of the ADA improvements for the Main Jail renovation, Defendants shall provide the design plans, with timelines, for implementation of ADA improvements referenced in Paragraph 1 of Exhibit A, which shall be developed with input from Plaintiffs' counsel and the Remedial Plan Experts.*
- 3) Main Jail Units Slated for Non-Use Are Not Subject to Physical Plant Remediation, Exclusion from Housing Class Members with Disabilities. Defendants intend to achieve compliance with the Remedial Plan through addition of ADA-compliant housing capacity at the Northern Branch Jail. Upon activation of the additional unit(s) at the Northern Branch Jail (expected by 2029), Defendants will cease housing any class members in, the Main Jail's South, West, East, Central, and Back Central housing units. Accordingly, the Parties further agree:*
 - a) The housing units in West, East, Central, Back Central, and Northwest need not undergo physical plant remediation of existing ADA accessibility deficiencies as part of interim or long-term remedial measures set forth herein and in the Remedial Plan.*
 - b) By no later than December 1, 2023, Defendants will cease housing class members with ADA accessible housing needs in any of the housing units in West, East, Central, Back Central, and Northwest, and will ensure that all class members with ADA accessible housing needs are provided accessible housing and equitable access to the Jail's programs, services, and activities (see Remedial Plan Section V.H (Housing Placements)).*
 - c) South Dorm may continue to house class members with ADA accessible housing needs until the activation of the planned additional housing unit(s) at Northern Branch Jail, so long as all facilities for that unit (beds, toilets, lavatories, showers, recreation space, etc.) meet ADA accessibility requirements under federal and state law, and class members with disabilities in that housing unit are provided equitable access to the Jail's programs, services, and activities (STP, education, jobs, recreation, etc.)*

Disability Accessibility Measures During Period of Physical Plant Remediation/Improvements.

Defendants will implement interim remedial measures towards mitigating ADA/Disability-related physical plant deficiencies as follows:

- 1. The County will remediate the accessibility deficiencies at the Main Jail in the Inmate Reception Center and the South Dorm, with completion by April 27, 2027. Intake Improvements will include accessibility compliance of cells, showers, public restrooms, visiting (for public and incarcerated population), and toilets for the incarcerated population, as well as an ADA path-of-travel to public parking. The County will also remedy accessibility issues in the main recreation yard at the Main Jail.*
- 2. The County will install general-use and equivalent ADA-accessible workout equipment in all recreation yards facility-wide by December 2023.*
- 3. The County is committed to providing complete and equitable programming to individuals with disabilities, consistent with relevant Remedial Plan requirements. Programming, including the Sheriff's Treatment Program, is offered to all incarcerated people across the facilities, including those in South Dorm. Incarcerated people in South Dorm recently completed a six-week program.*
- 4. The County has initiated discharge planning protocols for individuals with disabilities to ensure that they are discharged with any necessary accommodations and provided accessible transportation when needed.*
- 5. The County is committed to providing equal access to the specialized mental health units for people with physical, visual, hearing, cognitive, and any other disabilities*

Compliance Rating: Partial Compliance

Prior Compliance Rating: Un-ratable

Analysis/Observations

On May 16, 2023, the County of Santa Barbara Board of Supervisors voted to recommend that the Board of Supervisors:

- Receive a report on conceptual options for renovations at the MJ and new construction at the NBJ;
- Regarding the MJ, direct staff to proceed with a minimized renovation plan that addresses the Inmate Reception Center makes Americans with Disabilities Act (ADA) improvements and eliminates use of other beds.

However, based on the interim measures in the stipulation, the County will now need to develop an ADA Plan for MJ renovation. As a part of the design phase of the ADA improvements for the MJ renovation, the County must provide the design plans, with timelines, for implementation of ADA improvements to plaintiffs and the Expert for their input.

The timeline in the stipulation includes:

Installation of general-use and equivalent ADA-accessible workout equipment in all recreation yards facility-wide by December 2023. The Expert confirmed that the general-use and equivalent ADA-accessible workout equipment is installed in all recreation yards at the MJ and NBJ.

By no later than December 1, 2023, cease housing class members with ADA accessible housing needs in any of the housing units in MJ West, East, Central, Back Central, and Northwest, and ensure that all class members with ADA accessible housing needs are provided accessible housing and equitable access to the Jail's programs, services, and activities. In a Memorandum (ADA Housing Directive" dated December 13, 2023, Commander Callahan issued a directive to the Custody Classification as follows:

"DIRECTIVE:

Effective immediately, Incarcerated Persons housed in the Sheriff's Jail Facilities with ADA accessible housing needs will only be housed at the Northern Branch Jail, or SDORM in the Main Jail. If there is a question about an Incarcerated Persons ADA accessible housing need, you must contact the ADA Coordinator for clarification or direction prior to housing the individual.

RATIONALE:

Disability Accessibility Requirements. Defendants will cease housing class members with ADA accessible housing needs in any of the housing units in West, East, Central, Back Central, and Northwest and will ensure that all class members with ADA accessible housing needs are provided accessible housing and equitable access to the Jail's programs, services, and activities (see Remedial Plan Section V.H (Housing Placements)). (p. 12)"

The County also reported that class members who were housed in the MJ housing units in West, East, Central, Back Central, and Northwest when the directive was issued had the ability to elect to stay at the MJ by signing a waiver. During the onsite tour, the Expert confirmed that class members with ADA-accessible housing needs were not housed in the MJ housing units in MJ West, East, Central, Back Central, and Northwest unless a waiver was signed by the incarcerated person. However, of concern is the directive is having an impact on the ability of the Classification unit to house the ADA population. The Classification staff reported that currently, all incarcerated persons who have a prescribed assistive device are required to be housed in an ADA-accessible cell. Not all mobility-disabled incarcerated persons who are prescribed an assistive device require accessible housing. Incarcerated persons who are prescribed a wheelchair fulltime/parttime and those prescribed a walker will require accessible housing. fully accessible housing (e.g., "accessible" per DOJ's ADA

technical guidance on specifications related to wheelchair accessibility). The County should evaluate these on a case-by-case basis, ensuring that each incarcerated person is safely housed to meet their specific accessibility needs.

5.P.2.a. Is the County and the Sheriff's Office taking all reasonable steps to promote and ensure accessibility for people with disabilities to the maximum extent possible, including the use of interim measures to address existing access barriers in order to ensure safety and program access for people with disabilities during the period of implementation of the ADA transition plan at the Main Jail?

The County reports that in the interim, the County will cease housing class members with ADA accessible housing needs in any of the housing units in MJ West, East, Central, Back Central, and Northwest by December 2023 and will ensure that all class members with ADA accessible housing needs are provided accessible housing and equitable access to the Jail's programs, services, and activities. The County has initiated interim accessibility measures, including installing ADA-accessible workout equipment in the recreation yards at both facilities, ensuring equal access to programming and mental health housing, and initiating discharge planning protocols to ensure accommodations and accessible transportation is provided on discharge.

The County is taking reasonable steps to promote and ensure accessibility for people with disabilities. These steps include the use of interim measures in addressing existing access barriers in order to ensure safety and program access for people with disabilities during the period of implementation of the ADA transition plan at the MJ. Some of these interim measures include:

- Escorting Mobility-Disabled incarcerated people to accessible shower locations.
- Escorting and assisting Mobility-Disabled incarcerated people to accessible exercise yard facilities.
- Providing access to video phone technology via iPhone and iPad technology.

However, the MJ does not provide programming opportunities such as those that are offered at the NBJ (Alan Hancock College) and the MJ Northwest Isolation workers housing (Santa Barbara City College), and mobility incarcerated persons housed in the MJ Northwest BHU's and MJ South Dorm are only provided remote programming opportunities. The incarcerated persons housed in the BHUs do not have access to other in-person programs that are available in other housing locations. Because the BHUs house people with serious mental health needs, it is essential that this group have equal access to programs, including community-based programming. As these modules primarily house people with serious mental health needs (Northwest) and medical/physical disabilities (MJ South Dorm), it is essential that this group have equal access to programs and community-based programming.

The County must ensure disabled incarcerated people are provided access to equivalent programs.

5.P.3. The County shall ensure that the North Branch Jail provides adequate accessibility for people with disabilities, consistent with accessibility requirements under federal and state law.

Compliance Rating: Substantial Compliance

Prior Compliance Rating: Partial Compliance

County Response:

The County reports it is in the process of fully implementing this requirement. The NBJ was built in compliance with current ADA standards and has been approved by the Board of State and Community Corrections (BSCC). The ADA Expert identified videophone accessibility issues, which the County is working towards remedying. The County is coordinating with ViaPath to install Purple Communications on the County issued tablets, which will provide equal access to videophones. The County anticipates completing this requirement in the next three (3) months.

Analysis/Observations

During the Monitoring Tour of the NBJ, the Expert noted the NBJ has adequate accessible cells/dorms, showers, restrooms, and program areas (visiting medical treatment rooms, holding cells, and program areas) for incarcerated persons with mobility disabilities. Additionally, disabled incarcerated persons who require videophone technology now have access to tablets with Purple Communications.

This provision has been in substantial compliance for greater than 6 months. Based on this, the Expert recommended that monitoring for this provision be discontinued.

5. Q. Alarms/Emergencies

5.Q.1. The County shall implement written policies regarding the expectations of staff as to persons with disabilities during emergencies and alarms, including as to disabilities that may affect their ability to comply with orders or otherwise respond to emergencies and alarms. For example, the policies shall ensure appropriate handling of people with mobility-related disabilities who are unable to prone out or take a seated position on the ground during an alarm or emergency. Such policies shall be communicated to staff, incorporated into the relevant policies, and communicated to people with disabilities using Effective Communication.

Compliance Rating: Partial Compliance

Prior Compliance Rating: Partial Compliance

County Response:

The County reports it is in the process of fully implementing this requirement. The County has updated the Custody Operations ADA Policy (Section 209) includes language to meet the requirements of this provision. In order to facilitate appropriate accommodations during alarms or emergencies, the County has placed the ADA Tracker in all modules so that staff are aware of inmates that need assistance in accordance with this provision. In the next ten (10) months, the County will provide comprehensive ADA training to all staff, including training on this provision.

Analysis/Observations:

- 5.Q.1.a. *Do the policies ensure appropriate handling of people with mobility-related disabilities who are unable to prone out or take a seated position on the ground during an alarm or emergency?*

The Expert reviewed the revised Custody Operations Americans with Disabilities Act (ADA) Policy Section 209 (Revised 04/2024) and confirmed that the policy includes the *Murray v. Santa Barbara County* Remedial Plan requirements. The policy states, "Staff shall ensure that they do not require incarcerated persons with disabilities that require mobility devices or who are otherwise unable to prone out or take a seated position on the ground to perform those actions, absent an exceptional circumstance (fire, earthquake, etc.) that is documented in the ADA Tracking System."

- 5.Q.1.b. *Have the policies been communicated to staff?*

The County did not provide proof of practice that the policy has been communicated to staff and in addition, training on the revised ADA policy has not been developed and provided to staff. The County must ensure the policies are communicated to staff.

- 5.Q.1.c. *Have the policies been communicated to people with disabilities using Effective Communication?*

The County did not provide proof of practice that the policy has been communicated to incarcerated persons with disabilities using Effective Communication. The County reported that the ADA Coordinators are in the process of developing a "checklist" that will be used to interview incarcerated persons once they are identified as having a qualified disability. The Expert recommends that this *Murray v. Santa Barbara County* Remedial Plan requirement be included in the "checklist."

- 5.Q.2. *In order to facilitate appropriate accommodations during alarms or emergencies, the County shall offer, but shall not require, individuals who have disabilities visible markers to identify their disability needs (e.g., wristbands). The County shall maintain*

a list, posted in such a way to be readily available to Jail staff in each unit, of people with disabilities who may require accommodations during an alarm or emergency.

Compliance Rating: Substantial Compliance

Prior Compliance Rating: Partial Compliance

County Response:

The County previously reported that the County has completed this requirement with respect to the ADA Tracker. The ADA Tracker is provided to every module daily and lists all ADA inmates and any accommodations or assistance that inmates would need to be provided with, in the event of an emergency. Additionally, the inmate's names and accommodations are included for easy recognition in case of an emergency situation. The list has been updated to include inmates with Intellectual or Developmental Disabilities ID/DD, and inmates with Learning Disabilities are identified during the Adaptive Needs Assessment. The County has revised the Custody Operations ADA Policy 209 to address this provision. The County is in the process of fully implementing this requirement. In the next six (6) months, the County will be exploring options to print a prisoner's disability accommodation needs on an inmate's wristband. This option is currently being explored with an upgrade to the current ATIMS JMS system. Thereafter, the County will perform the necessary training and implementation of this provision. In the interim, the County presently offers and provides identification vests, which are not required.

Analysis/Observations

The Expert reviewed the revised Custody Operations Americans with Disabilities Act (ADA) Policy Section 209 (Revised 04/2024) and confirmed the policy includes the *Murray v. Santa Barbara County* Remedial Plan requirements.

5.Q.2.a. *Does the County maintain a list that is posted in such a way to be readily available to Jail staff in each unit of people with disabilities that may require accommodations during an alarm or emergency?*

During the on-site tour, the Expert confirmed each unit at the MJ and NBJ had the Active ADA Alerts list posted in the Custody Deputy's workstation. This list includes the name, housing location, Disability, and accommodation needs of the incarcerated persons housed in the SBCJ. The Active ADA Alerts list includes in the "Notes" column that reflects the type of assistance required for "Alarm/Emergency."

5.Q.3. *The County shall install visual alarms appropriate for people who are deaf or hard of hearing.*

Compliance Rating: Partial Compliance

Prior Compliance Rating: Partial Compliance

County Response:

The County reports it is in the process of fully implementing this requirement. The NBJ presently has the alarms required by this provision. The County is reviewing potential alarm installation at the MJ, but implementation will likely occur as part of the remodel, reconfiguration, renovation, or new construction plans.

Analysis/Observations

During the on-site review, all housing units at the NBJ have visual alarms installed. All housing units at the MJ, with the exception of the Central West, do not have visual alarms installed.

The County must ensure the visual alarms meet the NFPA 72, 'National Fire Alarm Code' standards and visual alarms be installed in the MJ housing units.

5.Q.4. All housing units shall post notices for emergency and fire exit routes.

Compliance Rating: Substantial Compliance

Prior Compliance Rating: Substantial Compliance

Analysis/Observations

During the on-site review of the MJ and NBJ, the Expert noted all of the housing units had emergency and fire exit route notices posted.

This provision has been in substantial compliance for greater than 6 months. Based on this, the Expert recommended that monitoring for this provision be discontinued.

5. R. Quality Assurance

5.R.1. The County shall develop and implement written policies and procedures regarding monitoring compliance with ADA requirements and Jail ADA policies, including (but not limited to) the following:

- a) Requests for ADA accommodations;*
- b) ADA-related grievances;*
- c) ADA-related training;*
- d) Use of the ADA Tracking System.*

Compliance Rating: Partial Compliance

Prior Compliance Rating: Non-Compliance

County Response:

The County reports it is in the process of fully implementing this requirement. The County has revised the Custody Operations ADA Policy (Section 209) to include the requirements of this provision. In the next ten (10) months, the County will provide comprehensive ADA training to all staff, including training on this provision.

Analysis/Observations:

The Expert reviewed the revised Custody Operations Americans with Disabilities Act (ADA) Policy Section 209 (Revised 04/2024) to confirm the policy includes an ADA accountability plan that includes monitoring compliance with ADA requirements and Jail ADA policies. The policy states, "The ADA Coordinator shall review and compile data regarding the following quality assurance indicators and shall submit a report to the CQA Lieutenant monthly:

- The number and type of requests for ADA Accommodations;
- The number and type of approved requests for ADA Accommodations;
- The number and type of rejected requests for ADA Accommodations with the reasoning behind the rejection(s);
- The number and type of ADA-related grievances;
- Timeliness of response to ADA Accommodation Requests and ADA Grievances
- ADA-Related training provided to staff with proof of completion(s);
- Use of the ADA Tracking System;

The County must provide proof of practice during the next monitoring tour that the ADA Coordinator is conducting monitoring as required by the policy and *Murray v. Santa Barbara County Remedial Plan*.

5.R.1.a. Do the written policies and procedures regarding monitoring compliance with ADA requirements and Jail ADA policies include monitoring of requests for ADA accommodations?

The Expert reviewed the revised Custody Operations Americans with Disabilities Act (ADA) Policy Section 209 (Revised 04/2024) and confirmed that the draft policy includes written policies and procedures for the County to monitor compliance of requests for ADA accommodations.

5.R.1.b. Do the written policies and procedures regarding monitoring compliance with ADA requirements and Jail ADA policies include monitoring of ADA-related grievances?

The Expert reviewed the revised Custody Operations Americans with Disabilities Act (ADA) Policy Section 209 (Revised 04/2024) and confirmed that the draft policy includes written policies and procedures for the County to monitor compliance of the ADA-related grievances.

5.R.1.c. Do the written policies and procedures regarding monitoring compliance with ADA requirements and Jail ADA policies include monitoring of ADA-related training?

The Expert reviewed the revised Custody Operations Americans with Disabilities Act (ADA) Policy Section 209 (Revised 04/2024) and confirmed that the draft policy includes written policies and procedures for the County to monitor compliance of the ADA-related training.

5.R.1.d. Do the written policies and procedures regarding monitoring compliance with ADA requirements and Jail ADA policies include monitoring of the use of the ADA Tracking System?

The Expert reviewed the revised Custody Operations Americans with Disabilities Act (ADA) Policy Section 209 (Revised 04/2024) and confirmed that the draft policy includes written policies and procedures for the County to monitor compliance of the use of the ADA Tracking System.

5.R.2. The County shall develop an ADA accountability plan that will ensure quality assurance, track violations of the ADA and the Jail's ADA policies, and establish staff accountability for egregious, serious, or repeated violations of the ADA and Jail ADA-related policies and procedures.

Compliance Rating: Partial Compliance

Prior Compliance Rating: Non-Compliance

County Response:

The County reports it is in the process of fully implementing this requirement. The County has revised the Custody Operations ADA Policy (Section 209) to include the requirements of this provision. In the next two (2) months, the County will consult the ADA Expert regarding the development of an ADA accountability plan as required by this provision.

Analysis/Observations

The Expert reviewed the revised Custody Operations Americans with Disabilities Act (ADA) Policy Section 209 (Revised 04/2024) to confirm the policy includes an ADA accountability plan that includes the *Murray v. Santa Barbara County* Remedial Plan requirements, including quality assurance, tracking of violations of the ADA, and the

Jail's ADA policies, and establishes staff accountability for egregious, serious, or repeated violations of the ADA and Jail ADA-related policies and procedures. The policy states, "The ADA Coordinator shall review grievances and/or reports related to violations of the ADA and/or egregious, serious or repeated violations of the ADA and/or Jail ADA-Related policies and procedures and shall report those instances to the CQA Lieutenant. The CQA Lieutenant shall review all incidents provided by the ADA Coordinator and shall consider whether the incident shall be investigated, addressed with the staff member informally or whether the incident shall be forwarded to Professional Standards for investigation related to violation of policies and procedures."

Although the policy has been revised and includes the *Murray v. Santa Barbara County* Remedial Plan requirements, the Expert recommends that the County develop a tracking mechanism to track and report the violations of the ADA, the Jail's ADA policies for egregious, serious, or repeated violations of the ADA and Jail ADA-related policies.



Signature

Submitted on behalf of Sabot Technologies, Inc. dba Sabot Consulting to the County of Santa Barbara, and Santa Barbara County Sheriff's Office

A handwritten signature in black ink, appearing to read "Julian Martinez", written over a horizontal line.

Julian Martinez
Director
Sabot Consulting

November 22, 2024

Date