



Agreement Between Orange County and Disability Rights California

Expert Monitor's Report (Fifth Round)

Rights of People With Disabilities

On-Site Review: Review: August 26 - 30, 2024

Produced by:

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I. Introduction

On March 22, 2018, Disability Rights California (DRC) notified the County of Orange of its intent to monitor Orange County Jail facilities, as consistent with its federal and state law authority to monitor facilities with respect to the rights and treatment of individuals in California who have disabilities.

DRC and its authorized agents conducted facility monitoring tours of the Jail on May 10-11, 2018, June 11, 2018, and January 30-31, 2019. DRC's monitoring included (1) interviews with leadership and staff from the Orange County Sheriff's Department (OCSD) and Correctional Health Services (CHS), (2) interviews and other communications with a substantial number of people in custody at the Jail during and outside of the above-mentioned monitoring tours, and (3) review and substantive analysis of relevant records, data, and policies.

On March 8, 2019, DRC issued findings from its monitoring investigation of Orange County Jail facilities, including issues related to the rights of incarcerated people with disabilities, the treatment of incarcerated people with mental health care needs, the use of restrictive housing, and the treatment of incarcerated people who identify as LGBTQ.

Following the issuance of DRC's findings, the Parties engaged in discussions regarding a process to address the findings without the need for adversarial litigation.

On November 21, 2019, the Parties executed a Negotiations Agreement, which provided a procedural framework for resolving the disputed claims.

Consistent with the Parties' Negotiations Agreement, the Parties mutually agreed for Sabot Consulting to serve as a neutral expert (1) to conduct a comprehensive, independent review of policies, procedures, and practices related to the topics set forth in the Settlement Agreement, and (2) to complete a report with findings and recommendations to address any identified deficiencies. The County retained Sabot Consulting to serve as the neutral expert pursuant to an agreement executed on January 25, 2020 (amended on February 22, 2020, and August 1, 2022).

Sabot Consulting's team of experts conducted site visits at the Jail during the months of March, May, and June 2020. The assessment included interviews with 37 incarcerated persons, sworn staff, and non-sworn staff working at the Jail, as well as an extensive policy and data review.

On March 19, 2021, Sabot Consulting submitted to the Parties its Final Report, Orange County Sheriff's Department Custody Operations: Americans with Disabilities Act, Restrictive Housing, LGBTQI, and Healthcare Program Assessment.

Consistent with the Parties' Negotiations Agreement, the Parties then engaged in careful negotiations of a Remedial Plan (RP) to address the findings of Sabot Consulting's Assessment Report and to implement its recommendations, as appropriate. Negotiations were substantially informed by DRC's ongoing review of relevant records, data, and other materials, information-sharing with the County, and communication with people incarcerated at the Jail.

While Sabot Consulting's assessment and the Parties' negotiations were necessarily slowed by the circumstances of the COVID pandemic, the Parties' negotiations have proceeded as expeditiously as possible towards a resolution and formal agreement. In consultation with DRC

and its authorized agents, the County has already begun to implement several of Sabot Consulting's recommendations and related remedial actions during the period of negotiations.

The County agreed to implement the provisions of the RP, subject to monitoring by Sabot Consulting and by DRC with its authorized agents and further discussions between the Parties.

The County agreed to develop and implement appropriate and adequate plans, policies, and practices to ensure implementation of and compliance with the RP. During the period of monitoring pursuant to the Parties' Agreement, the County is required to submit plans or policies to DRC for review and comment.

DRC's March 2019 findings letter and Sabot Consulting's Assessment Report each identified concerns regarding the treatment of incarcerated people with mental health disabilities at the Jail.

- Subsequent to those findings, the County has taken and continues to take steps to enhance Jail mental health care programming.
- Certain mental health-related issues are addressed in the RP, including as related to disability-related accommodations and program access, reforms to restrictive housing/isolation practices, and reforms to disciplinary practices as they apply to people with mental health or other disabilities.
- The Parties agree that the Jail's mental health treatment programming requires further development to meet the needs of the population. The Parties further acknowledge that DRC and its authorized agents will continue to monitor the treatment of people with mental health disabilities at the Jail, including through monitoring processes.
- If DRC identifies concerns with respect to the care and treatment of people with mental health disabilities, it will raise those concerns with the County and confer in good faith as to necessary remedial action to address any such problems. If DRC finds that such concerns are not adequately addressed, it will so inform the County and may take any necessary action, including by any legal means, to protect the rights of people with mental health disabilities.

II. The Expert's Monitoring Role and Monitoring Activities

The Parties previously agreed to a process and framework for monitoring the implementation of the Remedial Plan (RP). The Parties also agreed in the Negotiations Agreement and continue to agree that Sabot Consulting will serve as the neutral Expert for purposes of monitoring the RP implementation.

The Expert is required to complete a comprehensive review (Compliance Review) of the County's implementation of the components of the RP within 180 days of the execution of the Agreement and conduct a Compliance Review every 180 days thereafter during the term of the Agreement. The Expert is required to review whether the County has adequately implemented each component of the RP and is required to identify which components, if any, are not yet adequately implemented.

As part of the Compliance Review, the Expert is required to issue a draft report (Compliance Report) that states their opinion as to whether the County has adequately implemented the components of the RP and which components, if any, are not yet adequately implemented. Within fifteen (15) days following the issuance of a draft Compliance Report, the Parties may provide written responses to the draft Compliance Report. If either Party submits a written response to the draft Compliance Report, the Expert will consider the response(s) and issue a final report within fifteen (15) days. The final report will address any written responses submitted by the Parties. If neither Party submits a written response to the draft report, the Expert's draft report will become the final report.

Within 15 days of the issuance of the Expert's final Compliance Report, the Parties will meet and confer to discuss the Expert's findings and recommendations. Within 30 days of the issuance of the final Compliance Report that includes a finding that the County has not adequately implemented one or more components of the RP, the County shall develop a proposed plan that identifies the actions it will take to address the Expert's findings (Action Plan). The Parties will then have 30 days to agree upon the County's proposed Action Plan or negotiate a revised Action Plan.

If the Expert issues two successive Compliance Reports finding that the County has adequately implemented the same component of the RP, such a finding will result in a suspension of monitoring by the Expert of the corresponding component. The Expert may, however, continue to review whether the County has adequately implemented a component for which monitoring has been suspended pursuant to this provision if such review is necessary for determining whether the County has adequately implemented other components of the RP for which monitoring has not been suspended pursuant to this provision. If, during the term of the Agreement, DRC forms the good faith belief that the County is no longer adequately implementing a component of the RP for which the Expert had suspended monitoring pursuant to this provision, DRC shall promptly notify the County in writing and present a summary of the evidence upon which such a belief is based. Within 30 days thereafter, the County shall serve a written response stating whether it agrees or disagrees with DRC's position. In the event that the County agrees, monitoring by the Expert and DRC pursuant to this Agreement shall resume with respect to the RP component(s) at issue. In the event the County disagrees, the Parties shall present to the Expert in writing their positions. The Expert will, within 30 days, issue a written decision regarding whether to resume monitoring of the RP component(s) at issue.

B. Monitoring Process

In each Compliance Report, the Expert is required to identify whether the County has adequately implemented each RP provision. The Expert is required to make the findings utilizing the following definitions:

Adequately Implemented (AI): Implementation of all or most components of the relevant RP provision, and no significant work remains to accomplish the goal of that provision.

Partially Implemented (PI): Implementation of some components of the relevant RP provision and significant work remains to reach adequate implementation.

Not Implemented (NI): No implementation of most or all the components of the relevant RP provision, and significant work remains to reach partial implementation.

Un-ratable (UR): Used where the Expert has not been provided data or other relevant material necessary to assess implementation or factual circumstances during the monitoring period, making it impossible for a meaningful review to occur at the present time.

Not Assessed (NA): Used where the Expert has not assessed implementation with a particular provision during a monitoring period. This designation should be used only where circumstances make it infeasible for the Expert to complete the assessment during the monitoring period.

Monitoring Suspended Based on Previous Findings of Compliance (MS): Used where two previous successive Compliance Reports have found that the provision has been adequately implemented.

III. Executive Summary

This is the fifth Expert Monitor Review to measure Orange County's (OC) compliance with the Settlement Agreement and the RP, which address related mandates, including:

- I. Policies and Procedures
- II. ADA Tracking Procedures
- III. Identifying People With Disabilities
- IV. Orientation
- V. Effective Communication
- VI. Intellectual and Developmental Disabilities
- VII. Healthcare Appliances, Assistive Devices, Durable Medical Equipment
- VIII. Housing Placements
- IX. Access to Programs, Services, and Activities
- X. Access to Worker Opportunities
- XI. Access to Community Work Programs
- XII. Disability-Related Grievance Process
- XIII. Alarms/Emergencies/Announcements
- XIV. Searches, Restraints, and Counts
- XV. Transportation
- XVI. ADA Training, Accountability, and Quality Assurance

The fifth round of monitoring focused on the Theo Lacy Facility (TLF), Central Men's Jail (CMJ), Central Women's Jail (CWJ), and the Intake Release Center & Transportation (IRC). The on-site Monitoring Review was conducted from August 26 – 30, 2024. The Monitoring Review included a review of pre-monitoring documents produced by the County of Orange (OC); on-site observations; interviews of sworn and non-sworn personnel (e.g., housing deputies, HCA CHS healthcare staff (medical and mental health) classification staff; and interviews of incarcerated persons housed in the OC Jails.

A meeting was conducted with representatives from the County of Orange (Orange County Jail Administration and staff from the County Counsel's Office). DRC Representatives were also present during the meeting and during portions of the monitoring tour. An exit meeting was conducted via Zoom on September 16, 2024, with representatives from the County of Orange (Jail Administration and staff from the County Counsel's Office) and DRC Representatives.

The Expert would like to thank all OC Jail staff for their assistance in facilitating access to the Jails and, coordinating the staff and incarcerated person interviews, and the production of the pre-monitoring documents. The Expert found that the staff was open and transparent in their responses during the staff interviews.

The Expert finds that since the previous monitoring tour, additional provisions set forth in the Settlement Agreement and RP (and local policies/procedures) have been implemented, and previous provisions continue to be found as "Adequately Implemented." In addition, some areas found as "Partially Implemented" during the previous tour have been found as "Adequately Implemented" during the fifth monitoring tour. However, the Expert finds that in some cases, more information and evidence are needed to make a determination of compliance for the required provisions/elements.

For areas that were found not "Adequately Implemented," a more thorough assessment will continue to be made in future monitoring tours, including the review of proof of practice documentation. With the implementation of related policies, procedures, and training, staff continue to be informed in an understanding of the Settlement Agreement and RP requirements and how that correlates to their respective job duties.

As this was the fifth monitoring tour, elements of the Settlement Agreement and RP that were found "Adequately Implemented" in the previous four rounds of monitoring have been moved to "Monitoring Suspended Based on Previous Findings of Compliance." However, the Expert will continue to review whether the County has adequately implemented a component for which monitoring has been suspended if such review is necessary for determining whether the County has adequately implemented other components of the RP for which monitoring has not been suspended. Additionally, the Expert will follow the RP requirements if areas that have been found as "Adequately Implemented" are identified by DRC as no longer adequately implemented and the County agrees with DRC's position. In the event the County disagrees, the Expert will review the parties' position and provide a written decision regarding whether to resume monitoring of the RP component(s) at issue.

The County continues to put processes and practices in place to move provisions from partially and not implemented to adequately implemented and suspension of monitoring. The County has an effective process in place for the disability-related designations as well as accommodation information to be shared with custody (Classification and ADA Compliance Unit) staff when the disabilities and associated accommodations are identified. The County has an effective process in place where medical Case Management (ADA) and the custody ADA Compliance Unit work collaboratively to interview and assess incarcerated persons with disabilities, provide accommodations, and inform incarcerated persons about the ADA program and how to request accommodations. The County has a Mental Health staff member at each facility designated to coordinate ADA-related issues as part of the ADA team. The County also has processes in place to ensure incarcerated persons are provided their Health Care Appliance/Assistive Devices and Durable Medical Equipment and that the devices are maintained in good working order. The County provides incarcerated persons with ADA-related information during the orientation process. The County provides incarcerated persons with access to worker opportunities and the Community Work Program. The ADA Compliance Unit staff are engaged with staff and the disabled incarcerated persons in ensuring that the requirements of the RP and the ADA are provided to the incarcerated persons. All incarcerated persons interviewed during the tour were aware of the ADA staff and stated they would resolve issues brought to their attention. Both the Custody/CHS Administration and staff continue to be committed to ensuring the RP requirements are implemented as well as ensuring the disabled incarcerated persons are provided with their accommodations and are provided equal access to the OC Jails programs, services, and activities. The process for custody staff to document Effective Communication continues to improve, and all staff interviewed were aware of the RP requirements. However, as in the previous report, some CHS staff are not providing Effective Communication using the incarcerated person's preferred method of communication (ASL/VRI).

The Expert's report identifies areas deemed as Adequately Implemented, Partially Implemented, Not Implemented, Unratable, Not Assessed, and Monitoring Suspended Based on Previous Findings of Compliance. The areas deemed as Unratable are generally due to a lack of implementation and/or a lack of policy/procedures and/or other supporting documentation.

The following reflects the overall ratings given for the 115 areas rated:

- Adequately Implemented – 14
- Partially Implemented – 39
- Not Implemented – 2
- Un-ratable – 0
- Not Assessed – 0
- Monitoring Suspended Based on Previous Findings of Compliance - 60

It is the Expert's belief that as the County continues to implement vital components of the Settlement Agreement and RP, including those outlined in this report, the areas that have not been found to be Adequately Implemented will progress to an Adequately Implemented rating.

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 meeting the mandates of the Settlement Agreement and RP.

Based on the document review and on-site monitoring tour, the summary of ratings and recommendations are listed below:

PROVISION	REQUIREMENT	CURRENT RATING	PRIOR RATING
I.	POLICIES AND PROCEDURES		
I.A.	Reasonable Accommodation Policy	MS	MS
I.B.	Finalize policies, practices, and procedures within six (6) months. Recommendation: The Expert recommends that the County finalize the revisions to the policies, procedures, and practices to ensure compliance with the ADA, its implementing regulations, related federal and state disability laws, and to ensure compliance with the remedial plan provisions.	PI	PI
II.	ADA TRACKING PROCEDURES		
II.A.	Implementation of a centralized, real-time networked electronic system Recommendation: Continue the process of implementing a centralized, real-time networked electronic system (SOMA) to identify and track all incarcerated people with disabilities and their specific accommodations	PI	PI
II.B.	Requirements of ADA tracking system Recommendation: See recommendation II.A above	PI	PI
II.C.	Tracking System readily available and used by all custody, medical, mental health, program, and other staff Recommendation: See recommendation II.A above	PI	PI
II.D.	ADA tracking not called "special needs list"	MS	MS

III.	IDENTIFYING PEOPLE WITH DISABILITIES		
III.A.	Identification of a person's disability and disability needs throughout custody	AI	AI
III.B.	During medical intake screening, Identification of a person's disability based on self-identification, health record, staff observation, and request of third party	AI	AI
III.C.	During medical screening, determine effective communication and document effective communication provision	MS	MS
III.D.	Conduct medical screening in a confidential setting	MS	MS
III.E.	Use of evidence-based and Trauma Informed practices during medical screening	MS	MS
III.F.	Provision of accommodations (housing, HCS/AD/DME) promptly, communicated to relevant staff and documented in the ADA Tracking System	MS	MS
III.G.	Notification of custody staff and ADA Compliance Unit of a person's disability and disability-related needs	MS	MS
III.H.	Tracking of all disabilities and disability-related needs in the ADA Tracking System Recommendation: See recommendation II.A above	PI	PI
III.I.	Development of a process for conducting disability-related evaluations after medical intake screening	MS	MS
IV.	ORIENTATION		
IV.A.	Adequately inform persons with disabilities of ADA rights	MS	MS
IV.B.	Provision of orientation video in accessible format, including Spanish	AI	PI
IV.C.	Information from the orientation process communicated effectively	AI	PI
IV.D.	Posting of ADA Rights Notice	MS	MS
IV.E.	Unit orientation and individualized support for individuals who are blind, low vision, deaf, hard of hearing, or who have Developmental or Intellectual disabilities	MS	MS
V.	EFFECTIVE COMMUNICATION		
V.A.	Assessment of Effective Communication and provision of Effective Communication Recommendation: Ensure staff provides and documents the Effective Communication accommodations for clinical encounters and disciplinary processes. Ensure that clinical staff provide the preferred method of communication.	PI	PI
V.B.	Assessment of Effective Communication needs	MS	MS
V.C.	Primary consideration of Effective Communication preference Recommendation: Ensure that clinical staff gives primary consideration to the incarcerated persons' preferred method of communication.	PI	PI

V.D.	Provision of auxiliary aids and services when simple written or oral communication is not effective Recommendation: Ensure that clinical staff provides sign language interpretation services when oral communication is not effective.	PI	PI
V.E.	Provision of Effective Communication for programs, services, and activities Recommendation: See recommendation V.A. above. Implement the Effective Communication documentation process for program staff and provide the Expert proof of practice.	PI	PI
V.F.	Requirements of Effective Communication for Due Process Events and Clinical Encounters Recommendation: See recommendation V.A. above.	PI	PI
V.G.	Checking ADA Tracking System to identify Effective Communication needs, provision of Effective Communication, and documentation of Effective Communication Recommendation: See recommendation V.A. above.	PI	PI
V.H.	Lip reading generally not used as a means of Effective Communication. If the preferred method is lip reading, staff must speak slowly and loudly	MS	MS
V.I.	Logging use of SLI Recommendation: See recommendation V.A. above.	PI	PI
VI.	INTELLECTUAL AND DEVELOPMENTAL DISABILITIES		
VI.A.	Development of OCSD and CHS policies and procedures for Intellectual/Developmental Disabilities	AI	AI
VI.B.	Development of OCSD and CHS policies and procedures for Intellectual/Developmental Disabilities, including cognitive deficits, adaptive supports Recommendation: Provide the Expert with the results of the secondary screening and the contacts/communications with the Regional Center so the Expert can measure the County's compliance with the RP requirements.	PI	PI
VI.C.	Monitoring individualized plan for individuals with Intellectual/Developmental Disabilities	MS	MS
VI.D.	Training of relevant staff on individualized plan, accommodations, and adaptive supports for Intellectual/Developmental Disabilities individuals	MS	MS
VI.E.	Provision of accommodations and adaptive supports tailored to intellectual/developmentally disabled persons' needs Recommendation: Finalize and implement the Adaptive Support Log for staff (housing unit, work supervisors, and program facilitators) who provide accommodations and adaptive supports for incarcerated persons with Intellectual/Developmental disabilities to document the provision of the accommodations, assistance, prompts, and supports.	PI	PI
VI.F.	Access to easy reading books for Intellectual/Developmental and learning-disabled individuals	AI	AI

VI.G.	Provision of discharge planning Recommendation: Ensure staff provides discharge planning tailored to the needs of people with Intellectual/Developmental Disabilities, including appropriate and effective linkages to housing assistance and community-based service providers.	PI	PI
VII.	HEALTH CARE APPLIANCES, ASSISTIVE DEVICES, DURABLE MEDICAL EQUIPMENT		
VII.A.	Provision of HCA/AD/DME and individualized assessment	MS	MS
VII.B.	Tracking and documenting inspection and maintenance of HCA/AD/DME	MS	AI
VII.C.	County-provided wheelchairs	MS	AI
VII.D.	Charges for provision, repair, or replacement of HCA/AD/DME	MS	MS
VII.E.	Retention of personal HCA/AD/DME	MS	AI
VII.E.1.	Provision of equivalent alternative jail-issued device when HCA/AD/DME is removed Recommendation: Ensure staff document on the Safety and Security Assessment form in cases where Jail staff determined it was necessary to remove an individual's personal HCA/AD/DME for safety and security reasons, whether an alternative device was provided or that no alternative was possible.	PI	PI
VII.E.2.	Consultation with medical staff and documentation when determination of alternative device and/or accommodation Recommendations: See the recommendation in section VII.E.1 above.	PI	PI
VII.E.3.	Repair and/or replacement of personal HCA/AD/DME	AI	AI
VII.E.4.	Replacement HCA/AD/DME provided by the County sufficient to provide access to the Jail's programs, services, and activities	MS	MS
VII.E.5.	Provision of equivalent alternative jail-issued device when HCA/AD/DME is removed	MS	MS
VII.F.	Permit of a prosthetic limb or similar device absent specific security concerns	MS	MS
VII.F.1.	Examination of the person when a prosthetic limb or device is removed	MS	MS
VII.F.2.	Repair of a prosthetic limb or similar device promptly	MS	MS
VII.F.3.	Prompt steps to provide assessment and provision of the alternative assistive device if the person requires a prosthetic limb or similar device and does not have one	MS	MS
VII.G.	Removal of HCA/AD/DME when placed in a temporary holding cell, sobering cells, or observation cells	MS	MS
VII.H.	Provision of HCA/AD/DME upon release	MS	MS
VII.H.1.	Return of personally owned HCA/AD/DME prior to release	MS	MS
VII.H.2.	Provision of HCA/AD/DME upon release if a person does not have a personal device	MS	MS

VII.H.3	Documentation of provision of HCA/AD/DME upon release	MS	MS
VIII.	HOUSING PLACEMENTS		
VIII.A.	Housing of disabled persons in the most integrated setting Recommendation: Continue physical plant modifications to bring accessible housing online including activation of the Musick facility, which will allow the County to house disabled incarcerated persons in the most integrated setting, consistent with their individual security classification, in facilities that accommodate their disabilities and in which they have equivalent access to programs, services, and activities.	PI	PI
VIII.B.	Equivalent access to out-of-cell time, programs, services, and activities Recommendation: Ensure that all persons with disabilities, including those in ADA-accessible or other specialized housing, have equal access to programs, services, and activities available to similarly situated persons without disabilities, consistent with their health and security needs. These programs include: <ul style="list-style-type: none"> ○ Dayroom and out-of-cell time ○ Access to in-person educational, vocational, reentry, and substance abuse programs 	PI	PI
VIII.C.	Housing assignment system utilizing information in ADA Tracking System	MS	MS
VIII.D.	Placement of disabled persons by Classification Recommendation: See the recommendation in section VIII.A. above.	PI	PI
VIII.E.1.	Deactivation of Sheltered Living cells Recommendation: Ensure the SL cells remain deactivated and not used.	PI	NI
VIII.E.2.	Housing of persons in Sheltered Living cells only if there is no other placement consistent with classification/housing needs	MS	MS
VIII.F.	Assistance of persons with disabilities (including wheelchairs) to access Central Men's Jail yard	MS	MS
VIII.G.	Quality Assurance Audits to ensure housing accommodations	AI	AI
VIII.H.	Development of process to expeditiously move people to accessible housing	AI	AI
IX.	ACCESS TO PROGRAMS, SERVICES, AND ACTIVITIES		
IX.A.	Provision of information and provision of equal access to programs, services, and activities Recommendations: Ensure the disabled incarcerated persons are provided the required out-of-cell time. Ensure the disabled incarcerated persons are provided accommodations during dayroom and recreational yard (chairs). Ensure the disabled incarcerated persons are provided access to religious and educational program opportunities. Ensure the disabled incarcerated persons are provided accommodations to access visiting.	PI	PI

IX.B.	Provision of assistance to persons with disabilities so that they can meaningfully participate in the Jails programs, services, and activities	MS	MS
IX.C.	Provision of reading and scribing documents (legal, medical, request forms, grievances, due process, etc.)	MS	MS
IX.D.	Equal access to library, recreational, and educational reading material	PI	PI
IX.E.1.	Logging and tracking of out-of-cell time, program participation, including acceptance, refusals, and amount Recommendation: Ensure the out-of-cell (dayroom and outdoor) tracking includes whether the incarcerated person with a disability accepts or refuses the out-of-cell opportunity, and if an incarcerated person accepts the out-of-cell opportunity, the amount of time spent out-of-cell.	NI	NI
IX.E.2.	ADA Unit interviews of disabled persons on a monthly basis	MS	MS
IX.E.3.	Annual review of structured programs Recommendation: Ensure that the annual review of structured programs includes an assessment of access to religious and reentry programs.	PI	NI
X.	ACCESS TO PROGRAM OPPORTUNITIES		
X.A.	Equitable work opportunities for disabled incarcerated persons	AI	AI
X.A.1.	Job descriptions and hiring criteria	MS	MS
X.A.2.	Individualized assessment by medical staff to identify work/duty restrictions Recommendation: Ensure that for the next monitoring round, the County produces medical progress notes for all cases (medical and mental health progress notes including dates of the review) for completed work assignment medical evaluations that were denied by CHS staff and not just the MMS.	PI	PI
X.A.3.	Consideration of reasonable accommodations by work supervisors with input from incarcerated persons	MS	MS
X.A.4.	Provision of equitable work opportunities for incarcerated persons with intellectual disabilities with appropriate accommodations Recommendation: Ensure that for the next monitoring round, the County produce documentation that incarcerated workers with intellectual disabilities, are being provided with appropriate accommodations and supports (e.g., additional supervision and training, modified production expectations, expanded timeframes for completion of projects, etc.	PI	PI
XI.	ACCESS TO COMMUNITY WORK PROGRAM		
XI.A.	Equitable Community Work Program opportunities for disabled incarcerated persons	AI	AI
XI.A.1.	Job descriptions and hiring criteria	MS	MS

XI.A.2.	Individualized assessment by medical staff to identify work/duty restrictions Recommendation: See the recommendation in section X.A.2 above.	PI	PI
XI.A.3.	Consideration of reasonable accommodations by work supervisors with input from incarcerated persons	AI	AI
XI.A.4.	Provision of equitable work opportunities for incarcerated persons with intellectual disabilities with appropriate accommodations	AI	AI
XI.B.	Ending of practice of medical staff not approving people with disabilities participation in CWP without consideration of essential functions and accommodations Recommendation: See the recommendation in section X.A.2 above.	PI	PI
XI.C.	Provision of reasonable accommodations	AI	AI
XII.	DISABILITY-RELATED GRIEVANCE PROCESS		
XII.A.1.	Informing incarcerated persons of disability grievance procedures	MS	MS
XII.A.2.	Effectively communicate grievance procedures	MS	MS
XII.B.	Tracking of grievances that request disability accommodations	MS	MS
XII.C.1.	Availability of grievance forms	MS	MS
XII.C.2.	Addressing grievances forms internally and not refusing, destroying a grievance form, or obstructing and interfering	MS	MS
XII.C.3.	Assisting Intellectual/Developmentally disabled persons to submit grievances and appeal of grievances	MS	MS
XII.D.1.	Screening of ADA-related grievances by Housing Sergeant Recommendation: Ensure ADA-related grievances and appeals that present an urgent issue immediately provide an interim accommodation that addresses the urgent issue pending a final response to the grievance or resolve the grievance promptly with the participation of health care staff.	PI	PI
XII.D.2.	Grievance responses within fourteen days Recommendations: Ensure the Facility Administrative Sergeant, in consultation with the ADA Compliance Unit, investigates all non-urgent ADA-related grievances and appeals and provides a written response within fourteen days of receipt. Ensure that each grievance response includes the date the response was provided to the incarcerated person to allow the Expert to monitor (and the County to track internally).	PI	NI
XII.D.3	When the County is unable to resolve a grievance within fourteen days. Recommendation: In cases where the County is unable to resolve ADA-related grievances within fourteen days (e.g., the incarcerated person must be referred to a specialist and the appointment will not occur within fourteen days or the grievance involves a personnel complaint), ensure the County provides a response within fourteen	PI	PI

	days communicating why the County cannot resolve the grievance within the fourteen-day deadline and, if relevant, provide information regarding any subsequent events scheduled to resolve the grievance (e.g., a specialist appointment) and address, as appropriate, the provision of interim accommodations pending resolution.		
XII.D.4.	<p>Grievance response requirements</p> <p>Recommendation: Ensure grievance responses include:</p> <ul style="list-style-type: none"> ○ Whether the grievance is granted, in whole or part, ○ The date of the grievance response and the date the issue was resolved (if applicable), ○ Clear language as to what the resolution is (e.g., "the device was delivered on [DATE]") rather than "your concern was addressed"). ○ The results of the medical evaluation (if applicable). 	PI	PI
XII.D.5.	<p>Input from OCSD and CHS when responding to grievances</p> <p>Recommendation: Ensure that, in responding to an ADA-related grievance, the ADA Compliance Unit receives input from all sources, including OCSD and CHS staff, as necessary.</p>	PI	NI
XII.D.6.	Interview by ADA Unit regarding requests for accommodation	PI	NI
XII.D.7.	<p>Inclusion of the process for appealing the grievance response</p> <p>Recommendation: Ensure all grievance responses include an explanation of the process for appealing the grievance response.</p>	NI	NI
XII.D.8.	<p>Effective communication of grievance or appeal responses</p> <p>Recommendation: Ensure staff effectively communicates all grievance and appeal responses to the grievant/appellant and documents the communication method(s) used and their effectiveness.</p>	NI	NI
XII.D.9.	Provision of grievance or appeal response	MS	MS
XII.E.	Retaliation for requesting accommodations or submitting grievances	MS	MS
XIII.	ALARMS/EMERGENCIES/ANNOUNCEMENTS		
XIII.A.	Accommodations for alarms and emergencies	MS	AI
XIII.B.	Policies for alarms and emergencies communicated to persons with disabilities using Effective Communication	MS	MS
XIII.C.	Communicating effectively during emergencies and alarms	MS	AI
XIII.D.	Offering of vests and maintenance and posting of list of persons with disabilities that require accommodations during emergencies and alarms	MS	MS
XIII.E.	Prioritizing of deaf or hard of hearing during alarms, emergency announcements, and evacuations	MS	AI
XIII.F.	<p>Effective communication of announcements</p> <p>Recommendation: Provide proof of practice that staff effectively communicates verbal announcements to persons with disabilities that affect communication.</p>	PI	PI

XIII.G.	Effective communication of all written notices Recommendation: Provide proof of practice that staff effectively communicate written notices to persons with disabilities that affect communication.	PI	PI
XIV.	SEARCHES, RESTRAINTS, AND COUNT		
XIV.B.	Provision of accommodations during searches, application of restraints, and count Recommendation: Establish a uniform procedure for staff to accommodate disabled incarcerated person when restraints are applied so they can use their assistive device and ambulate safely.	MS	MS
XV.	TRANSPORTATION		
XV.A.	Provision of accommodations when in transit	MS	MS
XV.B.	Availability of prescribed ACA/AD/DME during transport process	MS	MS
XV.C.	Use of accessible vehicles	MS	MS
XV.D.	Provision of staff assistance for mobility impairments during transport	MS	MS
XVI.	ADA TRAINING, ACCOUNTABILITY, AND QUALITY ASSURANCE		
XVI.A.	Annual staff ADA training	MS	AI
XVI.B.	Appropriate ADA training for ADA instructors	MS	MS
XVI.C.	Policies and procedures for monitoring, investigating, and tracking staff violations (or allegations of violations) of ADA requirements and Jail ADA policies Recommendation: Ensure the County finalizes and implements the OCSD written policies and procedures for monitoring, investigating, and tracking staff violations (or allegations of violations) of ADA requirements and Jail ADA policies.	PI	PI
XVI.D.	Development of an ADA accountability plan Recommendation: Ensure the County finalizes and implements the ADA accountability plan to timely log and investigate allegations from any source that staff has violated the ADA or Jail ADA-related policies and procedures. Ensure violations of the ADA or Jail ADA-related policies and procedures are logged and tracked and follow the CHS/OCSD progressive discipline policy	PI	PI

IV. Findings

A. Policies and Procedures (Section I)

- A. *It shall be the policy of the County to provide equal access to the Jail's services, programs, and activities to incarcerated people with disabilities. No person with a disability, as defined in 42 U.S.C. § 12102 and under California law, 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 shall be the policy of the County to provide reasonable accommodations or modifications where necessary to provide equal access to services, programs, or activities, consistent with the Americans with Disabilities Act ("ADA"), 28 C.F.R. § 35.130, and other applicable federal and state disability laws.*

As noted in the fourth report, two previous successive Compliance Reports have found that the provision has been adequately implemented. Therefore, monitoring of this provision is suspended.

Monitoring Suspended Based on Previous Findings of Compliance (Previous Rating Monitoring Suspended Based on Previous Findings of Compliance)

- B. *The County shall, within six (6) months of finalizing this RP and in consultation with Counsel and the joint Expert, complete revision of its policies, procedures, and practices to ensure compliance with the ADA, its implementing regulations, related federal and state disability laws, and to ensure compliance with the remedial provisions outlined herein. Implementation of revised policies, procedures, and practices will proceed expeditiously and consistently with the parties' agreement. The six-month implementation deadline will not apply to the County's development of a disability tracking system, addressed in Paragraph II.A.*

The County implemented the revisions to the Custody & Court Operations Manual (CCOM) 8000 - Inmates with Disabilities and the related forms.

During this monitoring period, the County reported that the drafting and revision of policies is ongoing. Correctional Health Services (CHS) implemented and/or revised the following policies:

- Health Care Agency Correctional Health Services Policy and Procedure 6602 Health Evaluations for OCSD Inmates who Violate Jail Rules (Effective date 4-24-24).
- Health Care Agency Correctional Health Services Policy and Procedure 1022 Inmate Workers (In-Jail and Community Work Program) (Effective 2-09-24, Revised 1-11-24)
- Health Care Agency Correctional Health Services Policy and Procedure 6002 ADA Effective Communication (Effective 6-28-24, Revised 1-23-24)
- Health Care Agency Correctional Health Services Policy and Procedure 6407 Reasonable Accommodations for Patients with Disabilities (Effective 6-28-24, Revised 2-23-24)

- Health Care Agency Correctional Health Services Policy and Procedure 8651 Cognitive, Intellectual, and Developmentally Disabled Patients (Effective 6-28-24, Revised 1-26-24)
- Health Care Agency Correctional Health Services Policy and Procedure 1000 Program Descriptions (Effective 6-28-24, Revised 11-30-22)

Implementation of policies continues to be ongoing, and additional policy revisions are being completed as compliance issues are identified.

Based on this, the Expert finds that the County has partially implemented the RP requirements.

Partially Implemented (Previous Rating Partially Implemented)

B. ADA Tracking Procedures (Section II)

- A. *The County shall implement a centralized, real-time networked electronic system to identify and track all incarcerated people with disabilities and their specific accommodation needs (the "ADA Tracking System"). The County will make its best effort to implement the ADA Tracking System by January 1, 2023, and will provide notice of any delay to this timeline to allow the parties to confer and address the matter. Until the new ADA Tracking System is in place, the County shall continue to use its existing system for tracking incarcerated person's disabilities and their specific accommodation needs ("Existing ADA Tracking System").*

During a previous on-site monitoring tour, the County provided a demonstration of the SOMA Jail Management System (JMS). The demonstration revealed that SOMA appears to include the functionality for the County to effectively manage the disability tracking requirements of the incarcerated persons with disabilities, their accommodation, and the provision of the accommodations.

The County reports that "The Jails' 24-hour Log, the Sergeants' Log, and the Watch Commanders' Log were deployed on the SOMA platform at the beginning of January 2024. Intake, inmate, and release modules and system interfaces are continuing to be developed. Due to the impact of the County's cyber incident that occurred in November 2023, these interfaces are expected this year. The ADA Compliance team is currently inputting all information from the ADA Tracking List and their ADA Initial and Monthly Interviews into SOMA, but the team continues to email out the ADA Tracking List and maintain records separately from SOMA.

OCSD finalized its contract with Guardian RFID (for tracking out of cell time, among other functions). The first phase of Guardian will be to track safety and security checks by deputies. Following that roll out, out of cell time will be the next phase. The date is to be determined."

During the on-site tour, the County reported the Guardian RFID has been deployed and staff are being trained. The County also reported that the Wi-fi is being expanded, and Guardian RFID will be integrated with SOMA. Additionally, the SOMA ADA module is being fine-tuned.

Pending the full implementation of SOMA, the County continues to use the existing system to track incarcerated person's disabilities and their specific accommodation needs with the OCSD's "Existing ADA Tracking System" as required by the RP.

The Expert will continue to monitor the functionality of SOMA and Guardian RFID once implemented to ensure the tracking requirements of the RP are functioning as required.

Based on this, the Expert finds that the County has partially implemented the RP requirements.

Partially Implemented (Previous Rating Partially Implemented)

B. The ADA Tracking System shall identify:

- 1. All types of disabilities, including but not limited to mental health, Intellectual/Developmental Disability, learning, speech, hearing, vision, mobility, dexterity, upper extremity, or other physical or sensory disabilities;*
- 2. Disability-related health care needs;*
- 3. Barriers to communication, including but not limited to Intellectual/Developmental Disability, learning, and hearing, speech, or vision disabilities;*
- 4. Accommodation needs, including but are not limited to accommodations related to housing, programming, classification, Effective Communication, adaptive supports, health care appliances, assistive devices, and/or durable medical equipment ("HCA/AD/DME");*

Please refer to Section B. A above for the Expert's analysis and observations.

Pending the full implementation of SOMA, the County continues to use the existing system to track incarcerated person's disabilities and their specific accommodation needs with the OCSD's "Existing ADA Tracking System" as required by the RP.

The Expert will continue to monitor the functionality of SOMA and Guardian RFID once implemented to ensure the tracking requirements of the RP are functioning as required.

Based on this, the Expert finds that the County has partially implemented the RP requirements.

Partially Implemented (Previous Rating Partially Implemented)

- C. The ADA Tracking System's information shall be readily accessible to and used by all custody, medical, mental health, program, and other staff who need such information to ensure appropriate accommodations, adaptive supports, and meaningful access for persons with disabilities.*

Please refer to Section B. A above for the Expert's analysis and observations.

Pending the full implementation of SOMA, the County continues to use the existing system to track incarcerated person's disabilities and their specific accommodation needs with the OCSD's "Existing ADA Tracking System" as required by the RP.

The Existing ADA Tracking System information continues to be available to custody and medical/dental and mental health staff, program staff, and work supervisors.

The Expert will continue to monitor the functionality of SOMA and Guardian RFID once implemented to ensure the tracking requirements of the RP are functioning as required.

Partially Implemented (Previous Rating Partially Implemented)

D. The ADA Tracking System shall not be called the "Special Needs List."

As noted in the fourth report, two previous successive Compliance Reports have found that the provision has been adequately implemented. Therefore, monitoring of this provision is suspended.

Monitoring Suspended Based on Previous Findings of Compliance (Previous Rating Monitoring Suspended Based on Previous Findings of Compliance)

C. Identifying People With Disabilities (Section III)

A. The County shall, throughout a person's time in custody, take steps to identify and verify each person's disability and disability-related needs.

The Health Care Agency Correctional Health Services Policy and Procedure 6407 Reasonable Health Accommodations for Patients with Disabilities and Health Care Agency Correctional Health Services Policy and Procedure 8651 Cognitive or Developmentally Disabled Patients include the process for the identification of incarcerated persons with disabilities and their disability-related accommodation needs. The disabilities include:

- Physical disabilities
 - Mobility
 - Dexterity
 - Sensory
 - Vision
 - Hearing
 - Speech
 - Cognitive/Comprehension

In a previous monitoring tour and subsequent report, one issue that was raised to DRC and the Expert during the CHS leadership team meeting is that Traumatic Brain Injury and Dementia are not showing up in the ADA tracking system, though there are individuals with such conditions who require accommodations/supports. These conditions should be captured as a sub-category of a Cognitive Disability. Although the County reported that

this issue would be addressed in the County's Action Plan, the County's Action Plans (CHS/OCSD) do not address this issue.

The Health Care Agency Correctional Health Services Policy and Procedure 6002 ADA Effective Communication includes a process for CHS staff to screen and identify the Effective Communication accommodation needs for incarcerated persons who are identified as blind, deaf, or hard of hearing, have low vision or speech, learning, cognitive or Developmental disabilities, traumatic brain injury, or a mental illness.

During the observation of the medical intake screening process at the Intake Release Center, all screening questions were asked by the two (2) intake nurses.

During the incarcerated person interviews, the following incarcerated persons reported that their disability had not been identified by staff and/or they had not been provided accommodations. The County has also provided information for these specific cases.

- Incarcerated person housed in IRC Mod N– Requested an evaluation for spine brace and extra mattress.
 - Patient was seen by provider 8/27/2024, TLSO brace ordered and provided to patient. No medical indication for extra mattress.
 - Back brace was not mentioned by patient during intake screening, nor were there message slips submitted requesting brace. Patient mentioned walker only for mobility device. On 8/10/24, patient was seen during RNSC to obtain signature for PHI to Cedars Sinai after MDSC 8/9/24, patient mentioned history of using a back brace. Received medical records from hospital (records from 2019) and patient was on MDSC for follow up regarding spinal injury scheduled 8/30/24.
- Incarcerated person housed in CMJ Mod O – Requested wrist brace and foam mattress.
 - Patient was referred to MDSC to address wrist brace issue and he declined to speak to provider and requested different provider. Patient was rescheduled for follow up evaluation with different provider per patient's request.
 - Case consulted with provider, wrist brace issue to be addressed during evaluation, Orthopedics scheduled 9/6/2024. CHS provider to follow up after specialty appointment.
 - No medical indication for foam mattress at this time.
- Incarcerated person housed in CMJ Mod O – Requested an evaluation for hearing aids (in custody since 1/21/21).
 - Booked in 1/21/21. No message slips from the patient regarding hearing aids received in 2024.
 - The patient was issued hearing amplifiers (wireless hearing amplifiers) from CHS in 2023, but hearing amplifiers were phased out due to technical issues (per supply). A new hearing amplifier pocket talker (Super Ear) was purchased.

- The patient was seen on 8/28/24. He denied having any issues with the pocket talker and stated that it helps him hear better. The patient requested earbuds instead of headphones. A service request was submitted.
 - The patient was seen on 8/29/24, and earbuds were provided per the patient's request, but one side did not work. ADA contacted the supply team and received clarification; only headphones will work for both sides. The patient agreed to use headphones instead of earbuds. The patient complained of worsening hearing in both ears. The patient was seen by audiology on 6/13/2023; recommendations included "Needs acoustic listening device in both ears. Needs lip reading, pocket talker for both ears, face talker...." Case consulted with a provider, recommended to have the patient be seen for cerumen impaction first, and if there is no improvement or no impaction, refer to the provider for further evaluation. Referred to provider for audiology referral.
- Incarcerated person housed in CMJ Mod O – Requested an evaluation for hearing aids and glasses (in custody since 3/31/22).
 - Booked on 3/31/22. There was no mention of hearing or hearing aids on the intake screen.
 - Patient referred to Audiology 11/10/22, Audiogram, eval for pocket talker- Pocket talker recommended and provided on 11/17/22.
 - No message slips from the patient regarding hearing aids received in 2024.
 - The patient was seen on 8/28/24, did not have a pocket talker, and could communicate effectively without difficulty. They denied having issues with the pocket talker and stated it helps him hear better. The patient requested headphones instead of earbuds. Service request submitted. The patient reported he is unable to see well with his current glasses. The patient was last seen by Optometry on 3/8/23 for evaluation, received prescription eyeglasses on 3/20/23 (lost), was given another pair on 3/3/24, and referred the patient to Optometry for evaluation.
 - The patient was seen on 8/29/24. The earbuds were retrieved, and headphones were provided. The patient verbalized that the device was working well. The patient complained of worsening hearing in the left ear compared to the right ear.
 - The patient was last seen by Audiology on 11/10/2022; recommendations included "Monitor per MD, Amplification & lip reading." The case consulted with a provider, have the patient be seen for cerumen impaction first, and if no improvement or impaction, refer to the provider for further evaluation. Referred to provider for audiology referral.
- Incarcerated person housed in TLF Mod O – Requested an evaluation for orthotic shoes.
 - Per provider I 10/2023, there is no indication for Ortho shoes.
 - Seen by provider on 04/29/2024 and provided with post-op shoes.
 - Seen by provider 08/28/2024. Surgery performed 8/29/24. Patient using wheelchair and brace post-op. MD will re-evaluate after physical therapy started.

- Incarcerated person housed in TLF Mod O — Requesting evaluation for shower chair, extra mattress, and shoe chrono (he states he had a shoe chrono last incarceration).
 - Chart reviewed—no previous order for a shower chair.
 - Receiving screen and FPW done by receiving nurse à referred to the provider. Order for walkers only.
 - They refused to see nursing for sick calls.
 - Seen by the medical provider on 07/26/2024 who continued his walker, fall precaution, low bunk, low tier chrono while in jail.
 - 08/12/2024 Seen by RN for shoe request. and referred to provider and no order for canvas shoes.
 - 08/28/2024 Seen by ADA nurse, and a new order for shower chair, canvas shoes, and extra mattress placed.
- Incarcerated person housed in CMJ Mod J - Requested an evaluation for a raised toilet (he states he had one in CDCR), a new right insert, a shower chair, a knee brace, and in-cell accommodations (grab bars) (in custody since 5/13/20).
 - ADA nurse contacted CDCR for disability history. Not ADA at time of discharge from CDCR in 2012. Hx of DME in 2007. Per CDCR, disability not severe enough to require special housing. DME removed from summary in 2012.
 - In custody since 5/13/20. Currently has low bunk, low tier, wc for long distances.
 - Seen and followed by Ortho clinic. Last consult 7/15/2024. No special accommodations recommended at that time.
 - Seen by a medical provider on 8/15/24 and noted to ambulate without difficulty/steady gait. Recommended to follow up with ortho, endocrine, and neurology to assess neuroendocrine function. Pending appointments.
 - Inserts evaluated 9/3/24 and in good condition.
- Incarcerated person housed in TLF G Barracks - Stated he reads lips. He is requesting a hearing aid for his left ear (he states he lost his during his arrest).
 - Referral placed for audiology.
- Incarcerated person housed in TLF Mod O - Requested a spinal cord stimulator iPod for a device he has in his back.
 - Seen by medical provider on 8/20/24. Patient noted he had neurotransmitter placed in 2016. Patient seen by provider on 9/4/24. Hospital records were requested. Awaiting the records.
- Incarcerated person housed in TLF Mod R – Requested an evaluation for hearing aids.
 - Scheduled for audiologist 9/4/24. ENT follow-up after audiology.
- Incarcerated person housed in TLF Mod P - Has been requesting new orthotic inserts (his orthotic inserts do not fit properly).
 - Podiatrist eval 9/24/24

The County has a comprehensive identification process in place for the identification of incarcerated persons with physical and cognitive disabilities at intake.

The Expert reviewed 788 ADA Interview/Activity Logs the County produced and noted that when interviewed by the ADA Compliance Unit staff, most disabled incarcerated persons advised the ADA staff they had in their possession the HCA/AD/DME and had been provided housing accommodations prescribed by the medical providers. However, during the ADA Interviews, the following disabled incarcerated persons reported they required the below-listed accommodations:

- States a wheelchair is sometimes not issued when going to Chow Hall. Advised to remind staff. Housing staff also reminded to review the ADA list.
- Second message slip received from inmate asking for shower chair and another chair to use while he is at rec or dayroom when on video calls. Inmate advised shower was approved per medical on 4/15/24. Regular chair is an accommodation he must request from Deputies which he must request from them as there is no current medical need per our records to use a chair during dayroom time.
- Per ADA nurse request, inmates' property was inspected to see if he had the knee brace, he was arrested with was in his property. Per ADA Deputy and RN, the inmate's property was inspected, and the inmate did have a knee brace on his property. However, the knee brace did have several large metal rods in it, and it was not deemed safe for inmates to have while in custody. A new knee brace will be ordered per RN to issue to the inmate.
- Spoke with medical staff face to face in the booking loop. Deputies/Medical assigned him a CHS wheelchair #2126 and placed the motorized WC in his property with no charging cord. ADA staff is currently trying to locate the safety and security document. CHS RN is trying to contact incarcerated persons girlfriend to obtain the WC charging cord.

The cases listed above are not a systemic issue, and it is the Expert's position that the County is taking steps to identify and verify each person's disability and disability-related needs throughout the incarcerated person's time in custody.

Based on this, the Expert finds that the County has adequately implemented the RP requirements.

Adequately Implemented (Previous Rating Adequately Implemented)

B. During the medical intake screening conducted for every person booked into the Jail, CHS staff shall take steps to identify and verify each person's disability and disability-related needs, including based on:

- 1. The individual's self-identification or claim to have a disability;*
- 2. Documentation of a disability in the individual's Jail health record and/or County (OCHCA) records;*
- 3. Staff observation/referral to ADA Unit regarding a person who may have a disability; or*
- 4. The request of a third party (such as a family member) for an evaluation of the individual for an alleged disability.*

The Health Care Agency Correctional Health Services Policy and Procedure 6407 Reasonable Health Accommodations for Patients with Disabilities includes the RP requirements, and Health Care Agency Correctional Health Services Policy and Procedure 8651 Cognitive or Developmentally Disabled Patients has been revised to include the RP requirements.

The HCA/CHS policies include the process for the identification of an incarcerated person's disability and their disability-related accommodation needs after their initial intake. During the observation of the medical intake screening process at the Intake Release Center, all screening questions were asked by the two (2) intake nurses. It is the Expert's position that the HCA/CHS PowerPoint training for the Triage team, which addresses the "what/why/how" in screening new bookings for ADA needs, was effective in addressing the deficiencies noted in the previous report. Additionally, the County reported that CHS follows the Staff Accountability Policy 1007 and addresses non-adherence to policy through Human Resources.

Based on this, the Expert finds that the County has adequately implemented the RP requirements.

Adequately Implemented (Previous Rating Adequately Implemented)

- C. *When conducting the medical intake screening, staff shall determine if the individual has a disability affecting communication and, if yes, provide and document the provision of Effective Communication during the medical intake screening.*

As noted in the fourth report, two previous successive Compliance Reports have found that the provision has been adequately implemented. Therefore, monitoring of this provision is suspended.

Monitoring Suspended Based on Previous Findings of Compliance (Previous Rating Adequately Implemented)

- D. *CHS staff shall conduct medical intake screenings, including for disabilities, in settings that allow for reasonable privacy and confidentiality.*

As noted in the fourth report, two previous successive Compliance Reports have found that the provision has been adequately implemented. Therefore, monitoring of this provision is suspended.

Monitoring Suspended Based on Previous Findings of Compliance (Monitoring Suspended Based on Previous Findings of Compliance)

- E. *When conducting screening and intake, CHS shall utilize evidence-based and Trauma-Informed practices that take into account that many incarcerated people have experienced trauma.*

As noted in the fourth report, two previous successive Compliance Reports have found that the provision has been adequately implemented. Therefore, monitoring of this provision is suspended.

Monitoring Suspended Based on Previous Findings of Compliance (Previous Rating Monitoring Suspended Based on Previous Findings of Compliance)

- F. If the medical intake screening identifies that the person in custody requires any accommodations (e.g., housing, HCA/AD/DME), such accommodations shall be provided promptly to the incarcerated person. The need for such accommodations shall also be communicated to all relevant staff and documented in the ADA Tracking System/Existing ADA Tracking System.*

As noted in the fourth report, two previous successive Compliance Reports have found that the provision has been adequately implemented. Therefore, monitoring of this provision is suspended.

Monitoring Suspended Based on Previous Findings of Compliance (Previous Rating Monitoring Suspended Based on Previous Findings of Compliance)

- G. The medical staff shall immediately notify custody staff and the ADA Compliance Unit regarding a person's disabilities and disability-related needs.*

As noted in the fourth report, two previous successive Compliance Reports have found that the provision has been adequately implemented. Therefore, monitoring of this provision is suspended.

Monitoring Suspended Based on Previous Findings of Compliance (Previous Rating Monitoring Suspended Based on Previous Findings of Compliance)

- H. All disabilities and disability-related accommodation needs identified during the intake process shall be tracked in the ADA Tracking System/Existing ADA Tracking System.*

The J-112 and J-105A continue to be provided to the ADA Compliance Unit staff. When received, the ADA Compliance Unit staff enter the information into the "Existing ADA Tracking System" for tracking purposes.

The Expert has reviewed the revised J-112 and J-105A forms and has determined that they satisfy the RP requirements. During a previous on-site monitoring tour, the County provided a demonstration of the SOMA Jail Management System (JMS). The demonstration revealed that SOMA appears to include the functionality for the County to effectively manage the disability tracking requirements of the incarcerated persons with disabilities, their accommodation, and the provision of the accommodations.

Please refer to Section B. A above for the Expert's analysis and observations.

Once SOMA is implemented, the Expert will assess compliance with this provision.

Based on this, the Expert finds that the County has partially implemented the RP requirements.

Partially Implemented (Previous Rating Partially Implemented)

- I. *CHS shall develop a process for conducting disability-related evaluations for persons in custody after the medical intake screening. Such evaluations can occur at the request of the person in custody, staff who observe a potential need for accommodation, or third parties. Like the medical intake screening, such evaluation shall be conducted by a qualified health care professional to determine whether a person has a disability and, if yes, any reasonable accommodations necessary for the person to have equal access to programs, services, and activities offered at the Jail.*

As noted in the fourth report, two previous successive Compliance Reports have found that the provision has been adequately implemented. Therefore, monitoring of this provision is suspended.

Monitoring Suspended Based on Previous Findings of Compliance (Previous Rating Adequately Implemented)

D. Orientation (Section IV)

- A. *The County shall ensure that persons with disabilities are adequately informed of their rights under the ADA, including but not limited to:*
 1. *The right to reasonable accommodations;*
 2. *The process for requesting a reasonable accommodation;*
 3. *The grievance process, location of the forms, and process for getting assistance in completing the grievance process;*
 4. *The role of the OCSD and CHS ADA Coordinators and methods to contact them;*
 5. *Instructions on how persons with disabilities can access health care services, including the provision of Effective Communication and other accommodations available in accessing those services; and*
 6. *The availability of and process for requesting access to auxiliary aids, including sign language interpreters and other accommodations for people with disabilities affecting communication.*

As noted in the fourth report, two previous successive Compliance Reports have found that the provision has been adequately implemented. Therefore, monitoring of this provision is suspended.

Monitoring Suspended Based on Previous Findings of Compliance (Previous Rating Monitoring Suspended Based on Previous Findings of Compliance)

- B. *Upon booking, persons with disabilities shall receive, in an accessible format (including in the Spanish language), an orientation video regarding rules or expectations. Once they are housed, persons with disabilities shall receive, in an accessible format (including in the Spanish language), the Jail rules, the ADA information brochure, and the ADA inmate*

qualifications/acknowledgment of rights/programs form as part of the initial ADA interview process conducted by the ADA Compliance deputies.

The County produced the Orange County Sheriff's Department Custody Orientation Video. The video is in English and Spanish and includes subtitle text. The County reported "the tablets have been rolled out system-wide, and the jail orientation video and three PREA videos have been added to the tablets. The videos are in English, and Spanish, and have closed captioning in English and Spanish. The ADA Compliance team have included as initial interview questions for persons with disabilities whether they have viewed, or listened to, and understand the videos or whether they need assistance. If the person needs assistance, the ADA Compliance team provides assistance. If the person has a disability affecting communication, the ADA Compliance team will ensure that effective communication is used to convey the contents of the videos."

The County previously reported the status of the television in the Booking Loop as follows:

- Female: PF 4, PF 5 ADA, PF 6, PF 7 (all are working)
- Male: PM 5, PM 6 ADA, PM 9, PM 10 ADA, PM 16, PM 18, PM 19, PM 20, PM 21, PM 24, PM 25 (all are working)
- The Dock Area (where arrestees wait to be seen by Medical prior to entering the booking loop): three (3) televisions, one (1) is dedicated to the orientation video; all are working.

The County also reported that since the last site visit, no new televisions have been added.

The ADA information brochure and the ADA inmate qualifications/acknowledgment of rights/programs form, which is part of the initial ADA interview process, are consistently completed by the ADA Compliance Unit staff. The Orientation and Jail Rules, New Inmate Orientation, is available in large print. The televisions in the Booking Loop are operational and were displaying the orientation and PREA videos. The Expert also confirmed the tablets also include the jail orientation video and PREA videos have been added to the tablets. The videos are in English and Spanish and have closed captioning in English and Spanish. The ADA Compliance team will ask persons with disabilities whether they have viewed, listened to, and understood the videos or whether they need assistance. If the person needs assistance, the ADA Compliance team provides assistance. If the person has a disability affecting communication, the ADA Compliance team ensures that effective communication is used when conveying the contents of the videos.

Based on this, the Expert finds that the County has Adequately implemented the RP requirements.

Adequately Implemented (Previous Rating Partially Implemented)

- C. *The County shall ensure that all information from the orientation process is communicated effectively to people with communication-related disabilities. The County shall ensure that any orientation videos are available with closed captioning and in the Spanish language.*

The County produced the Orange County Sheriff's Department Custody Orientation Video. The video is in English and Spanish and includes subtitle text. Although the video does

not include ASL format, the County reports accommodations for incarcerated persons whose preferred method of communication is ASL and the incarcerated person cannot read; they would be provided an ASL interpreter via VRI during the viewing of the orientation video. Additionally, in the review of the completed ADA Inmate Qualifications Acknowledgement of Rights/Programs, the Orange County Sheriff's Department Custody Operations ADA Information Brochures, and the ADA Interview/Activity Logs, Effective Communication accommodations are being provided to the incarcerated persons during the interviews by the ADA Compliance Unit staff as reflected in the ADA Interview/Activity Logs.

The Custody & Court Operations Manual (CCOM) 8000 - Inmates with Disabilities states, "Inmates identified by CHS staff will be interviewed by the facility ADA Deputy. Each inmate will be notified in writing regarding what level of programs and services they are eligible to receive based on classification level and medical needs. In addition, each inmate will receive a copy of the jail rules and correctional programs brochure. If an inmate requires assistance reading the orientation brochure, the ADA Deputy will take steps to ensure Effective Communication for the inmate." The policy also states, "Each inmate will receive a written copy of the Orange County Jail Rules and Orientation brochure as well as the ADA information brochure. Each inmate will sign acknowledging receipt of those documents. If an inmate is unable to read or understand the written material, due to various types of disabilities, ADA Compliance staff will make the appropriate accommodations to ensure Effective Communication." The policy further states, "ADA Compliance Unit shall document an inmate's disability as well as reasonable accommodations, including any Effective Communication needs, in the JMS and on the ADA Tracking List."

The County produced 109 OCSD Effective Communication Forms that were completed for the Initial ADA Interview. The Effective Communications Forms reflect that Effective Communication was provided during the interview, which includes information on the following:

- Recreation
- Education classes
- Religious services
- Visiting
- Grievance process
- Emergency/alarms
- Jail Rules
- Programs

The ADA Inmate Interview Worksheets reviewed reflect that the ADA Deputies ask and document whether the person saw or listened to the orientation and PREA videos and understood the videos. Listed below is an example of the language used by the ADA Deputies to log the responses:

- Stated he saw or heard the orientation video and PREA videos on the loop or tablet.
- Stated he understood the orientation video and PREA videos.

- Did not remember seeing the orientation video on the loop. ADA Deputies and CSA observed him in PM-10 during the booking process and saw the orientation video playing on the television in the cell. The video is closed-captioned.

Based on this, the Expert finds that the County has adequately implemented the RP requirements.

Adequately Implemented (Previous Rating Partially Implemented)

- D. The County shall post an ADA Rights Notice that provides information about incarcerated persons' rights under the ADA, reasonable accommodations, and contact information for the ADA Coordinator. The Notice shall be prominently posted in all housing units, in the booking/intake areas, in medical/mental health/dental treatment areas, and at the public entrances of all Jail facilities.*

As noted in the fourth report, two previous successive Compliance Reports have found that the provision has been adequately implemented. Therefore, monitoring of this provision is suspended.

Monitoring Suspended Based on Previous Findings of Compliance (Previous Rating Monitoring Suspended Based on Previous Findings of Compliance)

- E. The County shall ensure that staff orient and provide individualized support for persons who are blind, low vision, deaf, hard of hearing, or who have Developmental or Intellectual disabilities when the County initially places such people in housing or transfers such people to a new housing unit. The orientation must be effectively communicated to ensure that the person with a disability can safely navigate the housing unit and understands how to request assistance, including from staff working in the housing unit. The nature and extent of the orientation will depend on individual need.*

As noted in the fourth report, two previous successive Compliance Reports have found that the provision has been adequately implemented. Therefore, monitoring of this provision is suspended.

Monitoring Suspended Based on Previous Findings of Compliance (Previous Rating Monitoring Suspended Based on Previous Findings of Compliance)

E. Effective Communication (Section V)

- A. For people with disabilities affecting communication, the County shall assess each person's Effective Communication need and shall provide Effective Communication based on individual need.*

The Health Care Agency Correctional Health Services Policy and Procedure 6002 ADA Effective Communication includes a process for the CHS staff to assess an incarcerated person's Effective Communication needs during the medical intake screening process. Once identified, the CHS staff document the Effective Communication accommodations on the CHS Functional Performance Worksheet and the CHS Inmate Health and Mobility Notification Form J-105A. The J-105A is provided to classification staff and the ADA

Compliance Unit and entered into the Existing ADA Tracking System. The CHS has a process in place for the medical providers to identify the Effective Communication needs and provide and document the Effective Communication accommodations provided during the clinical encounter. The CHS policy also requires medical staff to access the ADA Tracking System or patient's EHR, as applicable, to identify whether the patient requires reasonable accommodations for Effective Communication prior to routine health encounters. CHS staff are also required to document the provision of Effective Communication in the patient's health record using an ADA Effective Communication form or directly enter the Effective Communication provided in the electronic medical record (electronic Effective Communication Form).

To measure the County's compliance with the requirement to provide Effective Communication, the Expert randomly selected 8 cases where the incarcerated person was identified as having a disability that affects communication. The Expert reviewed the medical progress notes in the EHR to determine if the medical staff provided and documented Effective Communication during the encounters. Listed below is a summary of the review:

- An incarcerated person with an intellectual disability (preferred method of communication: speak slowly and clearly) – Of three (3) medical encounters, the provision of Effective Communication was not documented in one (1) encounter.
- An incarcerated person with an intellectual disability (simple 1-2 instructions) – Of three (3) medical encounters, the provision of Effective Communication was not documented in two (2) encounters.
- An incarcerated person with an intellectual disability (simple 1-2 instructions) – Of two (2) medical encounters, the provision of Effective Communication was not documented in either encounter.
- An incarcerated person with a hearing disability (preferred method of communication ASL) – Of the 49 medical encounters, an SLI/VRI was not provided in 29 encounters.
- An incarcerated person with a hearing disability (preferred method of communication speak loud and clear) – Of the nine (9) medical encounters, Effective Communication was not documented in one (1) encounter.
- An incarcerated person with a hearing disability (preferred method of communication Pocket Talker and speak loudly) – Of the 26 medical encounters, an Effective Communication was documented in all 26 encounters.
- An incarcerated person with a hearing disability (preferred method of communication is Pocket Talker speak loudly) – Of the 27 medical encounters, the provision of Effective Communication was documented in all 27 encounters.
- An incarcerated person with a hearing disability (preferred method of communication: Speak Loud and Clear) – Of eight (8) medical encounters, the provision of Effective Communication was documented in all eight (8) encounters.

The County has implemented revisions to the Custody & Court Operations Manual (CCOM) 8000 - Inmates with Disabilities, which includes an Effective Communication section that requires custody staff to identify incarcerated persons with Effective Communication needs, provide and document the Effective Communication as required

by the RP. The form for staff to document Effective Communication has also been revised and implemented.

CHS has also implemented Policy 6002 – ADA Effective Communication. Based on the Expert's findings, the Expert recommends that further training of staff on the policy be provided, including the requirements to check and utilize the Effective Communication alert for each patient's Effective Communication needs in the EHR, provision of the patient's primary/preferred method of communication, and documentation on the EC form.

The Expert determined from interviews with classification staff, staff involved in the disciplinary process (issuance and hearings), and staff involved in the service of notices to appear and service of new charges that they are aware of the requirement to identify the Effective Communication needs and document the Effective Communication accommodations provided during due process events. The County produced 863 completed Orange County Sheriff's Department Effective Communication forms. The completed forms include documentation of Effective Communication for the following types of encounters:

- Housing Unit Orientation (210)
- ADA Interview (306)
- Classification (115)
- Intake ID/New charges (157)
- Release (74)
- Other (1)
 - Sergeants Interview (1)

The ADA Compliance Unit staff, staff that conduct the housing unit orientation, Classification staff, Intake/ID staff, and release staff consistently provide and document Effective Communication. However, the production of documents did not include completed Effective Communication Forms for disciplinary encounters. During the next rating period, the Expert will review these types of encounters to determine if OCSD is providing and documenting Effective Communication as required by the RP.

The review of the 788 ADA Interview/Activity Logs identified the following related to the provision of an ASL interpretation by staff and not a qualified interpreter:

- Inmate arrives to TL Mod R. Inmates' housing orientation was conducted by a CSA who knows ASL.

The County reported that OCSD continues to reinforce training on the requirements to provide and document Effective Communication and the use of the implemented Effective Communication form. OCSD's Correctional Programs is working on procedures for instructors to document effective communication for persons with disabilities affecting communication.

The ADA Compliance team created "Attachment A," which includes information for staff on the requirements to provide Effective Communication. "Attachment A" was posted in work locations in all facilities.

CHS reported that they will provide additional staff training on effective communication and policy 6002 and continue chart audits to ensure effective communication is appropriately addressed.

Based on this, the Expert finds the County has partially implemented the RP requirements.

Partially Implemented (Previous Rating Partially Implemented)

- B. The County shall assess all people detained at the Jail for any period of time to determine if they have a disability that affects communication. A disability affects communication if it affects hearing, seeing, speaking, reading, writing, or understanding. Persons who have disabilities affecting communication include, but are not limited to, people who are blind or have low vision, who are deaf or hard of hearing, who have a speech, learning, Intellectual/Developmental Disability, who have a traumatic brain injury, or who have a mental illness.*

As noted in the fourth report, two previous successive Compliance Reports have found that the provision has been adequately implemented. Therefore, monitoring of this provision is suspended.

Monitoring Suspended Based on Previous Findings of Compliance (Previous Rating Monitoring Suspended Based on Previous Findings of Compliance)

- C. In determining what accommodations are necessary to achieve Effective Communication, including what auxiliary aids and services may be necessary, the County shall give primary consideration to the preference of the person with Effective Communication needs.*

The revised and implemented Health Care Agency Correctional Health Services Policy and Procedure 6002 ADA Effective Communication states, "In determining what accommodations are necessary to achieve Effective Communication, including what auxiliary aids and services may be necessary, CHS staff shall give primary consideration to the preference of the patient." The revised and implemented Custody & Court Operations Manual (CCOM) 8000 - Inmates with Disabilities also requires the identification of the incarcerated person's primary method of communication.

The County reported that OCSD continues to reinforce training on the requirements to provide and document Effective Communication and the use of the implemented Effective Communication form. OCSD's Correctional Programs is working on procedures for instructors to document effective communication for persons with disabilities affecting communication. The County also reported that CHS will provide additional staff training on effective communication and policy 6002 and continue chart audits to ensure effective communication is appropriately addressed.

CHS provided the results of the Effective Communication Electronic Health Record audits. The results are listed below.

EC FLAG COMPLIANCE					
Month	Population with EC flag	Encounters	EC form	EC form Missing	Compliance (%)
January	25	121	93	28	77%
February	33	320	256	64	80%
March	35	533	430	103	81%
April	47	314	256	58	82%
May	53	369	306	63	83%
June	28	360	307	53	85%
EC FLAG COMPLIANCE					
Month	Population with EC flag	Encounters	EC form	EC form Missing	Compliance (%)
January	25	121	93	28	77%
February	33	320	256	64	80%
March	35	533	430	103	81%
April	47	314	256	58	82%
May	53	369	306	63	83%
June	28	360	307	53	85%

Note: I/DD Not Included

The ADA Compliance team created "Attachment A," which includes information for staff on the requirements to provide Effective Communication which is posted in work locations in all facilities.

The County has a process in place to identify the incarcerated person's Effective Communication accommodations, including the implementation of policy revisions and forms to ensure compliance with the RP.

However, based on the findings in Section V (E. Effective Communication A), further monitoring of implementation, including whether staff consistently give primary consideration to the preference of the incarcerated person with Effective Communication needs, will be necessary. Proof of practice through the review of completed Effective Communication forms and the implementation and utilization of SOMA's ADA tracking system will continue to be reviewed.

Based on this, the Expert finds that the County has partially implemented the RP requirements.

Partially Implemented (Previous Rating Partially Implemented)

- D. Effective auxiliary aids and services shall be provided when simple written or oral communication is not effective. Such aids may include, but are not limited to, bilingual aides, qualified sign language interpreters, certified deaf interpreters, oral interpreters, readers, sound amplification devices, captioned television/video text displays, speech-to-text, and real-time captioning, videophones, and other telecommunication devices for deaf persons (TDDs), video relay services, video remote interpreting services, audiotaped texts,*

Braille materials, large print materials, screen readers, writing materials, written notes, and signage.

The revised and implemented Health Care Agency Correctional Health Services Policy and Procedure 6002 ADA Effective Communication lists the following Assistive Devices and Methods of Technology that are Provided for Patients Needing ADA Effective Communication:

- Contracted qualified and certified translators and interpreters
- Qualified Sign Language interpreters, including American Sign Language (ASL) and Certified deaf interpreters
- Readers, speech-to-text, and real-time captioning
- Sound amplification devices
- Video Remote Interpreting (VRI)
- Video Relay Service (VRS)
- Closed captioning videos
- Speaking at an increased volume
- Speaking at a slower rate
- Providing replacement hearing aid batteries
- Large print educational handouts
- Issuing pocket talkers
- Repeating, rephrasing statements, and/or using basic language
- Allowing additional time for the patient to respond
- Vests to alert staff if the patient is hard of hearing or visually impaired
- Audiotaped texts, Braille materials, and screen readers
- Writing materials, written notes, and signage
- Providing a mental health clinical staff member to assist, when warranted, for patients with a cognitive or Developmental disability (refer to Health Care Agency Correctional Health Services Policy and Procedure Cognitive and Developmentally Disabled Patients)

The revised and implemented Custody & Court Operations Manual (CCOM) 8000 - Inmates with Disabilities lists the following assistance or accommodations that may be provided to incarcerated persons with Effective Communication accommodation needs:

- Use of a qualified sign language interpreter
- Use of Simple English
- Use of a bilingual aide
- Repeated statements
- Speaking slowly
- Rephrasing statements
- Using written communication
- Using lip reading (only if the inmate's preferred/primary method of communication is lip reading)
- Use of sound amplification device
- Captioned television/video text displays
- Speech-to-text and real-time captioning

- Videophones and other telecommunication devices for deaf inmates
- Braille materials
- Screen readers
- Reading documents to the inmate
- Providing magnifier
- Using large print
- Using scribe
- Any other tool that was used to facilitate Effective Communication

The County produced the following documents which reflect the VRI was provided for communication during the rating period (Medical):

- January 2024 – Two (2) occasions – 39 minutes
- February 2024 – Seven (7) occasions – 151 minutes
- March 2024 – Three (3) occasions – 89 minutes
- April 2024 – Four (4) occasions – 39 minutes
- May 2024 – Seventeen (17) occasions – 127 minutes
- June 2024 – Five (5) occasions – 17 minutes

The VRI invoices reflect the following (Custody):

- March 2024 VRI Usage – 67 minutes
- April 2024 VRI Usage – 27 minutes
- May 2024 VRI usage – 12 minutes

The County also produced OCSD Effective Communication Forms where an SLI/VRI was required:

- Classification interview – One (1) case
 - In the one (1) case, written communication was used
- Housing Unit Orientation – Two (2) cases
 - In both (2) cases, VRI was used
- ADA Initial/Monthly Interview – Two (2) cases
 - In only one (1) case, VRI was used
- Release Two (2) cases
 - In only one case, SLI was used
- Intake – Two (2) cases
 - In only one case, SLI was used

To measure the County's compliance with the requirement to provide Effective Communication, the Expert randomly selected 8 cases where the incarcerated person was identified as having a disability that affects communication. The Expert reviewed the medical progress notes in the Electronic Health Record to determine if the medical staff provided and documented Effective Communication during the encounters. For the summary of the review, see Section V (E. Effective Communication A). Further training and quality assurance are necessary to ensure consistent implementation of this provision by CHS staff.

The County produced 863 completed Orange County Sheriff's Department Effective Communication forms. For the summary of the review and the Expert's analysis, see Section V (E. Effective Communication A).

The Expert also reviewed 788 ADA Interview/Activity Logs the County produced and noted that the Activity Logs reflect that disabled incarcerated persons are provided with auxiliary aids and services (qualified sign language interpreters, readers, sound amplification devices, captioned television/video text displays, speech-to-text, and real-time captioning, videophones, and other telecommunication devices for deaf persons (TDDs), video relay services, video remote interpreting services, audiotaped texts, large print materials, writing materials, written notes, etc.) as required by the RP.

The ADA Interview/Activity Log reflects the following:

- ADA Deputy showed inmate how to access the "Talk Back" feature on the tablet and other features on tablet. Stated he wants to have another inmate help him with tablet. Advised he can contact housing staff or ADA staff if he needs further assistance.
- Large print jail rules given.
- Per inmate's request, inmate was issued an audio player (TLF #2) with audio tape titled "Carried" containing 15 books by ADA Deputy. Inmate was reminded he is responsible for audio player and tape and must return to staff if he is transferred or released.
- Asked for picture books or audio player as he cannot read. ADA Deputy helped him fill out message slip to programs to request picture books.
- ADA Deputy offered mag sheet reader. Declined it and asked for an electronic enlarging device. Per RN, their CHS notes stated he did not need a medical device to read small print. For above request, CHS medical responded, "They did not recommend any optical devices at this time because his vision did not improve with the devices. He was recommended adaptive tech devices. This is to provide enhancement for technology, like tablets, monitors, etc. Is your tablet able to enlarge the words? He can also request large print on books through programs. Per ADA Compliance, Tablets are capable of enlarged text and large print books are available on request.
- Inmate was issued Audio player TLF #5 and one tape containing 15 books. First book title "Sweep of the Heart".
- Requested a large print book or magnifying sheet. Magnifying sheet was provided by ADA Deputy. More large print books were requested from Programs staff.
- Provided +3 reading glasses.
- ADA Deputy issued 3.0 readers.
- Asked for +3.0 readers. Issued by ADA Deputy.
- Was given 2.0 reading glasses.
- Asked for help in obtaining a hotel voucher. ADA Deputy assisted in filling out a message slip to programs staff. Slip was forwarded to programs staff.
- Inmate returned previously issued audio book and requested a Spanish audio book. Inmate was issued, "Corazones de Hielo" plus 14 other audio books.
- Issued audiobook player #1 and books on tape.
- Was given audio player #7 and audio book "Dr. Zhivago" 15 books.

- Inmate was issued an audio player and one audio tape containing 15 audio books, "Sense In Sensibility In Sea Monsters."
- Mod N deputies notified the ADA Compliance Team that she had requested assistance logging into the ViaPath tablet. ADA Deputy and CSA responded and were able to assist her with finding her login information and signing in. ADA Deputy was able to help her navigate through the login process. She was able to log in and navigate the prompts on her own, without assistance, before the ADA Team left. CSA wrote her booking number and PIN in large black letters.

The County reported that OCSD continues to reinforce training on the requirements to provide and document Effective Communication and the use of the implemented Effective Communication form. OCSD's Correctional Programs is working on procedures for instructors to document effective communication for persons with disabilities affecting communication. The County also reported that CHS will provide additional staff training on effective communication and policy 6002 and continue chart audits to ensure effective communication is appropriately addressed.

The ADA Compliance team created "Attachment A," which includes information for staff on the requirements to provide Effective Communication which is posted in work locations in all facilities.

Based on this, the Expert finds that the County has partially implemented the RP requirements. The Expert will continue to monitor this provision closely with the rollout of the SOMA ADA Tracking System.

Partially Implemented (Previous Rating Partially Implemented)

- E. The County shall ensure that staff provide Effective Communication such that persons with communication-related disabilities can participate as equally as possible in Jail programs, services, and activities for which they are qualified.*

During the on-site monitoring tour program, staff interviewed stated they are provided the ADA Inmate Tracking List, and with this list, they are able to identify the Effective Communication accommodation needs of the incarcerated persons who are participating in the jail programs. The specific Effective Communication accommodation needs are listed in the Current ADA Tracking List.

During the incarcerated person interviews, the incarcerated persons reported the following:

- Five (5) incarcerated persons stated that although the ADA Deputies provide reading and writing assistance, housing unit staff do not assist them and refer them to the ADA Deputies or incarcerated persons.

The Expert was not able to confirm or refute these claims.

The ADA Interview/Activity Log reflects the following:

- ADA Deputy showed inmate how to access the “Talk Back” feature on the tablet and other features on tablet. Stated he wants to have another inmate help him with tablet. Advised he can contact housing staff or ADA staff if he needs further assistance.
- Large print jail rules given.
- ADA Deputy offered mag sheet reader. Declined it and asked for an electronic enlarging device. Per RN, their CHS notes stated he did not need a medical device to read small print. For above request, CHS medical responded, "They did not recommend any optical devices at this time because his vision did not improve with the devices. He was recommended adaptive tech devices. This is to provide enhancement for technology, like tablets, monitors, etc. Is your tablet able to enlarge the words? He can also request for large print on books through programs. Per ADA Compliance, Tablets are capable of enlarged text and large print books are available on request.
- Requested a large print book or magnifying sheet. Magnifying sheet was provided by ADA Deputy. More large print books were requested from Programs staff.
- Asked for help in obtaining a hotel voucher. ADA Deputy assisted in filling out a message slip to programs staff. Slip was forwarded to programs staff.
- Mod N deputies notified the ADA Compliance Team that she had requested assistance logging into the ViaPath tablet. ADA Deputy and CSA responded and were able to assist her with finding her login information and signing in. ADA Deputy was able to help her navigate through the login process. She was able to log in and navigate the prompts on her own, without assistance, before the ADA Team left. CSA wrote her booking number and PIN in large black letters.

The County reported that OCSD continues to reinforce training on the requirements to provide and document Effective Communication and the use of the implemented Effective Communication form. OCSD's Correctional Programs is working on procedures for instructors to document effective communication for persons with disabilities affecting communication. The County also reported that CHS will provide additional staff training on effective communication and policy 6002 and continue chart audits to ensure effective communication is appropriately addressed.

There continues to be progress on this RP provision. However, as in the previous report, there also continue to be several sub-components to this provision that are discussed in this section that have been rated as Partially Implemented. There are still some concerns with the provision of Effective Communications by CHS and OCSD staff. Although custody staff interviewed reported they are aware of the Effective Communication form and check for Effective Communication needs and are also knowledgeable of the Effective Communication requirements, there were cases where the incarcerated person's preferred method of communication was not used. During the next monitoring tour, the Expert will review the documents to measure the County's compliance with the RP requirements. This includes documents that reflect the provision of Effective Communication during the incarcerated persons' participation in Jail programs, services, and activities such as education, religion, and work assignments.

Based on this, the Expert finds that the County has partially implemented the RP requirements.

Partially Implemented (Previous Rating Partially Implemented)

F. The requirements in subsection (G) shall apply for Effective Communication in the following situations:

1. Due Process Events

- a. Classification processes;*
- b. Jail disciplinary hearing and related processes;*
- c. Service of notice (to appear and/or for new charges);*
- d. Release processes;*

2. Clinical Encounters

- a. Obtaining medical history or description of ailment or injury;*
- b. Communicating diagnosis or prognosis;*
- c. Providing medical care (note: medical care does not include medication distribution);*
- d. Performing medical evaluations;*
- e. Providing mental health care;*
- f. Performing mental health evaluation;*
- g. Providing group and individual therapy, counseling, and other therapeutic activities;*
- h. Providing patient's rights advocacy/assistance;*
- i. Obtaining informed consent or refusal for provision of treatment;*
- j. Explaining information about medications, medical or mental health procedures, treatment, or treatment options;*
- k. Explaining discharge instructions;*
- l. Providing clinical assistance during a medical/mental health round (note: this requirement does not apply to performing routine medical/mental health safety checks).*

The revised and implemented Health Care Agency Correctional Health Services Policy and Procedure 6002 ADA Effective Communication lists the following clinical encounters that require the provision of Effective Communication accommodations and completion of an ADA Effective Communication:

- Health history, current ailments, and/or injuries
- Diagnosis, treatment options, and prognosis
- Health evaluations
- Individual and group therapy/counseling and evaluation sessions
- Assistance with patient's rights advocacy
- Informed consent or refusal of health care
- Explaining medications, medical or mental health procedures, and discharge instructions
- Providing clinical assistance during a medical/mental health round

The revised and implemented Custody & Court Operations Manual (CCOM) 8000 - Inmates with Disabilities lists the following events and other processes that rise to the level of the higher standard for ensuring Effective Communication by OCSD staff:

- Classification interviews and processes
- Sergeant's Disciplinary Hearings
- Major Jail Rule Violation Interviews (e.g., serving initial copies of documents, etc.)
- Special Management Unit placement and related processes
- Service of notice (to appear and/or for new charges)

The County reported that OCSD continues to reinforce training on the use of the form for Due Process Events. The County also reported that CHS will provide additional staff training on effective communication and policy 6002 and continue chart audits to ensure effective communication is appropriately addressed.

To measure the County's compliance with the requirement to provide Effective Communication, the Expert randomly selected 8 cases where the incarcerated person was identified as having a disability that affects communication. The Expert reviewed the medical progress notes in the Electronic Health Record to determine if the medical staff provided and documented Effective Communication during the encounters. For the summary of the review, see Section V (E. Effective Communication A). Further training and quality assurance are necessary to ensure consistent implementation of this provision by CHS staff.

The County produced 863 completed Orange County Sheriff's Department Effective Communication forms. For the summary of the review and the Expert's analysis, see Section V (E. Effective Communication A).

The ADA Compliance Unit staff, staff that conduct the housing unit orientation, Classification staff, Intake/ID staff, and release staff consistently provide and document Effective Communication. However, the production of documents did not include completed Effective Communication Forms for disciplinary encounters. During the next rating period, the Expert will review these types of encounters to determine if OCSD is providing and documenting Effective Communication as required by the RP.

Based on this, the Expert finds that the County has partially implemented the RP requirements.

Partially Implemented (Previous Rating Partially Implemented)

G. In the situations described in subsection (F) above, Jail staff shall:

- 1. Prior to the encounter, access the ADA Tracking System or Electronic Health Record system (as applicable) and identify if the person requires reasonable accommodation(s) for Effective Communication;*
- 2. Provide reasonable accommodation(s) to achieve Effective Communication and*
- 3. 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 revised and implemented Health Care Agency Correctional Health Services Policy and Procedure 6002 ADA Effective Communication and the revised and implemented Custody & Court Operations Manual (CCOM) 8000 - Inmates with Disabilities include the RP requirements for the identification, provision, and documentation of the Effective Communication accommodations.

To measure the County's compliance with the requirement to provide Effective Communication, the Expert randomly selected 8 cases where the incarcerated person was identified as having a disability that affects communication. The Expert reviewed the medical progress notes in the Electronic Health Record to determine if the medical staff provided and documented Effective Communication during the encounters. For the summary of the review, see Section V (E. Effective Communication A). Further training and quality assurance are necessary to ensure consistent implementation of this provision by CHS staff.

The County also produced OCSD Effective Communication Forms where an SLI/VRI was required. For the summary of the review, see Section V (E. Effective Communication D).

A review of EHRs and Effective Communication Forms reveals that some medical providers and OCSD staff continue to not follow requirements for Effective Communication, including the use of the incarcerated person's preferred method of communication and accessing VRI/SLI when warranted. The County must ensure staff identify, provide, and document the incarcerated person's preferred method of communication.

The County has revised and implemented the Custody & Court Operations Manual (CCOM) 8000 - Inmates with Disabilities and the associated Effective Communication Form and process for custody and classification staff to identify, provide, and document the Effective Communication accommodations.

The County reported that OCSD continues to reinforce training on the use of the Effective Communications form for Due Process Events and CHS will provide additional staff training on effective communication and policy 6002 and continue chart audits to ensure effective communication is appropriately addressed.

Based on this, the Expert finds that the County has partially implemented the RP requirements.

Partially Implemented (Previous Rating Partially Implemented)

- H. Lip reading generally should not be used by staff as a means of Effective Communication. If an incarcerated person's preferred/primary method of communication is lip reading, then staff shall accommodate by speaking slowly and loudly.*

As noted in the fourth report, two previous successive Compliance Reports have found that the provision has been adequately implemented. Therefore, monitoring of this provision is suspended.

Monitoring Suspended Based on Previous Findings of Compliance (Previous Rating Monitoring Suspended Based on Previous Findings of Compliance)

- I. *The County shall establish a process for logging all instances where sign language interpreters are provided to persons in custody. The County shall also log all instances where a sign language interpreter was needed but was not provided.*

The revised and implemented Health Care Agency Correctional Health Services Policy and Procedure 6002 ADA Effective Communication states, "In the event a SLI is not available, is waived, or refused by the patient, CHS clinical staff shall employ the most effective form of communication available (i.e., VRI) when communicating with a patient with a hearing disability. For patients refusing SLI assistance, A Refusal to Accept Treatment and Release of Liability Form is completed with the reason."

The revised and implemented Custody & Court Operations Manual (CCOM) 8000 - Inmates with Disabilities policy states, "Staff shall complete the Effective Communication (EC) form and notify (email) the ADA Compliance Unit and record when, for whom, and for what purpose a sign language interpreter was used. If there is a safety or security risk presented that does not permit the use of a Sign Language interpreter or VRI device, staff must document the justification for proceeding without those services on the Effective Communication (EC) form."

OCSD continues to reinforce training on the requirements to provide and document Effective Communication and the use of the Effective Communication form. OCSD's Correctional Programs is working on a process for instructors to document effective communication for persons with disabilities affecting communication. When the provision of SLI is needed, OCSD will use VRI. Barring a significant emergency where VRI services are down, there should not be an instance where an interpreter is needed but not provided. The County also reported that CHS will provide additional staff training on effective communication and policy 6002 and continue chart audits to ensure effective communication is appropriately addressed.

To measure the County's compliance with the requirement to provide Effective Communication, the Expert randomly selected 8 cases where the incarcerated person was identified as having a disability that affects communication. The Expert reviewed the medical progress notes in the Electronic Health Record to determine if the medical staff provided and documented Effective Communication during the encounters. For the summary of the review, see Section V (E. Effective Communication A). Further training and quality assurance are necessary to ensure consistent implementation of this provision by CHS staff.

The County also produced OCSD Effective Communication Forms where an SLI/VRI was required. For the summary of the review, see Section V (E. Effective Communication D).

The ADA Compliance Unit staff, staff that conduct the housing unit orientation, Classification staff, Intake/ID staff, and release staff consistently provide and document Effective Communication. However, the production of documents did not include completed Effective Communication Forms for disciplinary encounters. During the next

rating period, the Expert will review these types of encounters to determine if OCSD is providing and documenting Effective Communication as required by the RP.

Although the County has policies, procedures, and processes, including the associated forms for staff to document the provision of sign language interpreters, in the cases where staff did not document the instances where an interpreter was needed but was not provided, the Expert finds that the County has partially implemented the RP requirements. The Expert will monitor these processes in the context of the rollout of the SOMA ADA tracking system.

Partially Implemented (Previous Rating Partially Implemented)

F. Intellectual and Developmental Disabilities (Section VI)

- A. *OCSD and CHS shall develop and implement comprehensive and coordinated written policies and procedures on serving incarcerated people with Intellectual/Developmental Disabilities.*

The revised and implemented Health Care Agency Correctional Health Services Policy and Procedure 8651 Cognitive or Developmentally Disabled Patients includes comprehensive policies and procedures for the identification and verification of incarcerated persons with cognitive and Developmental disabilities and their adaptive support deficits and adaptive support needs. The County is currently screening all incarcerated persons at booking for cognitive and Developmental disabilities.

In addition, CHS has developed and implemented the revised Functional Performance Worksheet that includes procedures for the assessment of needs related to Activities of Daily Living and cognitive processing.

The revised and implemented Health Care Agency Correctional Health Services Policy and Procedure 8651 Cognitive or Developmentally Disabled Patients includes the following process for the screening/identification of incarcerated persons known to have an Intellectual/Developmental Disability:

- If a person is known to have an Intellectual/Developmental Disability identified by CDCR, Family, or Regional Center, the CHS ADA committee will complete a Functional Performance Worksheet (FPW), J-112, and J-105 within seven (7) business days.
- CHS ADA committee will refer the person to a licensed clinical psychologist for follow up if assistance is identified and needed within a reasonable time period of no more than 14 days. An appointment shall be scheduled in the Mental Health Clinical Staff Sick Call, and an email reminder shall be sent to the CHS licensed clinical psychologist.
- CHS ADA committee will add the person known to have an Intellectual/Developmental Disability onto the ADA Functional List and put a "DD" flag in TechCare.
- A licensed psychologist will continue to provide behavioral health services, which include but are not limited to developing an individualized plan that addresses (1) safety, vulnerability, and victimization concerns, (2) adaptive support needs, and

- (3) programming, housing, and accommodation needs while the person is in custody.
- Follow-up behavioral health services by a licensed clinical psychologist will be provided every 30 days or as needed.
- The individualized plan will be documented as a CIP/CARE PLAN in TechCare.
- If the licensed psychologist becomes aware that a person with an Intellectual/Developmental Disability has a change in (1), (2), and/or (3) above during a follow-up visit, the licensed psychologist will schedule a referral for Medical Case Management Sick Call with the subject line stating “ADA DD Update” to inform the multidisciplinary ADA team to review the plan to update appropriate intervention(s) implemented.

The following process is in place for the screening/identification of incarcerated persons suspected of having an Intellectual/Developmental Disability:

- If a person is suspected of having an Intellectual/Developmental Disability, a referral shall be made by scheduling an appointment in TechCare for a secondary screening performed by a licensed clinical psychologist within seven (7) business days.
- The secondary screening includes:
 - Mental Health Cognitive Deficit Assessment Notes
 - California Adaptive Support Evaluation
 - Montreal Cognitive Assessment
 - Completion of a Functional Performance Worksheet
 - Completion of a J-105 and J-112
- If the screening result confirms the suspicion, the licensed clinical psychologist shall inform the CHS ADA committee by scheduling a Medical Case Management Sick Call with the subject line "ADA DD update" to add the person to the ADA Functional List and activate a DD flag in TechCare.
- The licensed clinical psychologist will follow up with patients.

The revised and implemented Custody & Court Operations Manual (CCOM) 8000 - Inmates with Disabilities policy includes comprehensive policies and procedures and include specific processes for the following:

- Tracking of incarcerated persons who have been identified with Intellectually/Developmental disabilities and their adaptive support needs.
- Housing, including safety considerations.
- Provision of adaptive supports (monitoring, prompts, reminders, etc.) for showers, brushing teeth, laundry exchange, cell cleaning, recreation/dayroom, commissary, property, health care appointments, and victimization concerns.
- Multidisciplinary Team.

With the implementation of the revised Custody & Court Operations Manual (CCOM) 8000 - Inmates with Disabilities and implementation of the revised Health Care Agency Correctional Health Services Policy and Procedure 8651 Cognitive or Developmentally Disabled Patients, the County has comprehensive and coordinated written policies and procedures on identifying and serving incarcerated people with Intellectual/Developmental

Disabilities. The medical intake nurses are asking all of the screening questions, and during the Expert's observations, a medical intake nurse identified a suspected intellectual/developmentally disabled person who reported he was a previous Regional Center consumer and referred the case for secondary screening.

Based on this, the Expert finds that the County has adequately implemented the RP requirements.

Adequately Implemented (Previous Rating Adequately Implemented)

B. CHS will develop and adopt a comprehensive screening process for trained clinical staff to identify Intellectual/Developmental Disabilities, including cognitive deficits, adaptive functioning deficits, and adaptive support needs.

- 1. If a person is known to have or suspected of having an Intellectual/Developmental Disability, the County shall provide a secondary screening performed by a licensed clinical psychologist within seven (7) business days.*
- 2. CHS will timely contact the appropriate Regional Center and request the person's current Individualized Program Plan (IPP) with the person's authorization. Once received, health care and custody staff will review the IPP to ensure that appropriate supports and services are provided.*
- 3. 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.*
- 4. CHS and OCSD will timely provide relevant information and input about a person's Intellectual/Developmental Disabilities and related needs to OCSD Classification and ADA Compliance Unit staff for appropriate consideration as to housing, work assignments, disciplinary measures, and other relevant matters.*

As detailed in section F.A. above, the County has implemented a screening process for trained clinical staff to identify Intellectual/Developmental Disabilities, including cognitive deficits, adaptive functioning deficits, and adaptive support needs. The screening process includes the RP requirements.

The CJX and TLF ADA Tracking Lists produced during the on-site monitoring tour include 36 incarcerated persons identified as Developmentally Disabled (8 pending DD screening). The County also produced 36 OCSD CHS J-112s that designated incarcerated persons as "Cognitive Disabled." The County did not produce a "Regional Center" spreadsheet as has been produced in previous document productions. CHS produced a sample of three (3) completed Intellectual/Developmental disability assessments.

- Case #1 apprehended April 4, 2024, and evaluation was conducted on May 17, 2024
- Case #2 apprehended April 23, 2024, and evaluation was conducted on May 27, 2024
- Case #3 apprehended May 15, 2024, and evaluation was conducted on May 27, 2024

In all three cases, the secondary screening was not performed within seven (7) business days. CHS completes and provides a Functional Performance Worksheet to OCSD Classification and ADA Compliance Unit staff, advising them of information for consideration for housing, work assignments, disciplinary measures, and other relevant matters.

CHS did not provide documents for the Expert to measure compliance with the requirement for CHS to contact the appropriate Regional Center and request the person's current Individualized Program Plan and, whenever possible, 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.

For future monitoring, the Expert will need the information listed above, including all screening results, to measure the County's compliance with the RP requirements.

Based on this, the Expert finds that the County has partially implemented the RP requirements. Post-tour, CHS reported that screening results for future monitoring will be produced.

Partially Implemented (Previous Rating Partially Implemented)

- C. *A multidisciplinary team that includes appropriate healthcare staff shall monitor and ensure appropriate care and support for people with an Intellectual/Developmental Disability. For each patient, the multidisciplinary team will develop an individualized plan that 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 reviewed quarterly. If a member of the team becomes aware that a person with an Intellectual/Developmental Disability has a change in (1), (2), or (3) above, the team will promptly review and, if necessary, update the person's plan.*

As noted in the fourth report, two previous successive Compliance Reports have found that the provision has been adequately implemented. Therefore, monitoring of this provision is suspended.

Monitoring Suspended Based on Previous Findings of Compliance (Previous Rating Adequately Implemented)

- D. *Relevant staff, including housing deputies, the ADA Compliance Unit, and work supervisors/teachers, shall be trained and informed, as appropriate, as to (a) incarcerated people with Intellectual/Developmental Disabilities, their individualized plan, and related accommodation and adaptive support needs; and (b) staff responsibilities to provide for such needs as well as to monitor for and address any safety, vulnerability, or victimization concerns.*

As noted in the fourth report, two previous successive Compliance Reports have found that the provision has been adequately implemented. Therefore, monitoring of this provision is suspended.

Monitoring Suspended Based on Previous Findings of Compliance (Previous Rating Monitoring Suspended Based on Previous Findings of Compliance)

- E. *People identified as having an Intellectual/Developmental Disability shall be provided with accommodations and adaptive supports tailored to their needs, including (but not limited to) communications at the appropriate comprehension level, more time to complete directions, and specific behavioral and activities of daily living (ADL) supports.*
1. *Jail staff will be assigned, as appropriate, to assist with health appointments, classification or disciplinary proceedings, housing/facility transfers, and other events involving potentially complex communications.*
 2. *The ADA Compliance Unit shall track provision of supports for people with Intellectual/Developmental Disabilities on the ADA Inmate Activity Log.*

The County reported that OCSD is developing a log for staff to log instances of assistance and adaptive supports provided to persons with Intellectual/Developmental disabilities. The County also reported that CHS is working to incorporate staff assistance for the IDD population into the Effective Communication process to ensure this accommodation is provided and documented when necessary. CHS will produce associated policies/procedures once finalized.

The revised and implemented Custody & Court Operations Manual (CCOM) 8000 - Inmates with Disabilities includes the RP requirement for staff to provide incarcerated persons with Intellectual/Developmental disabilities with accommodations and adaptive supports tailored to their needs, including (but not limited to) communications at the appropriate comprehension level, more time to complete directions and specific behavioral and activities of daily living (ADL) supports. The Custody & Court Operations Manual (CCOM) 1602.5 Discipline Policy states, "The inmate shall have access to staff or inmate assistance when the inmate is illiterate, or the issues are complex." The Custody & Court Operations Manual (CCOM) 1200 Classification Policy does not address the RP requirements for Jail staff to be assigned as an assistant, as appropriate, to assist with the classification proceedings/hearings, housing/facility transfers, and other events involving potential complex communications. The Health Care Agency Correctional Health Services Policy and Procedure 8651 Cognitive or Developmentally Disabled Patients states, "ADA Nurse Coordinator Responsibilities may include assisting the patient with comprehension with non-emergent health interviews/appointments."

The Revised Health Care Agency Correctional Health Services Policy and Procedure 6407 Reasonable Health Accommodations for Patients with Disabilities states, "When clinically indicated, CHS mental health clinical staff serve as assistants for patients diagnosed with a cognitive or Developmental disability to assist with non-emergent health interviews/appointments, custody disciplinary hearings, and inter and intra-facility transfers (refer to CHS P&P 8651 Cognitive and Developmentally Disabled Patients)."

However, the County is still in the process of developing an Intellectual/Developmental Disability Housing Unit Adaptive Support Needs Log. During the on-site review, the County provided the Expert with a draft log. The County reported it is considering requiring that staff provide and document all adaptive supports reflected on the log. It is the Expert's position that this may lead to the incarcerated person feeling annoyed and aggravated at

being reminded and prompted to perform ADLs they perform on their own without needing reminders. The Expert recommends that the Adaptive Support Needs Log be individualized and based on the individualized plan developed by CHS. The Expert further recommends that CHS and OCSD collaborate on the development of the Adaptive Support Needs Log.

The County produced 79 ADA Interview/Activity Logs for incarcerated persons identified as having an Intellectual/Developmental disability. The logs reflect ADA Compliance Unit staff meet monthly with the incarcerated person to address verbal and written communication, visits, commissary, and self-care. The ADA Interview/Activity Logs do not reflect any entries by housing unit, work supervisors, or program staff who provided accommodations and adaptive supports, including communications, more time to complete directions, and specific behavioral and ADL supports and assistance with health appointments, classification, or disciplinary proceedings, housing/facility transfers, and other events involving potentially complex communications.

Although staff interviewed reported that they provide adaptive supports (assistance, prompts, reminders, and monitoring), other than the ADA Inmate Activity Logs, which reflect that the ADA Compliance Unit provided accommodations and adaptive supports during the orientation and monthly ADA interviews, the County did not produce documentation of cases where staff provided assistance with health appointments, classification or disciplinary proceedings, housing/facility transfers, and other events involving potentially complex communications. Custody housing unit staff reported that they document the assistance and supports provided in the "Daily Activity Log." The Expert reviewed a sampling of the "Daily Activity Logs" for housing units where intellectually disabled incarcerated persons were housed. In the review, there was no documentation by housing unit staff for the provision of accommodations and adaptive supports, including communications, more time to complete directions, and specific behavioral and ADL supports and assistance with health appointments, classification, or disciplinary proceedings, housing/facility transfers, and other events involving potentially complex communications.

Based on this, the Expert finds the County has partially implemented the RP requirements.

Partially Implemented (Previous Partially Implemented)

- F. Incarcerated people with Intellectual/Developmental Disabilities, as well as learning disabilities, will have access to easy reading books, magazines, and electronic tablet programs consistent with their reading and cognitive abilities, such that they have equal access to such materials as compared with other incarcerated people at the Jail.*

During the previous monitoring period, the County reported that the tablet vendor reported that there will not be easy-reading books on the tablets; however, easy-reading books will continue to be made available to incarcerated persons.

During the on-site monitoring tour, the Expert confirmed that easy reading recreational materials (books) were available in all housing units where incarcerated persons with Intellectual/Developmentally are housed.

In addition, in a review of the ADA Interview/Activity Logs for incarcerated persons with Intellectual/Developmental Disabilities, during the interview with ADA Compliance Unit staff, the ADA Deputy offers the incarcerated person easy reading books. Additionally, the County reported that during the interview with ADA Compliance Unit staff, the ADA Deputy queries the incarcerated person regarding his/her access to the tablets. In a review of the logs, the Expert found the following entries:

- Asked for picture books or audio player as he cannot read. ADA Deputy helped him fill out message slip to programs to request picture books.
- He spoke with ADA Deputy in his housing location and asked how to request someone to teach him to read. ADA Deputy completed an inmate message slip for him and submitted it to Programs. Programs staff enrolled him into an ESL class starting next week.
- Was having difficulty logging into the Viapath tablet as it would get hung up on the portion where he enters his date of birth. Viapath notified.
- States he was able to access the Viapath tablet (28 entries).
- Is offered the Via path but does not like using it.
- Inmate asked ADA Deputy that "Cannot get text messages that are sent by family". Also stated his PIN does not work on the tablet but works on the dayroom phone. ViaPath notified. ViaPath advised that the texting feature is currently not activated in the jail.
- Stated he has access to the Viapath tablet daily, per court order. Stated he is taking several education programs on the tablet, along with church services.

Based on this, the Expert finds the County has adequately implemented the RP requirements.

Adequately Implemented (Previous Rating Adequately Implemented)

- G. *CHS and OCSD staff will provide discharge planning tailored to the needs of people with Intellectual/Developmental Disabilities, including appropriate and effective linkages to housing assistance and community-based service providers.*

The revised and implemented Health Care Agency Correctional Health Services Policy and Procedure 8651 Cognitive or Developmentally Disabled Patients states, "Discharge Planning - CHS JCRP Clinicians are responsible for coordinating discharge planning for patients with cognitive and or Developmental disabilities, making referrals, and linking them to appropriate community providers."

OCSD produced an Excel spreadsheet "Cognitive or Developmental or Learning 01-01-24 thru 6-30-24. The spreadsheet has a column "Discharge Plan Completed by OCSD/Inmate Services?" Of the 86 entries, the spreadsheet reflects:

- 83 cases - No discharge plan completed by OCSD.
- 1 case – Discharge plan completed.
- 1 case – Assessment and DP offered - Inmate Refused.
- 1 case – Refused DP, but general resource packet provided.

OCSD reported that for incarcerated persons with cognitive, developmental or learning disabilities, discharge planning is done by CHS JCRP. This is the reason that in these cases, no discharge plan was done by OCSD. OCSD Inmate Services may provide discharge plans to anyone requesting the assistance through one of the following means: Inmate message slip request, referral from CHS, ADA surveys, and/or those enrolled in any programs/classes OCSD offers.

CHS produced three (3) Discharge Planning – Behavioral Health Progress Notes. Discharge plans were not produced for all cases. For future monitoring, the County will need to provide the discharge plans for all incarcerated persons with Intellectual/Developmental Disabilities released during the rating period for the Expert to measure the County's compliance with the RP requirements.

Based on this, the Expert has determined that the County has partially implemented the RP requirements.

Partially Implemented (Previous Rating Partially Implemented)

G. Health Care Appliances, Assistive Devices, Durable Medical Equipment (Section VII)

- A. *The County shall immediately provide HCA/AD/DME to persons for whom HCA/AD/DME are a reasonable accommodation. The County shall ensure an individualized assessment by qualified health care staff to determine whether HCA/AD/DME is warranted and to ensure equal and meaningful access to programs, services, and activities in the Jail.*

As noted in the fourth report, two previous successive Compliance Reports have found that the provision has been adequately implemented. Therefore, monitoring of this provision is suspended.

Monitoring Suspended Based on Previous Findings of Compliance (Previous Rating Monitoring Suspended Based on Previous Findings of Compliance)

- B. *The County shall track and document the inspection and maintenance of HCA/AD/DME. Such documentation shall include the following information for each device: whether the person has all assigned HCA/AD/DME; whether the person believes the assigned HCA/AD/DME is appropriate; whether the HCA/AD/DME is in good working order; and, if the HCA/AD/DME requires repair or replacement or is inappropriate for the person, a description of the actions taken (e.g., to repair/replace HCA/AD/DME, evaluation for different HCA/AD/DME, etc.).*

As noted in the fourth report, two previous successive Compliance Reports have found that the provision has been adequately implemented. Therefore, monitoring of this provision is suspended.

Monitoring Suspended Based on Previous Findings of Compliance (Previous Rating Adequately Implemented)

- C. *The County shall ensure that all County-provided wheelchairs are in working order and have features consistent with individual needs.*

As noted in the fourth report, two previous successive Compliance Reports have found that the provision has been adequately implemented. Therefore, monitoring of this provision is suspended.

Monitoring Suspended Based on Previous Findings of Compliance (Previous Rating Adequately Implemented)

- D. The County shall not charge people in custody for the provision, repair, or replacement of HCA/AD/DME.*

As noted in the fourth report, two previous successive Compliance Reports have found that the provision has been adequately implemented. Therefore, monitoring of this provision is suspended.

Monitoring Suspended Based on Previous Findings of Compliance (Previous Rating Monitoring Suspended Based on Previous Findings of Compliance)

- E. Personal HCA/AD/DME. The County shall allow people to retain personal HCA/AD/DME (including reading glasses, as allowed by current policy) unless there is an individualized determination that doing so would create an articulated safety or security risk.*

As noted in the fourth report, two previous successive Compliance Reports have found that the provision has been adequately implemented. Therefore, monitoring of this provision is suspended.

Monitoring Suspended Based on Previous Findings of Compliance (Previous Rating Adequately Implemented)

- 1. Where Jail staff determine it is necessary to remove an individual's personal HCA/AD/DME for safety and security reasons, the County shall immediately provide an equivalent alternative Jail-issued device unless custody staff, with supervisory review, determine and document, based on an individualized assessment, that the device constitutes a risk of bodily harm or threatens the security of the facility.*

The revised and implemented Custody & Court Operations Manual (CCOM) 8000 - Inmates with Disabilities includes a formalized process for custody staff to conduct and document the individualized assessment when personal HCA/AD/DME is removed from an incarcerated person.

The Safety and Security Assessment Form to guide implementation of this provision has been implemented. The form provides for an effective procedure on this RP requirement. It will also be important to ensure that this form and process be considered within the SOMA ADA Tracking System rollout.

The County reported that OCSO has reinforced training for the Watch Commanders on the documentation required on the Safety and Security Assessment form.

The ADA Compliance team created "Attachment A," which includes information for staff on the requirements staff must follow when confiscating an incarcerated person's personal HCA/AD/DME. "Attachment A" was posted in work locations in all facilities.

The County reports there were ten (10) cases where Jail staff determined it was necessary to remove an individual's personal HCA/AD/DME for safety and security reasons. In the review of the completed Safety and Security Assessment forms. Listed below is a summary of the cases:

Case #1

- IM used the cane and a sheet to attempt to hang herself from the bunk in Mod K, Sector 11, Cell #5.
- No alternative device was provided. Safety and Security and Assessment Form states I/M is a danger to herself because she attempted to use her assisted device to harm herself (hanging).
- The CHS section of the Safety and Security Assessment Form was completed by OCSD staff.

Case #2

- I/M disassembled part of the walker, striking the cell door.
- Safety and Security and Assessment Form does not reflect if an alternate device was issued.
- The CHS section of the Safety and Security Assessment Form reflects:
 - The removal of the devices negatively impacts the health and safety of the inmate.
 - CHS staff recommended possession of the assistive device is medically necessary.

Case #3

- Broke walker into pieces.
- CHS doctor determined after XXXX broke two walkers in 24 hours no longer needed walker. XXXX was put into an ADA cell in Mod "M."

Case #4

- The inmate stated he placed pens and unknown objects inside the cane.
- The patient was given a CHS replacement cane.

Case #5

- Inmate broke window with cane.
- No alternative device was issued. Cane removed due to aggressive and destructive behavior. I/M housed in ADA accessible cell until further notice.
- The CHS section of the Safety and Security Assessment Form reflects:
 - The removal of the devices negatively impacts the health and safety of the inmate.
 - CHS staff recommended possession of the assistive device is medically necessary.

Case #6

- Safety and Security and Assessment Form only reflects insulin dependent with cellular device.
- No alternate device was issued. I/M's cellular device will be returned to him in a couple of hours (cite and release). The form also states: "Medical staff will monitor I/M's insulin levels."

- The CHS section of the Safety and Security Assessment Form reflects:
 - The removal of the devices negatively impacts the health and safety of the inmate.
 - CHS staff recommended possession of the assistive device is medically necessary.

Case #7

- The metal strips could easily be removed from the splint by the inmates. The metal strips pose a safety risk to the jail, as they can easily be fashioned into a weapon be used against other inmates or jail staff. The metal strips also create a security risk, because they can be used to overcome jail security measures, including being used to block or prop open doors potentially fashioned into a usable key.
- Approval pending CHS review.
- The CHS section of the Safety and Security Assessment Form was completed later by OCSD staff.
- Device returned within 24 hours.

Case #8

- Wooden cane broken in half sharp edges.
- No alternative device was provided.
- The CHS section of the Safety and Security Assessment Form reflects:
 - The removal of the device does not negatively impact the health and safety of the inmate.
 - CHS staff recommended possession of the assistive device is not medically necessary.

Case #9

- The metal strips could easily be removed from the splint by the inmates. The metal strips pose a safety risk to the jail, as they can easily be fashioned into a weapon be used against other inmates or jail staff. The metal strips also create a security risk, because they can be used to overcome jail security measures, including being used to block or prop open doors potentially fashioned into a usable key.
- Approval pending CHS review.
- The CHS section of the Safety and Security Assessment Form was completed later by OCSD staff.
- Device returned within 24 hours.

Case #10

- Wheelchair has pliers attached to it, holding it together.
- CHS provided a replacement wheelchair..
- The CHS section of the Safety and Security Assessment Form was completed by OCSD staff.

With respect to Case #6, the County should ensure that it has adequate protocols to ensure that people with diabetes using diabetes management devices are not denied access to such technologies based on a blanket practice, and that steps are taken to provide appropriate accommodations consistent with the prevailing standards (including as set forth in the recently published [“Diabetes Management in Detention Facilities: A Statement of the American Diabetes Association”](#)). DRC will be working with the County on the Diabetes accommodation/device issues. (see [Diabetes](#)

[Management in Detention Facilities: A Statement of the American Diabetes Association](#)).

Based on the County not documenting on the Safety and Security Assessment form whether an alternative device was provided or that no alternative was possible in four (4) cases (Case #2, 7, 8 and 9) and in one case (Case #4) indicating in the incorrect section of the form that an alternative device was provided, the Expert has determined the County has partially implemented the RP requirement.

Partially Implemented (Previous Rating Partially Implemented)

2. *If such a determination is made, an ADA Coordinator or supervisory level designee shall document the decision and reasons for it and shall consult with medical staff within 48 hours to determine an appropriate alternative device and/or accommodation.*

The revised and implemented Custody & Court Operations Manual (CCOM) 8000 - Inmates with Disabilities includes a formalized process for custody staff to conduct and document the individualized assessment in cases where Jail staff determine it is necessary to remove an individual's personal HCA/AD/DME for safety and security reasons.

The County reported that OCSD has reinforced training for the Watch Commanders on the documentation required on the Safety and Security Assessment form.

The Expert also notes that the ADA Compliance team created "Attachment A," which includes information for staff on the requirements staff must follow when confiscating an incarcerated person's personal HCA/AD/DME. "Attachment A" was posted in work locations in all facilities.

The County reports there were 10 cases where Jail staff determined it was necessary to remove an individual's personal HCA/AD/DME for safety and security reasons. For the summary of the review, see Section VII (G. Health Care Appliances, Assistive Devices, Durable Medical Equipment G. E.1.).

Based on the County not documenting on the Safety and Security Assessment form whether an alternative device was provided or that no alternative was possible in five (5) cases, the Expert has determined the County has partially implemented the RP requirement.

Partially Implemented (Previous Rating Partially Implemented)

3. *If an individual's personal HCA/AD/DME is in need of repair, the County shall either repair the HCA/AD/DME at the County's expense or provide the person with a replacement HCA/AD/DME at the County's expense while the person is incarcerated.*

The revised and implemented Health Care Agency Correctional Health Services Policy and Procedure 6407 Reasonable Health Accommodations for Patients states, "Whenever a patient's personal DME or assistive device needs repair, CHS staff shall coordinate the repairs needed with the CHS Supply team. The patient will be provided

a comparable device while their DME/assistive device is being repaired to accommodate their individual needs. All devices provided, their repair, or replacement is free of charge to the patient.”

Staff reported, and the incarcerated persons interviewed confirmed, that in cases where their personal HCA/AD/DME is in need of repair, the County repairs the device at the County’s expense or provides a replacement at the County’s expense.

The County produced the "Wheelchair Tracking Log." The log includes the following information:

- Serial Number
- Size
- Date Assigned to ADA Program
- Date Assigned to Inmate (Out)
- Date Collected from Inmate (In)
- Status
- Location/Comments
- Replacement
- Problem Date
- Date Fixed
- Surplus date
- Comments

There are 48 entries on the log. Of the 48 entries, seven (7) reflect the following problems:

- Broken footrest
- Brake screw needs tightening (personal wheelchair)
- Left brake and tires
- Unsteady wheelchair
- One brake missing
- Left brake missing
- Both armrests missing

For the case where an incarcerated person's wheelchair needed repair, the log reflects, "Provided CHS wheelchair in interim, returned personal wheelchair after repair."

In a review of the 788 ADA Interview/Activity Logs the County produced the following entries related to the repair of personal appliances were identified:

- Put in a message stating his personal cane is broken. Message slip was forwarded to ADA Nurses. Personal cane was put on property. CHS provided new cane to him.
- Issued a wheelchair replacing his wobbly personal wheelchair.

Based on this, the Expert has determined that the County has adequately implemented the RP requirement.

Adequately Implemented (Previous Rating Adequately Implemented)

4. *Any HCA/AD/DME provided by the County to replace an individual's personal HCA/AD/DME shall be sufficient to provide the person with safe access to the Jail's programs, services, and activities.*

As noted in the fourth report, two previous successive Compliance Reports have found that the provision has been adequately implemented. Therefore, monitoring of this provision is suspended.

Monitoring Suspended Based on Previous Findings of Compliance (Previous Rating Monitoring Suspended Based on Previous Findings of Compliance)

5. *If the County repairs a personal HCA/AD/DME, the County shall provide the person with an interim HCA/AD/DME while the personal HCA/AD/DME is being repaired.*

As noted in the fourth report, two previous successive Compliance Reports have found that the provision has been adequately implemented. Therefore, monitoring of this provision is suspended.

Monitoring Suspended Based on Previous Findings of Compliance (Previous Rating Monitoring Suspended Based on Previous Findings of Compliance)

- F. *Prosthetics. The County shall permit any person who has a prosthetic limb or similar device and needs such prosthesis full use of such prosthesis while in custody absent specifically identified security concerns.*

As noted in the fourth report, two previous successive Compliance Reports have found that the provision has been adequately implemented. Therefore, monitoring of this provision is suspended.

Monitoring Suspended Based on Previous Findings of Compliance (Previous Rating Monitoring Suspended Based on Previous Findings of Compliance)

1. *If a prosthetic limb or device is removed, a health care provider will examine the person as soon as possible, and not later than the next sick call after the removal, in order to address any negative impact on the health or safety of the person and to provide an alternative device and/or accommodation.*

As noted in the fourth report, two previous successive Compliance Reports have found that the provision has been adequately implemented. Therefore, monitoring of this provision is suspended.

Monitoring Suspended Based on Previous Findings of Compliance (Previous Rating Monitoring Suspended Based on Previous Findings of Compliance)

2. *If a person requires repair or maintenance of a prosthetic limb or similar device, the County shall take prompt steps to resolve the issue, including providing interim accommodations as indicated.*

As noted in the fourth report, two previous successive Compliance Reports have found that the provision has been adequately implemented. Therefore, monitoring of this provision is suspended.

Monitoring Suspended Based on Previous Findings of Compliance (Previous Rating Monitoring Suspended Based on Previous Findings of Compliance)

3. *If CHS determines a person requires a prosthetic limb or similar device but does not have one, the County will take prompt steps to provide appropriate assessment and timely provision of prostheses or similar device. The County will provide an alternative assistive device, based on clinical assessment and meaningful consideration of the individual's stated preference, as an interim accommodation to facilitate equal access to services.*

As noted in the fourth report, two previous successive Compliance Reports have found that the provision has been adequately implemented. Therefore, monitoring of this provision is suspended.

Monitoring Suspended Based on Previous Findings of Compliance (Previous Rating Monitoring Suspended Based on Previous Findings of Compliance)

- G. *The County shall not automatically remove HCA/AD/DME when incarcerated people are placed in temporary holding, sobering, or observation cells and shall remove HCA/AD/DME only based on individualized security factors and only for the minimum time necessary.*

As noted in the fourth report, two previous successive Compliance Reports have found that the provision has been adequately implemented. Therefore, monitoring of this provision is suspended.

Monitoring Suspended Based on Previous Findings of Compliance (Previous Rating Adequately Implemented)

- H. *HCA/AD/DME Upon Release. The County shall take steps necessary to address a person's disability needs upon release. In no event will a person in need of HCA/AD/DME be released without access to HCA/AD/DME that is in good working order and appropriate for the person's needs.*

As noted in the fourth report, two previous successive Compliance Reports have found that the provision has been adequately implemented. Therefore, monitoring of this provision is suspended.

Monitoring Suspended Based on Previous Findings of Compliance (Previous Rating Monitoring Suspended Based on Previous Findings of Compliance)

1. *The County will ensure that any personally owned HCA/AD/DME that has been removed is returned to the incarcerated person prior to release from custody.*

As noted in the fourth report, two previous successive Compliance Reports have found that the provision has been adequately implemented. Therefore, monitoring of this provision is suspended.

Monitoring Suspended Based on Previous Findings of Compliance (Previous Rating Monitoring Suspended Based on Previous Findings of Compliance)

2. *Upon release, if an incarcerated person does not have personal HCA/AD/DME or came to the Jail with HCA/AD/DME that is not adequate for the person's needs, the County will permit the person to retain any HCA/AD/DME that the County provided to the person while in custody, or the County will provide a comparable device. Jail staff may alternatively coordinate with the incarcerated person, the person's family or friends, and/or other County agencies to secure HCA/AD/DME for the person prior to release.*

As noted in the fourth report, two previous successive Compliance Reports have found that the provision has been adequately implemented. Therefore, monitoring of this provision is suspended.

Monitoring Suspended Based on Previous Findings of Compliance (Previous Rating Monitoring Suspended Based on Previous Findings of Compliance)

3. *The County shall document this process in a manner that (a) can be reviewed for quality assurance and (b) ensures individual tracking and an adequate inventory of HCA/AD/DME.*

As noted in the third report, two previous successive Compliance Reports have found that the provision has been adequately implemented. Therefore, monitoring of this provision is suspended.

Monitoring Suspended Based on Previous Findings of Compliance (Previous Rating Monitoring Suspended Based on Previous Findings of Compliance)

H. Housing Placements (Section VIII)

- A. *The County shall house persons with disabilities in the most integrated setting appropriate, consistent with their individual security classification, in facilities that accommodate their disabilities and in which they have equivalent access to programs, services, and activities.*

The County reports that the opening of Musick Jail is currently scheduled for December 2024. The opening of the Musick facility will provide additional ADA accessible beds. Additionally, construction and modifications are ongoing in the other facilities.

The County continues to make physical plant modifications, adding accessible housing, accessible features, and accessible paths of travel for incarcerated persons to have equivalent access to the Jail's programs, services, and activities. Pending these

modifications, the County's current accessible housing for incarcerated persons who require accessible housing and features includes:

- TLF Mod O – Sector 37 and Sector 42 (28 beds)
- TLF A/E Barracks (40 beds)
- IRC Mod K – Sectors 9-14 (one cell in each Sector, six cells)
- IRC Mod L – Sectors 15-20 (one cell in each Sector, six cells)

- IRC Mod M – Sectors 21-26 (one cell in each Sector, six cells)
- CMJ Mod O – Ward C (all 18 bunks), Ward D (18 lower bunks), and Sheltered Living (SL) 24 beds. The housing of incarcerated persons in SL requires the Assistant Sheriff's approval.
- CWJ Mod P-13 – Nine bunks

The Custody & Court Operations Manual (CCOM) 1200 – Inmate Classification Procedure states, "Classification and Population Management Unit (PMU) staff will take into consideration the inmate's abilities and movement needs when assigning housing locations. Being disabled in any way is not justification for a higher security classification. Every effort will be made to accommodate inmates with mobility disabilities in their housing assignments. In the event an inmate with a mobility disability is assigned to non-ADA housing or a specific accommodation cannot be met, Classification and PMU staff will ensure that an inmate deemed to require accessible accommodations is provided with such accessible accommodations as soon as possible."

The Custody & Court Operations Manual (CCOM) 8000 - Inmates with Disabilities states, "Inmates with a disability shall be housed in the most integrated setting appropriate, consistent with their individual security classification, in facilities that accommodate their disabilities and in which they have equivalent access to programs, services, and activities. Qualified inmates with a disability will have access to the same services, programs, and activities offered to other inmates of the same classification level. Inmates with disabilities will be provided accessible showers, toilets, sinks, equipment, etc., consistent with their disability and accommodation needs."

In a review of the OCSD ADA Tracking Lists (CJX and TLF 8/26/24), incarcerated persons with disabilities were housed in the following locations:

- CMJ
 - Mod O Ward C/D - (Developmentally Disabled, Mobility, Hearing, Vision and Dexterity)
 - Mod A - (Dexterity and Developmentally Disabled)
 - Mod B - (Developmentally Disabled, Pending Developmentally Disabled and Hearing)
 - Mod C - (Dexterity and Developmentally Disabled)
 - Mod D - (Dexterity, Developmentally Disabled, Hearing, and Mobility)
 - Mod E - (Dexterity)
 - Mod F - (Dexterity, Developmentally Disabled, Pending Developmentally Disabled and Hearing)
 - Mod R - (Hearing)

- CWJ
 - Mod G - (Dexterity)
 - Mod P - (Dexterity, Speech, Vision, Hearing and Mobility)
- IRC
 - Mod J - (Dexterity, Developmentally Disabled, Speech, Vision, Hearing and Mobility)
 - Mod K - (Mobility, Pending Developmentally Disabled and Hearing)
 - Mod L - (Developmentally Disabled and Mobility)
 - Mod N - (Mobility and Vision)
- TLF
 - A/E Barracks - (Developmentally Disabled)
 - F Barracks - (Dexterity, Developmentally Disabled, Learning, Speech, Vision and Mobility)
 - G Barracks - (Dexterity, Developmentally Disabled, Learning, Hearing and Mobility)
 - H Barracks - (Dexterity, Developmentally Disabled, Pending Developmentally Disabled, Speech, Vision, Hearing and Mobility)
 - Mod I - (Dexterity, Vision, and Mobility)
 - Mod J - (Dexterity, Developmentally Disabled, Vision, Hearing, and Mobility)
 - Mod L - (Dexterity, Developmentally Disabled, Pending Developmentally Disabled, Hearing and Mobility)
 - Mod M - (Mobility and Vision)
 - Mod O - (Dexterity, Developmentally Disabled, Vision, Hearing, and Mobility)
 - Mod P - (Dexterity and Mobility)
 - Mod Q - (Hearing, Dexterity, and Mobility)
 - Mod R - (Dexterity, Speech, Vision, and Hearing)

Due to the limited number of accessible housing locations coupled with classification case factors, the County must house incarcerated persons with higher classification case factors who require accessible housing in the TLF Mod O, and due to the limited number of accessible cells in the CMJ in the CMJ Mod O.

The County has made significant progress in limiting the need for disabled incarcerated persons in the CMJ SL cells. The County reported that any use of a Sheltered Living cell for an incarcerated person requires the Assistant Sheriff's approval. If exigent circumstances require immediate housing into these cells, the Assistant Sheriff will be notified as soon as possible. During the monitoring tour there was no incarcerated person housed in the CMJ Mod O SL cells.

The County is making their best efforts to house persons with disabilities in the most integrated setting, consistent with their individual security classification case factors, in facilities that accommodate their disabilities and in which they have equivalent access to programs, services, and activities. As accessible housing is brought online, including the Musick facility, the County will be in a better position to ensure that all disabled incarcerated persons are housed in the most integrated setting, consistent with their individual security classification, in facilities that accommodate their disabilities and in which they have equivalent access to programs, services, and activities.

OCSD reports that Musick will not house Protective Custody incarcerated persons. To the extent people with disabilities (in particular, Intellectual/Development Disabilities) are designated as Protective Custody because of their disability, this may present a disability discrimination issue that requires attention and a solution. This issue will be discussed among the parties/expert in the future.

Based on this, the Expert finds that the County has partially implemented the RP requirements.

Partially Implemented (Previous Rating Partially Implemented)

- B. The County shall provide persons with disabilities at all classification levels with access to out-of-cell time, programs, services, and activities that are equivalent to the access provided to persons without disabilities with comparable security and classification profiles.*

The County reported that the opening of Musick Jail, currently scheduled for October 2024, will provide additional ADA-accessible beds. Construction and modifications are ongoing in the other facilities. Any use of a Sheltered Living cell for an incarcerated person requires the Assistant Sheriff's approval. If exigent circumstances require immediate housing into these cells, the Assistant Sheriff will be notified as soon as possible. During the monitoring tour there was no incarcerated person housed in the CMJ Mod O SL cells.

Although the revised and implemented Custody & Court Operations Manual (CCOM) 8000 - Inmates with Disabilities states, "Qualified inmates with a disability will have access to the same services, programs, and activities offered to other inmates of the same classification level," due to the limited number of accessible cells/beds, the County must place incarcerated persons with higher classification case factors who require accessible housing in the TLF Mod O and due to the limited number of accessible cells in the CMJ in the CMJ Mod O. Based on this, and the classification case factors which prohibit the mixture of the incarcerated population, the disabled incarcerated persons who require accessible housing are not being provided with access to out-of-cell time, programs, services, and activities equivalent to non-disabled incarcerated persons, including in-person programs (educational, self-help and computer programs) and work assignments. The County is making its best efforts to provide equivalent programming to the disabled incarcerated persons with lower classification, such as escorting them to the TLF Programs building for in-person programs and the Green Sector for recreational opportunities.

The Expert wants to highlight that the County has made significant progress in limiting the need for disabled incarcerated persons in the CMJ SL cells

Once more accessible housing is brought online, including the activation of the Musick facility, the County will be in a better place to ensure incarcerated persons with disabilities who require accessible housing are provided equivalent access to out-of-cell time, programs, services, and activities as persons without disabilities with comparable security and classification profiles and incarcerated persons who do not require accessible housing. There continues to be significant progress in the area of program opportunities which is highlighted in Section IX of this report.

The County continues to make progress in providing access to the Barracks' outdoor field recreation area (Green Sector) instead of being limited to the much smaller and concrete-filled interior recreation space for disabled incarcerated persons housed in TLF Mod O, Sector 37 (disability cluster unit). During the monitoring tour, incarcerated persons interviewed stated that they are being provided access to the Green Sector yard; however, as reported in the Restrictive Housing Report, the Green Sector yard is at times not in use when it should, due to staff's other duties.

Based on this, the Expert finds that the County has partially implemented the RP requirements.

Partially Implemented (Previous Rating Partially Implemented)

C. *The County shall maintain a housing assignment system that utilizes information in the ADA Tracking System/Existing ADA Tracking System for each person's disability needs, including, but not limited to:*

1. *The need for ground floor housing;*
2. *The need for a lower bunk;*
3. *The need for grab bars in the cell;*
4. *The need for a cell with sufficient clearance for a wheelchair;*
5. *The need for accessible toilets;*
6. *The need for accessible showers;*
7. *The need for no stairs or other obstructions in the path of travel;*
8. *The need for level terrain; and*
9. *The need for mental-health-related accommodations.*

As noted in the fourth report, two previous successive Compliance Reports have found that the provision has been adequately implemented. Therefore, monitoring of this provision is suspended.

Monitoring Suspended Based on Previous Findings of Compliance (Previous Rating Monitoring Suspended Based on Previous Findings of Compliance)

D. *Classification staff shall not place persons with disabilities in:*

1. *Inappropriate security classifications simply because no ADA-accessible cells or beds are available;*
2. *Designated medical areas unless the person is currently receiving medical care or treatment that necessitates placement in a medical setting; or*
3. *Any location that does not offer the same or equivalent programs, services, or activities as the facilities where they would be housed absent a disability.*

The County reported the opening of Musick Jail, currently scheduled for December 2024, will provide additional ADA accessible beds. Construction and modifications are ongoing in the other facilities. Any use of a Sheltered Living cell for an incarcerated person requires the Assistant Sheriff's approval. If exigent circumstances require

immediate housing into these cells, the Assistant Sheriff will be notified as soon as possible.

The Custody & Court Operations Manual (CCOM) 1200 – Inmate Classification Procedure states, “Classification and Population Management Unit (PMU) staff will take into consideration the inmate’s abilities and movement needs when assigning housing locations. Being disabled in any way is not justification for a higher security classification. Every effort will be made to accommodate inmates with mobility disabilities in their housing assignments. In the event an inmate with a mobility disability is assigned to non-ADA housing or a specific accommodation cannot be met, Classification and PMU staff will ensure that an inmate deemed to require accessible accommodations is provided with such accessible accommodations as soon as possible.”

The Custody & Court Operations Manual (CCOM) 8000 - Inmates with Disabilities states, “Inmates with a disability shall be placed in housing that is consistent with their security classification and their accessibility needs. Qualified inmates with a disability will have access to the same services, programs, and activities offered to other inmates of the same classification level. Inmates with disabilities will be provided accessible showers, toilets, sinks, equipment, etc. consistent with their disability and accommodation needs.”

The Custody & Court Operations Manual (CCOM) 8000 - Inmates with Disabilities also states, “An inmate’s need for a mobility device or tapping cane in a housing unit shall not be a basis for assigning the inmate to the infirmary, a medical unit, or a mental housing unit, or for excluding the inmate from placement in those settings should they otherwise be warranted. The fact that an inmate has a disability and/or requires a reasonable accommodation shall not be a factor in determining an inmate’s security classification. Not all inmates with a mobility disability or tapping cane require an ADA accessible cell or unit. However, the inmate may still require reasonable accommodations related to their housing such as a cell with certain ADA features (grab bars), lower bunk/lower tier, or access to an ADA accessible shower facility. Where CHS staff or ADA Compliance unit staff advise the Classification Unit that an inmate requires a housing accommodation (e.g., ADA Cell, ADA Housing, lower bunk/lower tier), the Classification Unit/PMU Unit shall determine the appropriate housing location consistent with the inmate’s classification and disability-related needs.”

As in the previous monitoring tour, Classification and PMU staff stated that incarcerated persons with a disability are not placed in inappropriate security classifications simply because no ADA-accessible cells or beds are available or designated medical areas unless the person is currently receiving medical care or treatment that necessitates placement in a medical setting; or any location that does not offer the same or equivalent programs, services, or activities as the facilities where they would be housed absent a disability. However, as noted in H.B above, due to the limited number of accessible cells/beds available, the County must place incarcerated persons with higher classification case factors who require accessible housing in the TLF Mod O and due to the limited number of accessible cells in the CMJ in the CMJ Mod O. Based on classification case factors and limited accessible housing options due to physical plant issues, many disabled incarcerated persons who require

accessible housing are not being provided with access to out-of-cell time, programs, services, and activities equivalent to non-disabled incarcerated persons. Once more accessible housing is brought online and with the activation of the Musick facility, the County will be in a better place to ensure incarcerated persons with disabilities who require accessible housing are provided equivalent access to out-of-cell time, programs, services, and activities as persons without disabilities with comparable security and classification profiles and incarcerated persons who do not require accessible housing.

Additionally, during the monitoring tour Classification/PMU staff reported that although the J-105/J-112 hard copy is given to the Intake Deputy, at times the Classification Deputy does not have the J-105/J-112 prior to the classification interview as they are provided the J-105/J-112 via email. As a result, classification staff at times do not have the J-105/J-112 ADA information available to them when they are conducting the classification for a new intake. This was discussed on site, and CHS reported a process would be put in place to provide a hard copy of the J-105/J-112 to classification staff.

Based on this, the Expert finds that the County has partially implemented the RP requirements.

Partially Implemented (Previous Rating Partially Implemented)

E. Sheltered Living cells

- 1. The County agrees that the Sheltered Living (SL) cells behind the O Module at Central Men's Jail create operational difficulties, including with respect to the provision of adequate out-of-cell time, program access, and socialization for incarcerated persons with disabilities. OCSD will deactivate and no longer use these SL cells for incarcerated persons with disabilities at the earliest date feasible, given COVID-related housing demands (e.g., quarantine housing) and alternative accessible housing. OCSD will begin to re-house individuals with disabilities from SL as soon as other accessible housing units are available.*

The County reports that the opening of Musick Jail, currently scheduled for December 2024, will provide additional ADA-accessible beds. Construction and modifications are ongoing in the other facilities. Any use of a Sheltered Living cell for an incarcerated person requires the Assistant Sheriff's approval. If exigent circumstances require immediate housing into these cells, the Assistant Sheriff will be notified as soon as possible.

The Expert wants to highlight that the County has made significant progress in limiting the need for disabled incarcerated persons in the CMJ SL cells. In a review of the CMJ Sheltered Living Case Factors spreadsheet the following instances where incarcerated persons were housed in the SL cells:

- 1/2/24 - One (1) incarcerated person who required accessible housing.
- 1/9/24 - One (1) incarcerated person who required accessible housing housed in SL.

- 1/16/24 – One (1) incarcerated person who required medical isolation.
- 1/23/24 – Two (2) incarcerated persons, one (1) who required medical isolation and one (1) who required accessible housing.
- 1/31/24 – Four (4) incarcerated persons, three (3) who required medical isolation and one (1) who required accessible housing.
- 2/6/24 – Four (4) incarcerated persons, two (2) who required medical isolation and two (2) who required accessible housing.
- 2/13/24 - Three (3) incarcerated persons, one (1) who required medical isolation, one (1) who required low/bunk and PREA incident, and one (1) civil detainee.
- 2/20/24 – One (1) civil detainee.
- 2/27/24 – One (1) civil detainee.
- 3/5/24 – One (1) civil detainee.
- 3/13/24 – Two (2) incarcerated persons, one (1) who required accessible housing, and one (1) civil detainee.
- 3/19/24 – Two (2) incarcerated persons, one (1) who required accessible housing, and one (1) civil detainee.
- 3/27/24 – Two (2) incarcerated persons, one (1) same-day court, and one (1) civil detainee.
- 4/2/24 – Four (4) incarcerated persons, two (2) who required accessible housing, and two (2) civil detainees.
- 4/11/24 – Four (4) incarcerated persons, three (3) who required accessible housing, and one (1) civil detainee.
- 4/16/24 – Five (5) incarcerated persons, three (3) who required accessible housing, one (1) civil detainee, and one (1) swapped with the person who required more observation per CHS.
- 4/16/24 – Six (6) incarcerated persons, four (4) who required accessible housing, one (1) civil detainee, and one (1) swapped with person who required more observation per CHS.
- 4/30/24 – Five (5) incarcerated persons, three (3) who required accessible housing, one (1) civil detainee and one (1) swapped with person who required more observation per CHS.
- 5/8/24 – Ten (10) incarcerated persons, five (5) who required accessible housing, four (4) medical isolation and one (1) swapped with person who required more observation per CHS.
- 5/14/24 – Seven (7) incarcerated persons, four (4) who required accessible housing, two (2) medical isolation, and one (1) swapped with the person who required more observation per CHS.
- 5/21/24 – Three (3) incarcerated persons, two (2) who required accessible housing, and one (1) swapped with the person who required more observation per CHS.
- 5/29/24 – Three (3) incarcerated persons, two (2) medical isolation, and one (1) swapped with the person who required more observation per CHS.
- 6/3/24 – Four (4) incarcerated persons, one (1) who required accessible housing, and three (3) medical isolation.
- 6/4/24 – Two (2) incarcerated persons, one (1) who required accessible housing and one (1) medical isolation.

- 6/10/24, 6/11/24, 6/12/24, 6/17/24 and 6/26/24 – No incarcerated persons housed in SL.
 - (Note) the 6/17/24 and 6/26/24 spreadsheets reflect, “Sheltered Living Closed do not use without approval from A/s Puckett.”

Although the County is still in the process of making physical plant modifications, adding accessible housing, accessible features, and accessible paths of travel for incarcerated persons to have equivalent access to the Jail's programs, services, and activities, the County reports that the SL cells are closed and will not be used without the Assistant Sheriff's approval.

Based on this, the Expert has determined that this RP requirement is partially implemented. The Expert will continue to monitor this provision during subsequent monitoring tours.

Partially Implemented (Previous Rating Not Implemented)

2. *Until the Central Men's Jail SL cells are deactivated, the County shall house a person with a disability in the SL cells only if there is no other placement that is consistent with the person's classification/housing needs and meets the person's accessibility needs.*

As noted in the fourth report, two previous successive Compliance Reports have found that the provision has been adequately implemented. Therefore, monitoring of this provision is suspended.

Monitoring Suspended Based on Previous Findings of Compliance (Previous Rating Monitoring Suspended Based on Previous Findings of Compliance)

- F. *The County shall assist incarcerated persons with disabilities (including in wheelchairs) to access the Central Men's Jail yard from the elevators and to navigate the ramp leading to the yard. Staff shall ensure incarcerated persons with mobility disabilities are provided access to an accessible restroom when on the Central Men's Jail yard.*

As noted in the fourth report, two previous successive Compliance Reports have found that the provision has been adequately implemented. Therefore, monitoring of this provision is suspended.

Monitoring Suspended Based on Previous Findings of Compliance (Previous Rating Monitoring Suspended Based on Previous Findings of Compliance)

- G. *The County shall conduct periodic quality assurance audits to ensure that all people in custody who require accommodations in housing are placed in housing consistent with their needs.*

The County produced 15 cases where the ADA Compliance Unit identified incarcerated persons who required housing accommodations. The County also produced email notifications from the ADA Compliance Unit to Classification and the Population Management Unit requesting rehousing and SDS records for housing history.

Based on this, the Expert has determined that the County has adequately implemented the RP requirement.

Adequately Implemented (Previous Rating Adequately Implemented)

- H. The County shall develop a process to expeditiously move people in custody with disability-related needs who are inappropriately housed in an inaccessible placement to an accessible placement.*

The Custody & Court Operations Manual (CCOM) 1200 – Inmate Classification Procedure states, “Every effort will be made to accommodate inmates with mobility disabilities in their housing assignments. In the event an inmate with a mobility disability is assigned to non-ADA housing or a specific accommodation cannot be met, Classification and PMU staff will ensure that an inmate deemed to require accessible accommodations is provided with such accessible accommodations as soon as possible.”

Classification and PMU staff interviewed stated that staff reviews the housing placements of incarcerated persons with disabilities to ensure they are housed in accessible housing locations. In the event an incarcerated person with a disability is identified as being housed in an inaccessible housing location, PMU staff identify an accessible housing location based on the incarcerated person's classification and security case factors.

The County produced 15 emails that reflect the ADA Compliance Unit identified 15 cases where incarcerated persons with housing accommodations required LB/LT or accessible housing based on a new J-112/J-105 or, in some cases, were housed inconsistent with their housing accommodation needs. The type of housing required included Low Bunk/Low Tier and ADA housing.

The ADA emails reflect the ADA Compliance Unit notified PMU requesting the incarcerated person be moved/rehoused. The County produced housing histories that reflect that in 13 cases, the incarcerated person was rehoused the same day and in two (2) cases the incarcerated person was rehoused the next day.

Based on this, the Expert has determined that the County has adequately implemented the RP requirement.

Adequately Implemented (Previous Rating Adequately Implemented)

I. Access to Programs, Services, and Activities (Section IX)

- A. The County shall ensure that all persons with disabilities, including those in ADA-accessible or other specialized housing, are informed of and have equal access to programs, services, and activities available to similarly situated persons without disabilities, consistent with their health and security needs. Such programs, services, and activities include, but are not limited to:*

- 1. Dayroom and out-of-cell time;*
- 2. Outdoor recreation and exercise equipment;*
- 3. Showers;*

4. *Telephones;*
5. *Reading materials;*
6. *Reading and scribing documents;*
7. *Religious services;*
8. *Educational, vocational, reentry, and substance abuse programs;*
9. *Work Assignments, including the Community Work Program;*
10. *Medical, mental health, and dental services and treatment;*
11. *Public visiting; and*
12. *Attorney visiting.*

The County reported that staff continue to inform persons with disabilities who are housed in Modules O at TLF and CMJ and who meet the classification criteria about programs available to them.

The revised and implemented Custody & Court Operations Manual (CCOM) 8000 - Inmates with Disabilities states, "Qualified inmates with a disability will have access to the same services, programs, and activities offered to other inmates of the same classification level. Inmates with disabilities will be provided the opportunity to work, both in the Jail and through the Community Work Program. Those who accept the opportunity will meet with the CHS ADA Compliance R.N. and ADA Compliance Unit. An individualized interactive process will take place to determine the type of assignment and provision of reasonable accommodations as needed to allow the inmate to participate. Staff supervising inmates must consider, with input from the inmate, reasonable accommodations that would make it possible for the inmate to perform the essential job functions and/or consider whether the inmate could, with or without reasonable accommodations, perform the essential job functions of another position. Staff shall notify the ADA Compliance Unit if they notice that an inmate with a disability is having trouble participating in programs and services, to discuss provision of reasonable accommodations as necessary to address the issue."

The ADA information brochure and the ADA inmate qualifications/acknowledgment of rights/programs form, which is part of the initial ADA interview process, are consistently conducted by the ADA Compliance Unit staff. During the ADA interview, disabled incarcerated persons are informed of the programs, services, and activities available to disabled incarcerated persons.

In other sections of this report, based on the lack of detailed documentation of dayroom and outdoor recreation, the Expert cannot measure the County's compliance with the requirement for the County to provide equal access to dayroom and recreation. The County previously reported that "Guardian RFID," when implemented, will have the ability to track and report on the out-of-cell time for incarcerated persons.

In a review of the 788 ADA Interview/Activity Logs the County produced, three (3) cases where the disabled incarcerated persons claimed they were not being provided the required out-of-cell time:

- States outdoor rec is being offered early in the morning this week. Roof logs reviewed from 3/15/24-3/21/24. Tank 2 was offered outdoor rec at different times each day, and sometimes offered twice a day. (0622, 2030, 0821, 0948, 0637, 1143, 0726).

- Claims outdoor rec is only being offered one time a week. Housing staff reminded to offer outdoor rec 3 hrs. a week.
- Claims he is only being offered outdoor rec one time a week.

In a review of the 788 ADA Interview/Activity Logs the County produced, five (5) cases where the disabled incarcerated persons claimed they were not being provided accommodations during yard and dayroom:

- Is requesting a chair to use in the dayroom while he is using the phone. Nurse notified to clarify if it is a medical need.
- States there are no chairs in outdoor rec. Deputies were told and said they would put chairs in outdoor recreation.
- Second message slip received from inmate asking for shower chair and another chair to use while he is at rec or dayroom when on video calls. Inmate advised shower was approved per medical on 4/15/24. Regular chair is an accommodation he must request from Deputies which he must request from them as there is no current medical need per our records to use a chair during dayroom time.
- Stated she had issues standing for long periods of time while on the phone. Was informed that the housing staff will give her a plastic chair to sit in during her dayroom to use. Stated the phone cord is not long enough to reach while sitting in chair. It was found the phone cord is long enough while sitting in the plastic chair.
- Requested a chair for use in the dayroom when using the phones. Housing staff was advised to provide.

The County has alternate telecommunication technology (Video Phones, Video Relay Services, and TDD). The County implemented video phone access via tablets at both jail complexes. Access to videophone technology is equal as compared to non-disabled incarcerated persons as the disabled incarcerated persons have direct access to the telecommunication devices in their housing units. The disabled incarcerated persons are provided the video phone tablet when they access the dayroom program. The County provides telephone amplification devices for incarcerated persons who are hard of hearing and who require this accommodation.

As reported in section F.F., easy-reading books are available for disabled incarcerated persons. Additionally, large print reading material is available for disabled incarcerated persons. The County also provides "Books on Tape" for incarcerated persons with vision disabilities.

As reported in sections J and K, the County provides incarcerated persons with disabilities access to Work Assignments, including the Community Work Program.

The County provides incarcerated persons with disabilities access to accessible showers by housing the incarcerated persons in locations with accessible showers or providing incarcerated persons access to shower chairs.

The Expert reviewed 788 ADA Interview/Activity Logs and, in one case, noted the following:

- Second message slip received from inmate asking for shower chair and another chair to use while he is at rec or dayroom when on video calls. Inmate advised shower was approved per medical on 4/15/24. Regular chair is an accommodation he must request from Deputies which he must request from them as there is no current medical need per our records to use a chair during dayroom time.

The County provides group and one-on-one religious services. Group religious services are provided on a rotational basis to all incarcerated persons. In the event a disabled incarcerated person requires access to an SLI, the County has a mobile iPad that is used with a Video Remote Interpreter. The iPad is also available for one-on-one religious services. Documentation of this accommodation was not provided to the Expert.

The Expert reviewed 788 ADA Interview/Activity Logs and, in one case, noted the following:

- Claims church services are not being offered. Advised church services are offered to all barracks inmates on a rotation schedule and with a limited amount of inmates allowed to attend due to different classifications and safety issues. PC3 and GP inmates are housed in barracks.
- Claims religious services are not offered. Reminded there is a limit on how many inmates can attend services. If he wishes to attend, he should be ready to go when the announcement is made over the dayroom loudspeaker. Also reminded, services are offered to the other 10 barracks sides, so offering will be limited due to classification and space purposes.
- Not being offered church services.

The public and attorney visiting services are accessible, and incarcerated persons with disabilities have equal access to the visiting programs. Amplification devices are also provided to hard-of-hearing incarcerated persons to use during their visits.

The Expert reviewed 788 ADA Interview/Activity Logs and noted the following:

- Stated she had a public visit and was told to go up the stairs by a mod deputy. ADA Unit will advise Mod staff and visiting staff that inmates with LB/LT housing cannot go upstairs for a visit.
- Advised ADA Deputy that housing staff is asking him to use the stairs to go upstairs for his visit. Staff was trained and reminded on how to properly accommodate visits for ADA inmates.
- Stated he gets visits every weekend and cannot go up the stairs in Mod J. Is currently assigned Wheelchair for Distance. ADA Deputy spoke with him and told him staff would be advised to escort him in a wheelchair to Mod O visiting as necessary.

The revised and implemented Custody & Court Operations Manual (CCOM) 8000 - Inmates with Disabilities states, "Disabled inmates who cannot read and/or write might

have difficulty gaining access to disability-related services if needed. Staff will provide these inmates with assistance with reading and writing to access services and programs. Examples include, but are not limited to, filling out inmate message slips, grievances, and commissary forms. If an inmate cannot read or write and the inmate has a disability, that information will be indicated on the inmate's J-105A form, ADA Tracking List or CHS Functional Needs List."

Staff interviewed stated they would provide assistance to disabled incarcerated persons who require assistance with reading and writing. During the incarcerated person interviews, six (6) incarcerated persons identified as having needs in this area stated staff do not provide assistance and that they must rely on other incarcerated persons for reading and writing assistance. The Expert was not able to confirm these claims.

In the review of the 788 ADA Interview/Activity Logs, the Expert noted the following entries related to this RP requirement:

- Asked for help in obtaining a hotel voucher. ADA Deputy assisted in filling out a message slip to programs staff. Slip was forwarded to programs staff.
- He spoke with ADA Deputy in his housing location and asked how to request someone to teach him to read. ADA Deputy completed an inmate message slip for him and submitted it to Programs. Programs staff enrolled him into an ESL class starting next week.
- ADA Deputy filled out and submitted a commissary slip for welfare pack on his behalf.

The revised and implemented Custody & Court Operations Manual (CCOM) 8000 - Inmates with Disabilities states, "Staff will provide reasonable modifications to jail rules, policies, and practices to enable inmates to participate in the services, programs, and activities offered to other inmates of the same classification level. Some examples of reasonable accommodations include Assistance in reading or scribing documents (legal, medical, request forms, grievances, due process etc.). Staff shall not provide assistance in reading legal mail, reference CCOM Policies 1900.3 and 1900.4."

All Incarcerated persons are informed of the process of how to request access to medical, mental health, and dental services and treatment. Additionally, during the ADA Compliance Unit interview, the disabled incarcerated persons are informed of the access to healthcare (pink slip) process. None of the disabled incarcerated persons reported they had difficulty accessing medical services.

The County produced ADA Interview/Activity Logs that reflect that disabled incarcerated persons are provided the following accommodations so they can access the programs, services, and activities:

- Reading glasses
- Magnifying sheets
- Pocket Talkers

In-person program opportunities are available at the OC jails. These programs are facilitated by OCSD program staff. There are additional in-person programs facilitated by

Rancho Santiago Community College District Education facilitators. During a previous monitoring tour, programs staff reported the Rancho Santiago Community College District requires a minimum of 15 participants for the class/program, and due to the limit of incarcerated persons allowed out-of-cell, OCSD cannot meet this requirement, and classes are not able to be offered by Rancho Santiago Community College District educators. Previously, the County reported that OCSD conducted a pilot to increase the number of incarcerated persons allowed out of cell. Based on the results of the pilot, the County is exploring the feasibility based on safety and security to increase the number of incarcerated persons allowed to program out-of-cell together.

The Inmate Services Correctional Programs Facility Schedules for the IRC, CMJ, CWJ, and TLF program opportunities reflect the following programs being offered:

- Women's Central Jail
 - Narcotics Anonymous
 - Alcoholics Anonymous
 - TAY (Prison Yoga)
 - TAY
 - SSA Workshop
 - Protestant Service (English/Spanish)
 - Christian Science Service
 - Catholic Service (English/Spanish)
 - 7th Day Adventist
 - Malachi Women
 - Substance Abuse
 - Creative Writing
 - A Skills GED
 - GED Math
 - All In Case Manager
 - Parenting
 - ESL
 - Back On Track
 - Money Matters
 - Food Services
 - Business
 - MS Excel
 - MS Word
 - Women of Purpose
 - MS PowerPoint
 - MAT
 - Accounting
 - Work Readiness
 - All In
 - Great Escape
 - VR
- Men's Central Jail
 - Protestant Service
 - Christian Science Service

- Catholic Service
 - Jewish Service
 - Protestant Bible Study
 - Malachi Men
 - Back on Track
 - Great Escape
 - Money Matters
 - Accounting
 - Parenting
 - Social Service Workshop
 - MS PowerPoint
 - MS Excel
 - MS Word
 - Business
 - Food Services
 - Work Readiness
 - A Skills GED
 - GED Math
 - ESL
 - HiSet Testing
 - Substance Abuse
 - Narcotics Anonymous
 - Alcoholics Anonymous
 - MAT
- Intake Release Center
 - Protestant Service
 - Bible Discipleship
 - Catholic Service
 - Catholic Bible Study
 - Malachi Women
 - Substance Abuse
 - Parenting
 - SSA Workshop
 - Mental Health (CHS)
 - Work Readiness
 - Case Management (Phoenix House)
 - MAT Program
 - AA Panel
 - AA Spanish
 - NA Panel
- Theo Lacy Facility
 - Protestant Service
 - Catholic Service
 - 7th Day Adventist
 - Protestant Bible Study
 - Catholic Bible Study
 - Malachi Men

- Men of Purpose
- All In Program
- Custodial
- Great Escape
- NA Panel
- AA Panel
- GED
- GED Science
- GED Math
- PIVOT
- ESL
- Effective Parenting
- Food Service
- Money Matters
- MS Excel
- MS PowerPoint
- MS Word
- APAIT
- Back on Track
- Substance Abuse
- Home-Based Business
- Virtual Reality
- Accounting
- MAT Group
- Medi Cal
- Diabetic Education
- Workforce Readiness
- Shanti
- HUMV Program (Various)
- PRIDE Program (Various)
- TAY Program (Various)
- Phoenix House (Various)

Programs are delivered in the following locations:

- Central Men's Jail
 - 2nd Floor Classroom #1 – Max 24 (Protestant Service, Malachi Men, Back on Track Money Matters, Parenting, Accounting, Work Readiness, A Skills GED, GED Math, Malachi Men, MAT Program, Social Services Workshop, and Narcotics Anonymous)
 - 2nd Floor Classroom #2 – Max 14 (Protestant Service, Christian Science Service, Catholic Service, Jewish Service, Protestant Bible Study, Great Escape, AA, and HiSet,)
 - 2nd Floor Computer Lab (Food Service, ESL, MS PowerPoint, MS Word, MS Excel, Business, and Substance Abuse)
- Intake Release Center

- 2nd Floor Multi-Purpose Room – Max 32 (Malachi Women, Bible Discipleship, Parenting, Substance Abuse, Work Readiness, and SSA Workshop)
- MOD J Room A (Protestant Service, Catholic Bible Study, and MAT Program)
- Mod J Room B (Catholic Service, AA Panel, and Catholic Bible Study)
- Mod K Room B (No Programs)
- Mod L Room A (No Programs)
- Mod M Room A (MAT Program)
- Mod M Room B (Catholic Service)
- Mod N Room A (AA Panel, NA Panel, Case Management, MAT Program, and Mental Health)
- Mod N Room B (Catholic Bible Study, Protestant Service, Catholic Service, and AA)
- Central Women's Jail
 - Classroom A (A Skills/GED, Malachi Women, TAY Prison Yoga, All In, All In Case Management, GED Math, Creative Writing, Business, Great Escape, Back on Track, Food Services, Accounting, AA, MS Excel, Christian Science Service, and Women of Purpose)
 - Classroom B (MS PowerPoint, MS Word, ESL, MAT, VR, Substance Abuse, Protestant Service, Catholic Service, TAY, Money Matters, Parenting, Work Readiness, 7th Day Adventist Service, Creative Writing, NA and Catholic Service)
- Theo Lacy Facility
 - Classroom #2 (Protestant Service, Custodial, Custodial, Catholic Service, Food Services, MAT Group, Money Matters, Home Based Business, Accounting, and AA Panel)
 - Classroom #3 (PIVOT, All in Program, Men of Purpose, Back on Track, Malachi Men, MS Excel, MS PowerPoint, MS Word, and Medi-Cal)
 - Classroom #4 (GED, GED Science, GED Math, ESL, Effective Parenting, AA Panel, Diabetic Ed, Substance Abuse, Catholic Service, Catholic Bible Study, Back on Track, Great Escape, Bible Discipleship, and Workforce Readiness)
 - Classroom #5 (All in Program, Protestant Bible Study, PIVOT, Virtual Reality, AA Panel, Catholic Service, and Protestant Service)
 - Chapel (No Programs)
 - Mod I Multi-Purpose Room Up (Protestant Service, APAIT, Workforce Readiness, Shanti, AA Panel, Protestant Bible Study, and Catholic Service)
 - Mod I Multi-Purpose Room Down (Catholic Service)
 - Mod J Multi-Purpose Room (Catholic Service, Protestant Bible Study, and AA Panel)
 - Mod K Multi-Purpose Room (Catholic Service, Protestant Service, Protestant Bible Study, AA Panel, Catholic Bible Study, and Seventh-Day Adventist Service)
 - Mod L Multi-Purpose Room (Catholic Service, Catholic Bible Study, Protestant Service, and AA Panel)

- Mod M Multi-Purpose Room (Catholic Service, Protestant Service, Protestant Bible Study, and AA Panel)
- Mod N Multi-Purpose Room (Catholic Service and Protestant Bible Study)
- Mod O Multi-Purpose Room (Catholic Service, Protestant Bible Study, Protestant Service, and AA Panel)
- Mod P Multi-Purpose Room (Catholic Service, Catholic Bible Study, Christian Science Service, Protestant Service, Protestant Bible Study and MAT)
- Mod Q Multi-Purpose Room (Catholic Service, Protestant Service, Catholic Bible Study and MAT)
- Mod R Multi-Purpose Room (Catholic Service, Protestant Bible Study, and MAT)

The County is providing in-person programs, which are facilitated by OCSD Inmate Services facilitators, volunteers (religious), and Rancho Santiago Educators. The program's staff conduct outreach and recruitment of all GP 6-7 disabled incarcerated persons housed in CMJ and TLF Mod O. Currently, at TLF, only incarcerated persons classified as GP 6-7 (the lowest custody classification) are eligible to participate in the in-person programs provided in the TLF program classrooms and GP 1-5 are eligible only for correspondence programs.

Additionally, the County reported that during the rating period, 113 disabled incarcerated persons were enrolled in programs. Sixty-six were enrolled in the in-person programs, five (5) were enrolled in the in-person programs and packets, and 42 were enrolled in packets only. The County also reported that during the on-site review, seven (7) disabled incarcerated persons from TLF Mod O participated in the in-person programs in the TLF Programs building.

Disabled incarcerated persons can also participate in educational opportunities via the tablets and the County reported that the programs staff facilitate the provision of a transcript of educational courses completed by the incarcerated persons.

In a review of the 788 ADA Interview/Activity Logs the County produced, four (4) cases where disabled incarcerated persons claimed they were not being provided equal access to programs:

- Stated he attended 4 GED classes and was wondering why his classes stopped. ADA Deputy emailed Programs staff on behalf his behalf.
- Stated he was not on the list for a Parenting and Substance Abuse Program. Programs emailed for more details.
- He spoke with ADA Deputy in his housing location and asked how to request someone to teach him to read. ADA Deputy completed an inmate message slip for him and submitted it to Programs. Program staff enrolled him in an ESL class starting next week.
- Requested to take an English lit and GED in English. Programs staff notified via email. Programs responded, stating she can take GED classes only by correspondence packets. Also, English Lit (WIN course) is not being offered and hasn't been for a while. Programs is not sure when/if it will return.

The incarcerated persons with disabilities in the TLF MOD O are informed of the opportunities through direct engagement with program staff and the ADA Compliance Unit (e.g., during the 30-day ADA Compliance Unit check-ins).

When the lower security Musick facility (scheduled to open in December 2024) is opened, there will be no disability or mental health-related exclusions (other than those needing a higher level of mental health care). Based on this, the disabled incarcerated person housed in the Musick facility will have access to the facility's programs, services, and activities. The Expert will monitor this component once the Musick facility is activated and populated.

Based on this, the Expert has determined that the County has partially implemented the RP requirement.

Partially Implemented (Previous Rating Partially Implemented)

- B. The County shall provide appropriate assistance to persons with disabilities so that they can meaningfully participate in Jail programs, services, and activities for which they are qualified and medically cleared.*

As noted in the fourth report, two previous successive Compliance Reports have found that the provision has been adequately implemented. Therefore, monitoring of this provision is suspended.

Monitoring Suspended Based on Previous Findings of Compliance (Previous Rating Monitoring Suspended Based on Previous Findings of Compliance)

- C. The County shall assist persons with disabilities in reading or scribing documents (legal, medical, request forms, grievances, due process, etc.).*

As noted in the fourth report, two previous successive Compliance Reports have found that the provision has been adequately implemented. Therefore, monitoring of this provision is suspended.

Monitoring Suspended Based on Previous Findings of Compliance (Previous Rating Monitoring Suspended Based on Previous Findings of Compliance)

Although monitoring has been suspended based on previous findings of compliance, five (5) incarcerated persons stated that although the ADA Deputies provide reading and writing assistance, housing unit staff do not assist them and refer them to the ADA Deputies or incarcerated persons.

- D. The County shall provide equal access to library, recreational, and educational reading materials for persons with disabilities, including providing easy reading, large-print, and Braille books; a Braille writer audiobooks; accessible electronic tablet programming; and assistive technology, as necessary.*

In the previous report, the County reported that the tablets had been rolled out system-wide. However, during the tablet demonstration, the Expert identified the following issue.

There may be some difficulty for incarcerated persons who are blind or have low vision to access the tablets. The login process is convoluted requiring an individual to navigate this process every time they want to access the tablet. The tablets also automatically log a person out after a short period of inactivity (approximately 30 seconds). When this occurs, the person must go through the multi-step login process again. Though the tablets have built-in accessibility features through the operating system, the tablets are very difficult to use through the login process. Because some incarcerated persons have money loaded onto the tablets, it would not be appropriate for incarcerated persons to rely on other incarcerated persons for assistance in logging into the tablets as this may compromise the login passwords and may lead to victimization concerns. To address this concern, the County reported that the ADA Compliance Team will assist persons with disabilities if they have issues accessing the tablet. The Team is trained on how to use the tablets and will readily provide this assistance. In a review of the ADA Activity logs, the Expert found documentation of cases where the ADA queried the incarcerated person on their ability to access the tablet.

Although the vendor for the tablets advised OCSD that easy reading books are not available to be included on the tablets, OCSD continues to provide easy-reading books to persons with Intellectual/Development disabilities. As reported in section F.F., easy-reading books are available for disabled incarcerated persons. Additionally, large print reading materials are also available for disabled incarcerated persons. The County provides "Books on Tape" for incarcerated persons with vision disabilities. The tablet screen can be enlarged for disabled individuals with vision disabilities and accommodation needs. The tablets have a talk-back function as an accommodation.

The review of the 788 ADA Interview/Activity Logs related to the provision of audiobooks, electronic tablets and assistive technology is addressed in section E.D. above.

The County previously reported that OCSD currently has an account and receives materials from two different braille libraries, one in Los Angeles County and one in Orange County. The County also produced the mailing slips from these libraries. The County reports that OCSD is able to request specific books to be sent to OCSD and the only difference with the BARD services is that BARD allows for books and magazines to be downloaded to electronic devices. Due to cybersecurity issues, OCSD is unable to download BARD materials.

DRC's concern with the Expert's Adequately Implemented designation centers on meaningful access to the tablets. The tablets are difficult to access without assistance, including for blind and low vision individuals and people with cognitive disabilities. The County reports that its intended practice is for the ADA unit to respond to requests for tablet assistance, and for housing deputies to provide assistance if requested. The County has committed to ensuring that housing deputies are directed to provide assistance on a day-to-day basis to people who request help accessing the tablets, in coordination with the ADA Compliance team as needed. DRC's position is that proof of practice on this aspect is necessary to establish or maintain an AI designation. The parties agree that this should be a monitoring focus area in the next monitoring round.

Based on this, the Expert has determined that the County has partially implemented the RP requirement.

Partially Implemented (Previous Rating Partially Implemented)

E. The County shall log and track out-of-cell time and program participation to ensure that people with disabilities receive meaningful and equitable access to such programs and activities. At a minimum, the system shall collect information as to:

- 1. When the County offers out-of-cell opportunities (dayroom and outdoor); whether the incarcerated person with a disability accepts or refuses the opportunity; and, if an incarcerated person accepts the opportunity, the amount of time spent out of cell;*

The County reported that OCSD finalized its contract with Guardian RFID (for tracking out of cell time, among other functions). The first phase of Guardian will be to track safety and security checks by deputies. Following that roll out, out of cell time will be the next phase. The date is to be determined.

The County produced the following OCSD Daily Activity Logs, which include the Dayroom and Recreation activity for the following weeks:

- January 8-14, 2024
- February 8-14, 2024
- March 9-15, 2024
- April 8-14, 2024
- May 8-14, 2024
- June 8-14, 2024

The Daily Activity Logs included the following housing locations:

- CMJ (Mods A, B, C, D, E, F, and O),
- CWJ (Mod P and Second Floor)
- IRC (Mods J, K, M, and N)

- TLF (AE Barracks, F Barracks, G Barracks, H Barracks, Mods I, K, L, M, O, P, Q, R, and Green Sector)

The Expert reviewed a sampling of the logs. The review found that staff does not consistently log sufficient information for the Expert to determine if the incarcerated persons with disabilities accept or refuse the out-of-cell opportunity and the amount of time the incarcerated persons with disabilities spend out-of-cell. Some of the logs do not reflect the disabled incarcerated person identifiers (name and booking number) for cases where there are multiple disabled incarcerated persons in a housing unit.

Based on this, the Expert finds that the County has not implemented the RP requirements.

Not Implemented (Previous Rating Not Implemented)

2. *The ADA Compliance Unit shall interview incarcerated persons with disabilities on a monthly basis. If, during the interview, the ADA Compliance Unit discovers that a person with a disability has refused offers for outdoor recreation three times in a row or has refused offers for dayroom three times in a row, the ADA Compliance Unit shall inquire and document the reason(s) for the refusal. The ADA Compliance Unit shall inquire whether a disability accommodation, mental health referral, or other action is needed to afford meaningful access and shall document the action taken in the incarcerated person's ADA Inmate Activity Log. During the monthly meeting, the ADA Compliance Unit will also provide the incarcerated person with a message slip to contact the ADA Compliance Unit regarding any disability issues. If, at any time prior to the monthly interview, any member of the ADA Compliance Unit becomes aware that an incarcerated person with a disability may need a disability accommodation, mental health referral, or other action to afford meaningful access to out-of-cell opportunities, the ADA Compliance Unit will meet promptly with the incarcerated person and document the action taken in the incarcerated person's ADA Inmate Activity Log.*

As noted in the fourth report, two previous successive Compliance Reports have found that the provision has been adequately implemented. Therefore, monitoring of this provision is suspended.

Monitoring Suspended Based on Previous Findings of Compliance (Previous Rating Monitoring Suspended Based on Previous Findings of Compliance)

3. *The County shall conduct an annual review to determine whether the County offers structured programs and activities, including, but not limited to, religious, educational, vocational, reentry, and substance abuse programs, on an equal basis to people with disabilities and whether there are access/accommodation barriers to be addressed.*

The County reported that the Programs staff will work to implement this requirement.

The County produced the Orange County Sheriff's Department Annual Progress Review ADA – Rights of People with Disabilities. The Progress Review states, "The County has conducted an assessment to determine if structured programming including religious, educational, vocational, reentry, and substance abuse programs, is being offered on an equal basis to people with disabilities that are housed within the Orange County Jails. The following report will reflect a list of current programs that are offered to individuals within our jails regardless of ADA status, a snapshot of outcomes for ADA clients who enrolled and participated in programming throughout the review period 1/1/24 – 6/30/24, actions taken to expand services in Mod O housing units, and gaps that are needing to be addressed and corrective measures that will be taken." The Progress Review also includes the following:

- Reference to the Programs List (Programs and Re-Entry Profile 6.30.24)
- Enrollment and Participation Outcomes
- Assessment of ADA individuals that were housed in the OCSD jails during the rating period (1.1.24 to 6.30.24)
- Expansion of Services in CMJ/TLF Mod O

- Gaps and Corrective Measures

The Progress Review does not include an assessment of access to religious and reentry programs.

Based on this, the Expert has determined that the County has partially implemented the RP requirement.

Partially Implemented (Previous Rating Not Implemented)

J. Access to Worker Opportunities (Section X)

- A. *The County shall ensure equitable work opportunities for incarcerated persons with disabilities. Incarcerated people with disabilities who can perform the essential functions of a position, with or without accommodations, shall be considered for and placed into work opportunities in the same manner as incarcerated people who do not have disabilities and who are similarly situated with respect to other factors unrelated to disability (e.g., classification level, individualized security considerations).*

The revised and implemented Custody & Court Operations Manual (CCOM) 8000 - Inmates with Disabilities states, "Inmates with disabilities will be provided the opportunity to work, both in the Jail and through the Community Work Program. Those who accept the opportunity will meet with the CHS ADA Compliance R.N. and ADA Compliance Unit. An individualized interactive process will take place to determine the type of assignment and provision of reasonable accommodations as needed to allow the inmate to participate. Staff supervising inmates must consider, with input from the inmate, reasonable accommodations that would make it possible for the inmate to perform the essential job functions and/or consider whether the inmate could, with or without reasonable accommodations, perform the essential job functions of another position. Staff shall notify the ADA Compliance Unit if they notice that an inmate with a disability is having trouble participating in programs and services, to discuss provision of reasonable accommodations as necessary to address the issue."

In a previous document production, the County provided the following ADA Inmate Work Program – Workflow Process.

- ADA Deputy will provide a list of potential inmates with disability needs for the inmate work program to CHS ADA Nursing for clearance.
- CHS ADA Nurse will conduct a health screening by reviewing the inmate's electronic health record.
- CHS ADA Nurse will provide individualized assessment and complete the Functional Performance Worksheet if not done.
 - If the patient is on psychiatric medication, the patient will be referred to MHSC for clearance.
 - If the patient is on medications for a preexisting condition and/or for any questionable clearances, the patient will be placed on MDSC for clearance.
- CHS ADA Nurse will notify OCSD of the work clearance status with necessary accommodations and limitations to ADA Deputy.

The CHS ADA Nurse reported that she reviews work clearance for all permanent disabilities if the person is on the ADA nurse sick call list or referred to her by the ADA Deputy. She also reported that other CHS nurses may also be assigned to evaluate work clearances for people who are not ADA and are on the mental health caseload. She explained that individuals with mental health and/or Intellectual/Developmental disabilities are reviewed by the recently established mental health ADA Coordinators. Mental health staff reported that they would conduct a chart review and if the person is not in mental health acute or chronic housing, they would be eligible to work. For people who were housed in the chronic and acute mental health units, they would be considered 30 days after release from the mental health units. Medical and mental health staff reported that a medical message slip would be provided to custody staff listing the physical limitations. Staff reported that health care clearance assessments are logged in the health record as a progress note.

In the previous monitoring tour, the TLF Work Deputy stated that only sentenced incarcerated persons whose classification score is GP 4-7 are eligible for work assignments. In addition, incarcerated persons with specific charges and in-custody misconduct are ineligible for work. The Work Deputy stated that a list of eligible workers is provided to medical staff, who then provide the medical determination of the incarcerated person's clearance for work. The information provided to the Work Deputy includes responses that include a "yes," "no," "checkback" (for cases who may be detoxing), "cleared for light duty only," or "not cleared for kitchen." Once the medical determination is received, he contacts the ADA Nurse for a list of the incarcerated person's physical limitations. The Work Deputy reported that he then places the incarcerated person into a work position based on the essential functions of the job and the incarcerated person's physical limitations. The Work Deputy reported that there are approximately 350 to 380 work positions at TLF. The "All Inmate Workers Excel Spreadsheet dated 7_11_24 produced by the County reflects there are 575 workers for all three (3) jails, and 27 of the workers are designated as disabled.

The Work Deputies stated that when a disabled incarcerated person is interested in being assigned to a work position, the ADA Deputies advise the incarcerated person to send them a message slip. In the review of the 788 ADA Interview/Activity Logs, during the initial and monthly interviews, the ADA Deputies ask the incarcerated person if they are interested in being assigned to a work position. The CWJ Work Deputies stated that all disabled incarcerated persons can be assigned to work positions if they meet the eligibility criteria and they are not excluded based on their disability. The ADA Interview/Activity Logs reflect 21 cases where incarcerated persons were assigned to work positions.

The County reports that currently, incarcerated persons in TLF Mod O can be assigned to kitchen and laundry positions. The TLF Work Deputy stated that there has been a huge decline in the number of MH and Medical denials since the last monitoring tour.

The following is a sample of entries in the ADA Interview/Activity Logs:

- Inmate message slip received requesting to be an inmate worker. ADA Deputy contacted IRC work Deputy who is relaying the request to medical and mental health for clearance. Work Deputy will follow up with ADA team with decision.

- Requested to be an inmate worker. RN present. Cleared medically to work. Mental health notified for clearance. Will notify CJX work deputy once cleared by mental health.
- From CHS: XXX would like to be a worker now. He states he has been helping in TLO and no issues with the kind of work he has been doing. He has been medically cleared with work restrictions, see attached for MMS. Can you forward to housing deputies. Housing Staff notified.
- Was advised of work and CWP opportunities. A prefilled inmate message slip addressed to ADA Compliance Unit was issued to inmate if he wishes to apply for work or CWP. Inmate returned issued preaddressed message slip to ADA Deputy and asked if he could be screened to work. Message slip forwarded to medical staff for clearance.

It is evident that outreach and education are being provided so that disabled persons understand they have access to work opportunities.

During the incarcerated person interviews, some incarcerated persons interviewed stated they were willing to work, and they were not offered an opportunity to work. However, in a review of a sample of the 788 ADA Interview/Activity Logs the County produced, the ADA Compliance Unit staff asks the incarcerated person during the initial and monthly interview about their willingness to accept a work assignment position. The ADA Compliance Unit staff notes if the incarcerated person is ineligible for assignment based on classification or security case factors. They also stated when an incarcerated person reports they are interested in being assigned to a work position, they advise the incarcerated person to submit a message slip to the Work Deputy and/or they advise the Work Deputy that the incarcerated person is interested in being assigned to a work position. In review of the ADA Tracking Lists provided during the monitoring tour there were 23 disabled incarcerated persons assigned to work positions.

Based on this, the Expert has determined that the County has adequately implemented the RP requirement.

Adequately Implemented (Previous Rating Adequately Implemented)

1. *To ensure equitable work opportunities for incarcerated people with disabilities, the County shall: Ensure clear job descriptions that include the essential functions and clear hiring criteria that do not inappropriately screen out people with disabilities;*

As noted in the fourth report, two previous successive Compliance Reports have found that the provision has been adequately implemented. Therefore, monitoring of this provision is suspended.

Monitoring Suspended Based on Previous Findings of Compliance (Previous Rating Monitoring Suspended Based on Previous Findings of Compliance)

2. *To ensure equitable work opportunities for incarcerated people with disabilities, the County shall: Ensure that medical staff conduct an individualized assessment to identify work duty restrictions and/or physical limitations in order to ensure appropriate work assignments and reasonable accommodations on the job;*

The revised and implemented Custody & Court Operations Manual (CCOM) 8000 - Inmates with Disabilities states, "Inmates with disabilities will be provided the opportunity to work, both in the Jail and through the Community Work Program Those who accept the opportunity will meet with the CHS ADA Compliance R.N. and ADA Compliance Unit. An individualized interactive process will take place to determine the type of assignment and provision of reasonable accommodations as needed to allow the inmate to participate."

The County produced HCA CHS Policy and Procedure 1022 Inmate Workers. The policy includes the medical criteria and also includes specific health conditions that require a sick call appointment for clearance. The policy requires that medical staff confer with the ADA nurse coordinator, and after the evaluation is completed, for temporary or permanent disability related to mobility, dexterity, vision, hearing, or speech, an ADA Nurse Coordinator will communicate the necessary reasonable health accommodations to OCSD ADA Compliance Unit and enter Work Program Clearance Status in the patient's EHR. For cognitive, intellectual, and developmental disabilities, medical staff must confer with a CHS psychologist. For mental health diagnosis, medical staff must confer with a mental health clinician. For unstable medical conditions, medical staff must confer with a CHS medical provider.

The HCA CHS Policy and Procedure 1022 Inmate Workers states:

Senior Nurse/Supervising Nurses receive inmate (in-jail and CWP) worker eligibility screening lists from OCSD's Work Deputy for patients housed within Orange County Jail facilities prior to a patient receiving a work assignment.

- Senior/Supervising Nurse or assigned clinical staff designee will conduct a chart review to ensure the patient is:
 - Free from withdrawing from illicit drugs or alcohol.
 - Physically and mentally capable of working, including with the provision of health-related or disability-related accommodations and/or adaptive supports.
 - Assigned clinical staff reviewer will confer with appropriate CHS clinical staff or schedule appropriate follow-up sick call appointment(s) whenever health status is unclear upon reviewing patient's EHR (refer to table in Section B for scheduling appropriate appointments).
 - Not currently placed in medical isolation/quarantine

The CHS ADA Nurse reported that once a disabled incarcerated person requests consideration for a work assignment she conducts a work clearance evaluation/interview to determine the assignments the incarcerated person can be assigned to. In cases where she cannot make the determination for work clearance, she refers the case to a medical provider for a provider review.

A medical provider interviewed stated that all incarcerated persons are eligible to work and that in conducting the review, he does not automatically exclude disabled incarcerated persons with chronic medical conditions. He stated that he interviews the

incarcerated person and identifies the physical limitations and duty restrictions. He also stated that the Work Status (Work With Restrictions/No Work) is documented on an HCA Medical Message Slip, which is provided to custody staff and is also provided to the incarcerated person and in the progress notes.

The Behavioral Health Clinician stated she conducts the in-custody work and CWP mental health clearances. She reported that they would conduct a chart review and if the person is not in mental health acute or chronic housing, they would be eligible to work. For people who were housed in the chronic and acute mental health units, they would be considered 30 days after release from the mental health units. Medical and mental health staff reported that a medical message slip would be provided to custody staff listing the physical limitations.

Medical and mental health staff reported that health care clearance assessments are logged in the health record as a progress note. As part of document production, the County produced a list "Work-Not Cleared by CHS." The list includes 8 cases. The County also produced seven (7) progress notes/MMS that reflect the following reasons for denial:

- MMS - No Work - Upon expiration of this chrono the patient's status will revert to unrestricted, eligible for work unless the patient returns to the medical clinic for further.
- MMS - No Work - Upon expiration of this chrono the patient's status will revert to unrestricted, eligible for work unless the patient returns to the medical clinic for further.
- MMS - No Work - Upon expiration of this chrono the patient's status will revert to unrestricted, eligible for work unless the patient returns to the medical clinic for further.
- Progress Note - Not medically cleared for now until recent acute exacerbation of muscle spasms resolve, re-evaluate next visit.
- MMS - No Work - Upon expiration of this chrono the patient's status will revert to unrestricted, eligible for work unless the patient returns to the medical clinic for further.
- Progress Note - ok for binder, lb no work wij
- Progress Note - Work Clearance- pt not medically clear for work

In review of the documentation produced by the County, there is insufficient information as to what guided the medical provider's or mental health clinician decision.

The County must ensure that the work evaluations/reviews are documented in a way that the Expert can determine the clinical reasons for the determination of the denials.

In the next monitoring round, the Expert is requesting that the County produce medical progress notes for all cases (medical and mental health progress notes including dates of the review) for completed work assignment medical evaluations that were denied by CHS staff (medical and mental health) and not just the MMS.

Based on this, the Expert has determined that the County has partially implemented the RP requirement.

Partially Implemented (Previous Rating Partially Implemented)

3. *To ensure equitable work opportunities for incarcerated people with disabilities, the County shall: Ensure that staff supervising incarcerated workers consider, with input from the incarcerated person, reasonable accommodations that would make it possible for the incarcerated person to perform the essential job functions and/or consider whether the incarcerated person could, with or without reasonable accommodations, perform the essential job functions of another position.*

As noted in the fourth report, two previous successive Compliance Reports have found that the provision has been adequately implemented. Therefore, monitoring of this provision is suspended.

Monitoring Suspended Based on Previous Findings of Compliance (Previous Rating Monitoring Suspended Based on Previous Findings of Compliance)

4. *To ensure equitable work opportunities for incarcerated people with disabilities, the County shall: Ensure equitable work opportunities for incarcerated persons with Intellectual disabilities, with appropriate accommodations and supports (e.g., additional supervision and training, modified production expectations, expanded timeframes for completion of projects, etc.).*

The revised and implemented Custody & Court Operations Manual (CCOM) 8000 - Inmates with Disabilities states, "Relevant staff, including housing deputies, the ADA Compliance Unit, and work supervisors/teachers shall be informed, as appropriate, as to: inmates with Intellectual/Developmental Disabilities, their individualized plan, and related accommodations and adaptive support needs and staff responsibilities to provide for such needs as well as to monitor for and address any safety, vulnerability, or victimization concerns."

The County reported that OCSD is working on a log for adaptive supports provided to persons with Intellectual/Developmental disabilities.

The Work Deputies interviewed stated that in the event the individual could not perform the essential functions of the work assignment, the supervisor would provide reasonable accommodations for the individual to perform the assignment, and in cases where they cannot perform the essential functions of a particular job even with an accommodation, the individual would be placed in another work assignment where they could be accommodated.

The revised and implemented Custody & Court Operations Manual (CCOM) 8000 - Inmates with Disabilities states that work supervisors/teachers shall be informed as appropriate as to the incarcerated persons with Intellectual/Developmental Disabilities, their individualized plan, related accommodations, adaptive support needs, and staff responsibilities to provide for such needs.

During the on-site review, the County provided the Expert with a draft log. The County reported it is considering requiring that staff provide and document all adaptive supports reflected on the log. It is the Expert's position that this may lead to the incarcerated person feeling annoyed and aggravated at being reminded and prompted to perform ADLs the perform on their own without needing reminders. The Expert recommends that the Adaptive Support Needs Log be individualized and based on the individualized plan developed by CHS. The Expert further recommends that CHS and OCSD collaborate on the development of the Adaptive Support Needs Log.

Individualized plans for the three (3) assigned workers designated as developmentally disabled were not produced. In addition, the County did not produce documentation showing that incarcerated workers with intellectual disabilities were provided with appropriate accommodations and supports (e.g., additional supervision and training, modified production expectations, expanded timeframes for completion of projects, etc.

Based on this, the Expert has determined that the County has partially implemented the RP requirement.

Partially Implemented (Previous Rating Partially Implemented)

K. Access to Community Work Program (Section XI)

- A. *The County shall ensure equal access to the Community Work Program (CWP) for people with disabilities. People with disabilities who can perform the essential functions of a CWP position, with or without accommodations, shall be considered for and placed into CWP opportunities in the same manner as people who do not have disabilities and who are similarly situated with respect to other factors unrelated to disability (e.g., classification level, individualized security considerations).*

The revised and implemented Custody & Court Operations Manual (CCOM) 8000 - Inmates with Disabilities states, "Inmates with disabilities will be provided the opportunity to work, including Community Work Program. Those who accept the opportunity will meet with the CHS ADA Compliance R.N. and ADA Compliance Unit. An individualized interactive process will take place to determine the type of assignment."

Previously, the County reported that OCSD has developed a form (Attachment B) to notify work supervisors of any needed accommodations for the CWP participants. Additionally, the County reports that OCSD understands the issue of exclusion of individuals based on their medical and mental health condition has been addressed by CHS.

A review of the 788 ADA Interview/Activity Logs the County produced reflects the ADA Compliance Unit staff notes if the incarcerated person is ineligible for CWP assignment based on classification or security case factors (type of charges and time to serve). The CWP deputy stated that all incarcerated persons are screened for placement into the CWP. If the incarcerated person meets the custody/classification criteria (no violence, weapons, sex, or gang commitment offenses), the deputy initiates a full background screening. All incarcerated persons who meet this initial screening criterion move on in the process. However, all potential candidates must meet the time-to-serve criteria (i.e., between 5 and 240 days to serve). All candidates who meet the custody and time-to-serve criteria are

referred to medical, mental health, and warrants check. If the candidate is cleared by medical and mental health and the warrants check, they are interviewed by the CWP deputy. During a previous monitoring tour, the CWP deputy stated that 40 to 50 percent of the eligible candidates refuse to participate in the CWP. The CWP deputy also stated that all candidates must have a permanent address and transportation to be considered for CWP.

The County produced the CWP DRC Activity Tracker, which reflects that seven (7) disabled incarcerated persons have been assigned to the CWP (1/1/24 to 6/30/24). Additionally, the following are a sample of entries in the ADA Interview/Activity Logs:

- Was advised of work and CWP opportunities. A prefilled inmate message slip addressed to ADA Compliance Unit was issued to inmate if he wishes to apply for work or CWP.
- XXX was identified as ADA on 2/24/24 by IRC loop staff. He was interviewed by CWP during the booking process and was cleared for CWP with restrictions. Inmate uses crutches and a knee immobilizer and has work restrictions of no long-term standing, lifting, or walking long distances. Inmate is also authorized to use his crutches and leg immobilizer during the day. Inmate may also sit down at any time. Inmate started his CWP work on 2-26-24. ADA compliance was notified on 2/28/24 that the inmate was ADA by TLF lobby staff. Inmate was added to the TLF ADA Tracking List.

Based on this, the Expert has determined that the County has adequately implemented the RP requirement.

Adequately Implemented (Previous Rating Adequately Implemented)

1. *To ensure equitable CWP opportunities for people with disabilities, the County shall: Ensure clear job descriptions that include the essential functions and clear hiring criteria that do not inappropriately screen out people with disabilities;*

As noted in the fourth report, two previous successive Compliance Reports have found that the provision has been adequately implemented. Therefore, monitoring of this provision is suspended.

Monitoring Suspended Based on Previous Findings of Compliance (Previous Rating Monitoring Suspended Based on Previous Findings of Compliance)

2. *To ensure equitable CWP opportunities for people with disabilities, the County shall: Ensure that medical staff conduct an individualized assessment to identify work duty restrictions and/or physical limitations in order to ensure appropriate CWP assignments and reasonable accommodations on the job;*

The revised and implemented Custody & Court Operations Manual (CCOM) 8000 - Inmates with Disabilities states, "Inmates with disabilities will be provided the opportunity to work, including Community Work Program. Those who accept the opportunity will meet with the CHS ADA Compliance R.N. and ADA Compliance Unit.

An individualized interactive process will take place to determine the type of assignment."

The Expert addresses this requirement in detail in Section J. A. above.

The County produced three (3) Community Work Program Work Restrictions and ADA Accommodations for CWP Workers. The Community Work Program Work Restrictions and ADA Accommodations for CWP Worker includes:

- Work Restrictions
- Accommodation Needs
- Comments

The County must ensure that the work evaluations/reviews are documented in a way that the Expert can determine the clinical reasons for the determination of the denials.

In the next monitoring round, the Expert is requesting that the County produce medical progress notes for all cases (medical and mental health progress notes including dates of the review) for completed work assignment medical evaluations that were denied by CHS staff (medical and mental health) and not just the MMS.

Based on this, the Expert has determined that the County has partially implemented the RP requirement.

Partially Implemented (Previous Rating Partially Implemented)

3. *To ensure equitable CWP opportunities for people with disabilities, the County shall: Ensure that staff supervising CWP workers consider, with input from the incarcerated person, reasonable accommodations that would make it possible for the person to perform the essential job functions and/or consider whether the person could, with or without reasonable accommodations, perform the essential job functions of another CWP position.*

The revised and implemented Custody & Court Operations Manual (CCOM) 8000 - Inmates with Disabilities states, "Staff shall notify the ADA Compliance Unit if they notice that an inmate with a disability is having trouble participating in programs and services. Staff will provide reasonable modifications to Jail rules, policies, and practices to enable inmates to participate in the services, programs, and activities offered to other inmates of the same classification level."

The policy also states, "Staff supervising inmates must consider, with input from the inmate, reasonable accommodations that would make it possible for the inmate to perform the essential job functions and/or consider whether the inmate could, with or without reasonable accommodations, perform the essential job functions of another position."

The CWP deputy interviewed stated that in the event the individual could not perform the essential functions of the work assignment, the supervisor would provide reasonable accommodations for the individual to perform the assignment, and in

cases where they cannot perform the essential functions even with an accommodation, the individual would be placed in another CWP assignment based where they could be accommodated.

The County produced 128 Orange County Sheriff Department Community Work Program Work Site Rosters that reflect accommodations were provided during the individual's daily assignment. The rosters state, "I have ensured that the inmate's accommodations listed on the Work Restrictions and ADA Accommodations for CWP Worker Form have been provided."

Based on this, the Expert has determined that the County has adequately implemented the RP requirement.

Adequately Implemented (Previous Rating Adequately Implemented)

4. *To ensure equitable CWP opportunities for people with disabilities, the County shall: Ensure equitable CWP opportunities for incarcerated persons with Intellectual disabilities, with appropriate accommodations and supports (e.g., additional supervision and training, modified production expectations, expanded timeframes for completion of projects, etc.).*

The revised and implemented Custody & Court Operations Manual (CCOM) 8000 - Inmates with Disabilities states, "Relevant staff, including housing deputies, the ADA Compliance Unit, and work supervisors/teachers shall be informed as, appropriate, as to: inmates with Intellectual/Developmental Disabilities, their individualized plan, and related accommodations and adaptive support needs and staff responsibilities to provide for such needs as well as to monitor for and address any safety, vulnerability, or victimization concerns."

The CWP deputy interviewed stated that in the event the individual could not perform the essential functions of the work assignment, the supervisor would provide reasonable accommodations for the individual to perform the assignment, and in cases where they cannot perform the essential functions even with an accommodation, the individual would be placed in another CWP assignment where they could be accommodated.

The County reports that OCSD currently has in place the ADA Worker form for CWP (referred to in this Report as "Attachment B"), which includes any accommodations needed for the participant. The OCSD has developed and implemented a form for the CWP Supervisor to document that the accommodations have been provided. The form, which is completed daily, states, "I have ensured that this inmate's accommodations listed on the Work Restrictions and ADA Accommodations for CWP Worker Form have been provided." The form is signed and dated by the supervisor daily and submitted to the CWP Deputy. The County produced 128 Orange County Sheriff Department Community Work Program Work Site Rosters that reflect accommodations were provided during the individual's daily assignment.

Based on this, the Expert has determined that the County has adequately implemented the RP requirement.

Adequately Implemented (Previous Rating Adequately Implemented)

- B. The County shall end its practice of medical staff not approving people with disabilities for participation in the CWP based on a person's disabilities absent meaningful consideration of essential job functions and reasonable accommodations.*

The Expert addresses this provision in detail in Sections J. A. and J. A. 2. Above.

The County produced three (3) Community Work Program Work Restrictions and ADA Accommodations for CWP Worker. The Community Work Program Work Restrictions and ADA Accommodations for CWP Worker includes:

- Work Restrictions
- Accommodation Needs
- Comments

The County must ensure that the work evaluations/reviews are documented in a way that the Expert can determine the clinical reasons for the determination of the denials.

In the next monitoring round, the Expert is requesting that the County produce medical progress notes for all cases (medical and mental health progress notes including dates of the review) for completed work assignment medical evaluations that were denied by CHS staff (medical and mental health) and not just the MMS.

Based on this, the Expert has determined that the County has partially implemented the RP requirement.

Partially Implemented (Previous Rating Partially Implemented)

- C. The County shall provide reasonable accommodations to enable incarcerated persons with disabilities to participate in work opportunities, including the CWP.*

The revised and implemented Custody & Court Operations Manual (CCOM) 8000 - Inmates with Disabilities states, "Staff shall notify the ADA Compliance Unit if they notice that an inmate with a disability is having trouble participating in programs and services. Staff will provide reasonable modifications to Jail rules, policies, and practices to enable inmates to participate in the services, programs, and activities offered to other inmates of the same classification level." The revised and implemented Custody & Court Operations Manual (CCOM) 8000 – Inmates with Disabilities also states, "Inmates with disabilities will be provided the opportunity to work, both in the Jail and through the Community Work Program. Those who accept the opportunity will meet with the CHS ADA Compliance RN and ADA Compliance Unit. An individualized, interactive process will take place to determine the type of assignment and provision of reasonable accommodations as needed to allow the inmate to participate."

The County reports that OCSD currently has in place the ADA Worker form for CWP (referred to in this Report as "Attachment B"), which includes any accommodations needed for the participant. The OCSD has developed and implemented a form for the

CWP Supervisor to document that the accommodations have been provided. The form, which is completed daily, states, "I have ensured that this inmate's accommodations listed on the Work Restrictions and ADA Accommodations for CWP Worker Form have been provided." The form is signed and dated by the supervisor daily and submitted to the CWP Deputy.

The CWP deputy interviewed stated that in the event the individual could not perform the essential function of the work assignment, the supervisor would provide reasonable accommodations for the individual to perform the assignment, and in cases where they cannot perform the essential functions, the individual would be placed in another CWP assignment based on their physical limitations.

The County produced three (3) Community Work Program Work Restrictions and ADA Accommodations for CWP Worker. The Community Work Program Work Restrictions and ADA Accommodations for CWP Worker includes:

- Work Restrictions
- Accommodation Needs
- Comments

The County produced 128 Orange County Sheriff Department Community Work Program Work Site Rosters that reflect accommodations were provided during the individual's daily assignment. The rosters state, "I have ensured that the inmate's accommodations listed on the Work Restrictions and ADA Accommodations for CWP Worker Form have been provided."

Based on this, the Expert has determined that the County has adequately implemented the RP requirement.

Adequately Implemented (Previous Rating Adequately Implemented)

L. Disability-Related Grievance Process (Section XII)

- A. *The County shall ensure that grievance policies and procedures are readily available and accessible to all persons.*
1. *The County shall inform people of the disability grievance procedures, including, but not limited to, by posting notices throughout the Jail, ensuring the grievance procedures are explained in the orientation packet, and discussing the procedures with people with disabilities during the meeting with staff from the ADA Compliance Unit that occurs within seven days of a person being identified as having a disability.*

As noted in the fourth report, two previous successive Compliance Reports have found that the provision has been adequately implemented. Therefore, monitoring of this provision is suspended.

Monitoring Suspended Based on Previous Findings of Compliance (Previous Rating Monitoring Suspended Based on Previous Findings of Compliance)

2. *The County shall ensure that the disability grievance procedures are effectively communicated to persons with disabilities affecting communication.*

As noted in the fourth report, two previous successive Compliance Reports have found that the provision has been adequately implemented. Therefore, monitoring of this provision is suspended.

Monitoring Suspended Based on Previous Findings of Compliance (Previous Rating Monitoring Suspended Based on Previous Findings of Compliance)

- B. *The County shall track all grievances that request disability accommodations and/or raise any disability-based discrimination or violation of the ADA, this RP, or Jail ADA-related policy.*

As noted in the fourth report, two previous successive Compliance Reports have found that the provision has been adequately implemented. Therefore, monitoring of this provision is suspended.

Monitoring Suspended Based on Previous Findings of Compliance (Previous Rating Monitoring Suspended Based on Previous Findings of Compliance)

Note: Although monitoring has been suspended, the Expert has some concerns that not all grievances that request disability accommodations and/or raise any disability-based discrimination or violation of the ADA, this RP, or Jail ADA-related policy are being tracked. During the monitoring tour, it was reported, and the County confirmed that grievances that are submitted as ADA and during the review process and staff determine that the grievance can be resolved informally are being recategorized as requests and are not being tracked as ADA in the grievance tracking system. The monitor will look at this issue again in the next round. To be clear, it is essential that ADA grievances be tracked as such, including in cases where staff are taking steps to resolve them on an “informal” basis.

- C. *The County shall ensure that all persons, including people with disabilities, have meaningful access to the grievance process and to grievance forms.*
 1. *The County shall ensure that grievance forms are readily available to people in custody, either by placing grievance forms in the housing units in areas accessible to people in custody or ensuring that staff provides grievance forms promptly upon request, irrespective of the type of grievance raised.*

As noted in the fourth report, two previous successive Compliance Reports have found that the provision has been adequately implemented. Therefore, monitoring of this provision is suspended.

Monitoring Suspended Based on Previous Findings of Compliance (Previous Rating Monitoring Suspended Based on Previous Findings of Compliance)

2. *Jail staff can and should attempt to address grievances informally but may not, under any circumstances, refuse to provide a requested grievance form, destroy a grievance*

form, or otherwise obstruct or interfere with a person's ability to submit a grievance form.

As noted in the fourth report, two previous successive Compliance Reports have found that the provision has been adequately implemented. Therefore, monitoring of this provision is suspended.

Monitoring Suspended Based on Previous Findings of Compliance (Previous Rating Monitoring Suspended Based on Previous Findings of Compliance)

3. *Jail staff shall assist people in custody who require accommodations to submit a grievance or to appeal a grievance response (e.g., people who are blind, have an Intellectual/Development Disability, have a learning disability, or who have physical disabilities that make it difficult or impossible for them to write, or are illiterate).*

As noted in the fourth report, two previous successive Compliance Reports have found that the provision has been adequately implemented. Therefore, monitoring of this provision is suspended.

Monitoring Suspended Based on Previous Findings of Compliance (Previous Rating Monitoring Suspended Based on Previous Findings of Compliance)

D. Responses to Grievances

1. *The Housing Sergeant who receives the grievance or appeal shall screen all ADA-related grievances and appeals within one day of receipt to determine whether the grievance presents an urgent issue regarding a person's safety or well-being. For grievances and appeals that present an urgent issue, the County shall either (a) immediately provide an interim accommodation that addresses the urgent issue pending a final response to the grievance or (b) resolve the grievance promptly with the participation of health care staff, as appropriate. For grievances that raise significant and imminent health or safety risks, the County shall address the grievance immediately.*

The revised and implemented Custody & Court Operations Manual (CCOM) 8000 Inmates with Disabilities policy states, "The Housing Sergeant who receives the grievance or appeal shall screen all ADA-related grievances and appeals within one day of receipt to determine whether the grievance presents an urgent issue regarding inmate's safety or well-being. For grievances and appeals that present an urgent issue, staff shall either (a) immediately provide an interim accommodation that addresses the urgent issue pending a final response to the grievance or (b) resolve the grievance promptly with participation of CHS staff, as appropriate. For grievances that raise significant and imminent health or safety risks, staff shall address the grievance immediately."

Staff reported that the Housing Sergeants screen all grievances within one (1) day of receipt, and in cases where the grievances are identified as ADA-related grievances and the issue being grieved presents an urgent issue (safety or well-being), staff provide an interim accommodation pending a response and/or resolve the issue as

soon as possible. The staff also reported that in these cases, they inform the ADA Compliance Unit staff.

In the following grievance, the incarcerated person raised safety concerns related to their housing and disability access needs:

- 240315-0109 3/7/24 – Submitted CDCR-2775 states he has slipped in shower and fell numerous times. Requesting medical housing. Needs to be in ADA cell. The response states, “You were seen most recently by ADA health care personnel on 3/13. Housing is currently appropriate with low bunk/low tier accommodation.” Interviewed on 3/12/24 by ADA Deputy.

The response reflects that the ADA Unit interviewed the incarcerated person five (5) days after the submission of the grievance.

The County reported that, OCSD will be revising the Grievance Form to clearly show the dates.

Based on this, the Expert finds that the County has partially implemented the RP requirements.

Partially Implemented (Previous Rating Partially Implemented)

2. *The Facility Administrative Sergeant, in consultation with the ADA Compliance Unit, shall investigate all non-urgent ADA-related grievances and appeals and provide a written response within fourteen days of receipt.*

The revised and implemented Custody & Court Operations Manual (CCOM) 8000 Inmates with Disabilities policy states, “The Facility Administrative Sergeant, in consultation with the ADA Compliance Unit, shall investigate all non-urgent ADA-related grievances and appeals and provide a written response within fourteen days of receipt.”

The County reports that OCSD will be revising the grievance form.

A review of the 23 disability-related grievances produced found that the County did not document the date the grievance response was provided to the incarcerated person in 18 of the cases.

As noted above, it was observed that grievances submitted as ADA are in many cases being recategorized as “requests” that are thus not tracked as ADA in the grievance tracking system or subject to normal review procedures. The monitor will look at this issue again in the next round. To be clear, it is essential that ADA grievances be tracked and processed as such, including in cases where staff are taking steps to resolve them on an “informal” basis.

Based on this, the Expert finds that this County has partially implemented the RP requirement.

Partially Implemented (Previous Rating Not Implemented)

3. *In limited circumstances where the County is unable to resolve the grievance within fourteen days (e.g., the incarcerated person must be referred to a specialist and the appointment will not occur within fourteen days or the grievance involves a personnel complaint), the County should still provide a response within fourteen days. The response should communicate why the County cannot resolve the grievance within the fourteen-day deadline and, if relevant, provide information regarding any subsequent events scheduled to resolve the grievance (e.g., a specialist appointment) and address, as appropriate, the provision of interim accommodations pending resolution.*

The revised and implemented Custody & Court Operations Manual (CCOM) 8000 Inmates with Disabilities policy states, "In limited circumstances where staff is unable to resolve the grievance within fourteen days (e.g., the inmate must be referred to a specialist and the appointment will not occur within fourteen days or the grievance involves a personnel complaint), staff should still provide a response within fourteen days. The response should communicate why the grievance cannot be resolved within the fourteen-day deadline and, if relevant, provide information regarding any subsequent events scheduled to resolve the grievance (e.g., a specialist appointment) and address, as appropriate, provision of interim accommodations pending resolution."

The County reports that training will be developed on how to provide grievance responses that meet the requirements of the Remedial Plan.

There were three (3) grievances where the responses state:

- Your request has been reviewed, and you are currently being scheduled to be seen by the optometrist regarding your request.
- You are currently scheduled for follow-up with the medical provider regarding your concerns.
- You are currently scheduled for follow up with the provider regarding your concern.

The responses do not communicate why the County could not resolve the grievance within the fourteen-day deadline and, nor did the responses provide relative information regarding any subsequent events scheduled to resolve the grievance (e.g., a specialist appointment) and address, as appropriate, the provision of interim accommodations pending resolution.

Staff interviewed were aware of the RP requirements. Based on this, the Expert finds the County has partially implemented the RP requirement.

Partially Implemented (Previous Rating Partially Implemented)

4. *If the grievance is a request for an accommodation, the response must articulate whether the County is granting the requested accommodation, providing an alternative accommodation, or is declining to provide any accommodation. If the County is not*

providing the requested accommodation, the response must explain the reasoning for the decision. If the County is providing an accommodation (either the requested accommodation or an alternative), the County must document that it has provided the granted accommodation.

The revised and implemented Custody & Court Operations Manual (CCOM) 8000 Inmates with Disabilities policy states, "If the grievance is a request for an accommodation, the response must articulate whether the inmate will be granted the requested accommodation, provided an alternative accommodation, or whether the requested accommodation is declined. If the requested accommodation is declined, the response must explain the reasoning for the decision. If an accommodation is provided (either the requested accommodation or an alternative), staff will document that the granted accommodation has been provided."

Listed below is a summary of the 23 grievance responses:

- 240401-0004 3/31/24 – Waiting over a month for eye exam. The response states, "Glasses were ordered by the optometrist on 3/15 based on prescription on file from previous examination. Glasses will be delivered to patient once they are received." Reviewed by ADA Compliance. Being handled by CHS.
- 240120-0384 1/20/24 – Requesting accommodations for hearing disability to be able to hear attorney and P.I and family. There are insufficient funds to cover payment for direct messaging. All other counties allow direct messaging. The response states, "You were evaluated by the medical provider on 1/25 and have been referred to the specialist regarding your concern. Please submit a pink health message slip to return to care for this or any future concerns. Grievance related to tablet access should be referred to OCSD to addressed." Grievance has been assigned to ADA/Medical. Not compliant with RP requirements.
- 240605-0381 6/5/24 – Has vision problems and is going blind in his left eye due to strain he puts on it because he is already blind in right eye. The response states, "You currently have glasses on order and they will be delivered to you upon receipt. You are currently scheduled to be evaluated by the optometrist, upon referral by the ophthalmologist. Please submit a pink health message slip to return to care as needed for this or any future concern." Grievance has been assigned to Medical. Reviewed by ADA Deputies.
- 240621-0336 6/21/24 – States his orthotic shoes do not fit properly. Is requesting properly fitted orthotic shoes. The response states, "Response from CHS Medical Director: In speaking with XXX of Southern California Prosthetics, I was informed that your orthotics are not backward nor are they damaged. Mr. XXX conveyed while a corrective orthotic can take some getting used to, it is only after wearing it and walking with it for some time that true problem points can be identified and rectified. Mr. XXX instructed you on correct use of your orthotics and noted that if you do not use your durable medical equipment as instructed it will be difficult to help you with your medical issues. Mr. XXX did commit to finding the best solution to your symptoms. Regarding your shoes, Mr. XXX noted that you have tried multiple shoe sizes. If another shoe size is indicated please discuss this at your next visit. If you believe that one of the newer shoe options offered by OCSD might better suite your needs, please

submit a pink message slip. If you would like to see another prosthetist for a second opinion, it is something that CHS and OCSD may consider this on a case-by-case basis. Please note that you would be responsible finding this provider and paying for their services in full." Reviewed by ADA Compliance.

- 240403-0365 4/2/24 – States he is a recent amputee and was denied a shoe chrono. The response states, "You were seen most recently by health care personnel on 4/4 regarding your request and were notified at that encounter that the medical provider determined there was no medical indication for your request at that time. Please submit a pink health message slip to return to care for this or any future concern." Grievance has been assigned to Medical.
- 240618-0352 6/17/24 – States he was denied medical housing on the 2nd week of June when he went to see the nurse. Shower is not modified, can't go up the 2nd floor for visits because there are stairs with no elevators to the 2nd floor. The response states, "During your health care encounter on 6/12, you were encouraged to avoid stair usage due to safety and advised to notify the OCSD ADA compliance personnel to discuss concerns. CHS personnel also contacted OCSD ADA and notified of the need for accommodation during visits. You were seen for follow up on 6/19 and requested medical housing. At that time, the medical provider was consulted and authorized movement to ADA compliant cell/dorm and scheduled you for follow up with the provider. OCSD changed your housing location to accommodate on 6/20." Reviewed by ADA Compliance Unit and forwarded to ADA Compliance Nurses.
- 240618-0351 6/18/24 – States he has not had a shower in 10 days. Is requesting a shower chair and non-slip mat. States he has fallen two (2) times. The response states, "You were seen by the ADA nurse regarding your request for shower chair on 6/12. The medical provider was consulted at that time, ordered diagnostics, and scheduled a medical chart review regarding your request. An MMS for shower chair for 30 days was provided on 6/24. Please submit a pink health message slip to return to care as needed for this or any future concern." Reviewed by ADA Compliance Unit. Not compliant with RP requirements.
- 240621-0368 7/4/24 – Requesting a shower chair. Has not received the shower chair. The response states, "You were seen by the ADA nurse on 6/12 and at that time endorsed that you had not experienced any recent falls. There is no record of a report made by you to medical personnel regarding a recent fall or injury. Please submit a pink health message slip if wish to be evaluated by health care personnel for this concern. An MMS for shower chair for 30 days was provided to you on 6/24." Reviewed by ADA Compliance Unit. Not compliant with RP requirements.
- 240530-0158 5/17/24 – Requesting Fulltime wheelchair and accessible transportation. The response states, "On 5/21/24 Deputy XXX and RN XXX spoke to inmate. CHS issued fulltime wheelchair and W/C van for transport."
- 240616-0376 6/16/24 – Grieving being denied glasses. States he cannot see the Judge in court. The response states, "Your request has been reviewed and you are currently being scheduled to be seen by the optometrist regarding your request." Told ADA Deputy he needs prescription glasses.
- 240624-0330 6/22/24 – Requesting to participate in programs (AA, Christian Services, and Education). States he can move about in a wheelchair. The

response states, "Correctional Programs staff met with XXX on 7/3/24 to discuss his programming options. He is now enrolled in Substance Abuse class to address his request for Alcoholic Rehab programs and will be transported to the Programs building for both Substance Abuse class as well as the Accounting class he is already enrolled in. He will also be attending AA panels in Mod O, and a Protestant Chaplain has been scheduled to meet with him one-on-one." Reviewed by ADA Compliance.

- 24037-0396 3/6/24 – Requesting ADA housing, better accommodations, and access to showers and dayroom. The response states, "You were seen most recently by ADA health care personnel on 3/13 and endorsed no housing concerns at that time. Current housing is appropriate with low bunk/low tier accommodations." Reviewed by ADA Compliance. Not compliant with RP requirements.
- 240315-0109 3/7/24 – Submitted CDCR-2775 states he has slipped in shower and fell numerous times. Requesting medical housing. Needs to be in ADA cell. The response states, "You were seen most recently by ADA health care personnel on 3/13. Housing is currently appropriate with low bunk/low tier accommodation." Interviewed on 3/12/24 by ADA Deputy.
- 240306-0301 2/29/24 – ADA took cane away because it expired. Medical stated need to file a grievance. The response states, "You were most recently seen by health care personnel on 3/23 and received information regarding your request at that time. You were notified that the medical provider had identified there was no medical necessity for your request. You are currently scheduled for follow up with the medical provider. Please submit a pink health message slip to return to care as needed for this or any future concerns."
- 240508-0207 5/2/24 – Claims deputy misconduct in L Mod with indifference to medical needs. Claims he is in a lot of pain with no management. The response states, "On 4/23/24, I was made aware of XXX request to use a wheelchair for movement within Module "L" at the Theo Lacy Facility. Based on Inmate XXX medical mobility notification form at the time, his mobility needs allowed him to use a wheelchair for "long distances." On or about 4/23/24, XXX was not provided a wheelchair due to the subjective language indicating "long distance" on the mobility form. On 4/23/24, I intervened and provided XXX a wheelchair so he could attend a medical evaluation. As a result of the evaluation, Inmate XXX was assigned to Module "O" where he could be provided ongoing medical care. On 5/3/24, XXX submitted a grievance related to his medical needs. On this day, I spoke to him and confirmed the grievance was related to his lack of access to a wheelchair in Module "L" and not a specific staff misconduct incident. Due to the subjective language used on the mobility form related to wheelchair "long distance," a directive was drafted, and staff will be briefed regarding inmates who need wheelchairs. Staff will now accommodate ADA inmates who request a wheelchair on a case-by-case basis, rather than decide what distance of any length is required for use. On 5/8/24, I met with and spoke to Inmate XXX regarding this issue. XXX understood Module "L" staff may have been following directions from the medical mobility form when they denied him access to a wheelchair. XXX was informed of the procedure change regarding ADA wheelchair use requiring an evaluation on a case-by case basis. Inmate XXX appeared satisfied with the outcome and disposition of this grievance. He had no further requests." ADA Deputy and Sergeant interviewed.

- 240122-0366 1/22/24 – Doctor denied different knee braces. The shoes he has are not supportive. Was denied a cane. The response states, “You were evaluated by the medical provider most recently on 1/22, your treatment plan was discussed, alternative devices were offered. At that time, you were informed the medical provider determined there was currently no medical indication for your request for a cane. You currently have an existing order for canvas shoes. You are currently scheduled for follow up with the medical provider. Please submit a pink health message slip to return to care for this or any future concerns.”
- 240528-0419 5/28/24 – Requesting different shoes. States the shoes are loose and he slips in them. The response states, “Your concern has been evaluated by the CHS medical Director. You are being followed by both physical therapy, orthopedics, and primary care. Your concerns are being addressed by these providers in an appropriate, step-wise manner. If you are having problems with any of your jail issue clothing, please contact OCSD personnel to discuss. If concerns are related to a health care condition, you can be evaluated to see if a replacement is required. Please submit a pink health message slip to return to care for this or any future concern.” ADA Compliance spoke with XXX on 5/16/24 and provided him with canvas jail shoes that were approved by CHS.
- 240418-0189 4/18/24 – States he came from prison with orthopedic shoes and has been requesting them since he has been here. He is requesting ortho shoes and to see a foot specialist. The response states, “You were seen by health care personnel on 4/10 and notified at that time there was no medical indication for your request. You are currently scheduled for follow up with the medical provider regarding your concerns. Please submit a pink health message slip to return to care as needed for this or any future concerns.”
- 240603-0174 6/3/24 – States he is not being provided a shower chair. Synopsis of Grievance: Inmate states staff did not allow him to have his ADA shower chair after asking staff for it and waving his hands. I referenced video on camera C287 from 1100-1437 hours. I noticed Deputy XXX placed the shower chair in front of Sector 47 window while XXX was in the dayroom. While reviewing surveillance, I never saw XXX waving his hands, alerting staff that he needed his chair. I advised him that I will advise my staff to allow access to his chair consistently and without delay. XXX agreed with the recommendation of allowing me to handle the incident with my staff. The response states, “Grievance submitted and closed. Staff was addressed about issuing the inmate chair without further delay. This was per my discussion with XXX.”
- 240621-0366 6/21/24 – Requesting canvas shoes. The response states, “You were evaluated by the medical provider on 6/11 regarding your request for canvas shoes. At that time, you were notified your request for shoes was denied as there was currently no medical indication for your request.” Reviewed by ADA Compliance.
- 240622-0344 6/22/24 – Requesting canvas shoes back. The response states, “Please see response to JI#: 240621-0366. Your request for canvas shoes was denied by the medical provider on 6/11, as there is currently no medical indication for your request.” Reviewed by ADA Compliance.
- 240126-0026 1/25/24 – States he has put numerous slips, and medical staff refuses to do anything for him. He states he has broken his ankle, has had

surgery, as well as flat-footed, and his feet swell. The response states, "You have been evaluated for your request by multiple health care personnel most recently on 12/25, 12/26, 1/2, 1/3, 1/17, 1/24, and 1/26. You have received patient education and/or treatment provided at each encounter. Please submit a pink health message slip to return to care as needed for this or any future concern."

- 240106-0178 1/5/24 – Requesting a cane. The response states, "You are currently being followed by health care personnel regarding your treatment plan, as ordered by the medical provider. You are currently scheduled for follow up with the provider regarding your concern. Please submit a pink health message slip to return to care as needed for this or any future concerns." Not compliant with RP requirements.

Based on the Expert's review of the grievance responses, the Expert makes the following recommendations. The County grievance responses should:

- 1) Document whether the grievance is granted, in whole or part.
- 2) Include the date of the grievance response and the date the issue was resolved (if applicable).
- 3) Include a response to all issues.
- 4) Document whether the County is providing the requested accommodation, an alternate accommodation or declining to provide an accommodation.
- 5) If the County is not providing the requested accommodation, document the reasoning for the decision.

The County reports that training will be developed on how to provide grievance responses that meet the requirements of the Remedial Plan. The County also reports that CHS will incorporate the above recommendations into the grievance policy and provide training to all involved CHS team members.

As noted above, it was observed that grievances submitted as ADA are in many cases being recategorized as "requests" that are thus not tracked as ADA in the grievance tracking system or subject to normal review procedures. The monitor will look at this issue again in the next round. To be clear, it is essential that ADA grievances be tracked and processed as such, including in cases where staff are taking steps to resolve them on an "informal" basis.

Based on the review of the grievances and grievance responses, the Expert finds the County has partially implemented the RP requirement.

Partially Implemented (Previous Rating Partially Implemented)

5. *The County shall ensure that, in responding to an ADA-related grievance, the ADA Compliance Unit receives input from all sources, including OCSD and CHS staff, as necessary. Input from CHS staff may be required in circumstances where the grievance raises a question regarding whether the grievant has a disability or whether an accommodation requested by the grievant is reasonable. CHS staff may provide input based on a records review and/or in-person evaluation conducted for the purpose of responding to the grievance, as circumstances warrant.*

The revised and implemented Custody & Court Operations Manual (CCOM) 8000 Inmates with Disabilities policy states, "In responding to an ADA-related grievance, the ADA Compliance Unit will obtain input from all sources, including OCSD and CHS staff, as necessary to respond to the grievance. Input from CHS staff may be required in circumstances where the grievance raises a question regarding whether the grievant has a disability or whether an accommodation requested by the grievant is reasonable. CHS staff may provide input based on a records review and/or in-person evaluation conducted for purpose of responding to the grievance, as circumstances warrant."

A review of the grievances reflects that of the 23 grievances produced, the following grievances were not reviewed by the ADA Compliance Unit or assigned to the ADA Compliance Unit for response:

- 240106-0178
- 240126-0026
- 240603-0174
- 240418-0189
- 240122-0366
- 240306-0301
- 240403-0365

The County reports that OCSD's ADA Compliance Team is documenting their input on the ADA-related grievances in the grievance system.

Based on the review of the grievances and grievance responses, the Expert finds the County has partially implemented the RP requirement.

Partially Implemented (Previous Rating Not Implemented)

6. *When necessary, the ADA Compliance Unit shall interview people in custody regarding their requests for accommodations to gather information about or to clarify the nature of the request for accommodation.*

The revised and implemented Custody & Court Operations Manual (CCOM) 8000 Inmates with Disabilities policy states, "When necessary, the ADA Compliance Unit shall interview inmates regarding their requests for accommodations to gather information about or to clarify the nature of the request for accommodation."

A review of the 23 grievances reflects that the ADA Compliance Unit interviewed disabled incarcerated persons for the following grievances:

- 240508-0207
- 240315-0109
- 240616-0376
- 240530-0158

The County reports that this item requires the interview “when necessary.” OCSD’s ADA Compliance Team is documenting their input on the ADA-related grievances in the grievance system.

Based on the review of the grievances and grievance responses, the Expert finds the County has adequately implemented the RP requirement.

Partially Implemented (Previous Rating Not Implemented)

In an email dated December 12, 2024, the parties reported, “Although this provision is in the “Disability-Related Grievance Process” section of the Remedial Plan, the parties agree that this provision refers to both (a) disability accommodation-related grievances and (b) disability accommodation-related requests. DRC is concerned that there is not sufficient evidence to establish an Adequately Implemented designation in this round. DRC has identified in its feedback a case example of a DRC grievance where an ADA Compliance unit interview was warranted but did not occur. DRC is also concerned that, during the monitoring round, many grievances were not being assigned a grievance number, were not being logged, and were not being tracked for quality assurance. OCSD has indicated that this problem is being remedied. Accordingly, the parties agree that a Partially Implemented designation is appropriate for this provision. The parties expect progress on this provision in the next monitoring round. Per OCSD, moving forward, all grievances will get a tracking (JI) number, and will be entered into SOMA. The policy is being revised, and staff reminders have been sent. (As one clarification, the ADA Compliance unit, as referenced in this provision, may include either the custody ADA Compliance staff or the health care ADA Compliance staff (or both).)”

7. *All grievance responses shall include an explanation of the process for appealing the grievance response.*

The revised and implemented Custody & Court Operations Manual (CCOM) 8000 Inmates with Disabilities policy states, “All grievance responses shall include an explanation of the process for appealing the grievance response.”

In a review of the 23 grievance responses, the Expert found that all 23 did not include an explanation of the process for appealing the grievance response.

The County reports that OCSD will be revising the grievance form.

Based on this, the Expert finds the County has not implemented the RP requirement.

Not Implemented (Previous Rating Not Implemented)

8. *The County shall ensure that it effectively communicates all grievance and appeal responses to the grievant/appellant.*

The revised and implemented Custody & Court Operations Manual (CCOM) 8000 Inmates with Disabilities policy states, “Staff shall ensure that they effectively communicate all grievance and appeal responses to the inmate For inmates with

disabilities affecting communication, staff will also complete the Effective Communication form per Policy 8000.11 for responses to grievances and appeals."

A review of the grievances found that there were four (4) grievances submitted by incarcerated persons with disabilities that affected communication, three (3) vision and one (1) hearing. In these cases, there was no documentation that the grievance responses were effectively communicated.

The County reports that OCSD will continue to reinforce training on the requirements of the Remedial Plan and the use of the Effective Communication form.

Based on this, the Expert finds the County has not implemented the RP requirement. With the rollout of SOMA, the County must ensure the functionality for all staff to document the effective communication staff provided during the issuance of grievance and appeal responses to persons with disabilities that affect communication is included.

Not Implemented (Previous Rating Not Implemented)

9. *When a person files a grievance or appeal of a grievance response, the County shall provide a copy of the grievance or appeal to the grievant.*

As noted in the fourth report, two previous successive Compliance Reports have found that the provision has been adequately implemented. Therefore, monitoring of this provision is suspended.

Monitoring Suspended Based on Previous Findings of Compliance (Previous Rating Monitoring Suspended Based on Previous Findings of Compliance)

- E. *The County shall ensure that incarcerated persons do not face any retaliation for requesting accommodations or submitting grievances.*

As noted in the fourth report, two previous successive Compliance Reports have found that the provision has been adequately implemented. Therefore, monitoring of this provision is suspended.

Monitoring Suspended Based on Previous Findings of Compliance (Previous Rating Monitoring Suspended Based on Previous Findings of Compliance)

M. Alarms/Emergencies/Announcements (Section XIII)

- A. *The County shall accommodate people with disabilities with respect to alarms and emergencies.*

As noted in the fourth report, two previous successive Compliance Reports have found that the provision has been adequately implemented. Therefore, monitoring of this provision is suspended.

Monitoring Suspended Based on Previous Findings of Compliance (Previous Rating Adequately Implemented)

- B. Relevant policies related to accommodations for alarms and emergencies shall be communicated to persons with disabilities using Effective Communication.*

As noted in the fourth report, two previous successive Compliance Reports have found that the provision has been adequately implemented. Therefore, monitoring of this provision is suspended.

Monitoring Suspended Based on Previous Findings of Compliance (Previous Rating Monitoring Suspended Based on Previous Findings of Compliance)

- C. The County shall communicate effectively and appropriately with persons who have disabilities that may present barriers to communication during emergencies or alarms.*

As noted in the fourth report, two previous successive Compliance Reports have found that the provision has been adequately implemented. Therefore, monitoring of this provision is suspended.

Monitoring Suspended Based on Previous Findings of Compliance (Previous Rating Adequately Implemented)

- D. In order to facilitate appropriate accommodations during alarms or emergencies, the County shall offer, but shall not require, people who have disabilities to wear visible markers to identify their disability needs (e.g., identification vests). The County shall also maintain a list, posted in such a way to be readily available to Jail staff in each unit, of persons with disabilities that may require accommodations during an alarm or emergency.*

As noted in the fourth report, two previous successive Compliance Reports have found that the provision has been adequately implemented. Therefore, monitoring of this provision is suspended.

Monitoring Suspended Based on Previous Findings of Compliance (Previous Rating Monitoring Suspended Based on Previous Findings of Compliance)

- E. The County shall ensure that people who are deaf or hard of hearing receive Effective Communication during alarms and emergency announcements. Staff will prioritize these persons during alarms, emergency announcements, and any evacuation.*

As noted in the fourth report, two previous successive Compliance Reports have found that the provision has been adequately implemented. Therefore, monitoring of this provision is suspended.

Monitoring Suspended Based on Previous Findings of Compliance (Previous Rating Adequately Implemented)

- F. Staff shall ensure that they effectively communicate all verbal announcements to persons with disabilities that affect communication. For example, staff may need to communicate*

verbal announcements in writing or electronic means (e.g., pager) to deaf incarcerated people.

The revised and implemented Custody & Court Operations Manual (CCOM) 8000 Inmates with Disabilities policy states, "Some inmates who are deaf and/or hard of hearing, blind or with low vision may not be able to hear announcements, alarms, or read written notices in the unit. These impairments will be listed on the Functional Needs List and the ADA Tracking List. Depending on the inmate's level of impairment, staff assigned to housing units with inmates who are deaf and/or hard of hearing, blind, or with low vision should use the following techniques for instructions, announcements, alarms, and written notices.

- Prioritize the inmate's evacuation.
- Whiteboard/written notes
- Speak one-on-one in an elevated, clear voice.
- Speak closely enough to allow the inmate to lip-read.
- Read the written notice.
- Provide the notice in large print."

Staff interviewed stated they would effectively communicate verbal announcements to disabled incarcerated persons with disabilities that affect communication by conducting face-to-face communication, writing notes, speaking louder, etc. Staff has "whiteboards" available in the housing units for staff to communicate announcements to the incarcerated persons. However, three (3) incarcerated persons with a disability that affects communication stated that staff does not always provide the accommodations necessary for them to hear the verbal announcements. The incarcerated persons stated that they must rely on other incarcerated persons and/or watch for the movement of others when announcements are made. The Expert was not able to confirm these claims. More attention and staff training is necessary to ensure the required accommodations are provided.

Proof-of-practice documentation was not available for review.

The ADA STC PowerPoint now includes information on the requirement for staff to accommodate people with disabilities with respect to alarms and emergencies.

The County reports Staff will be reminded to document where they effectively communicated announcements to persons with disabilities that affect communication.

Based on this, the Expert finds the County has partially implemented the RP requirement. With the rollout of SOMA, the County must ensure the functionality for all staff to document the effective communication staff provided for all verbal announcements to persons with disabilities that affect communication is included.

Partially Implemented (Previous Rating Partially Implemented)

- G. *Staff shall ensure that they effectively communicate all written notices to persons with disabilities that affect communication. For example, staff may need to read a written notice to blind or low-vision incarcerated people or provide such notices in large print.*

The revised and implemented Custody & Court Operations Manual (CCOM) 8000 Inmates with Disabilities policy states, “Some inmates who are deaf and/or hard of hearing, blind or with low vision may not be able to hear announcements, alarms, or read written notices in the unit. These impairments will be listed on the Functional Needs List and the ADA Tracking List. Depending on the inmate's level of impairment, staff assigned to housing units with inmates who are deaf and/or hard of hearing, blind, or with low vision should use the following techniques for instructions, announcements, alarms, and written notices.

- Prioritize the inmate's evacuation.
- Whiteboard/written notes
- Speak one-on-one in an elevated, clear voice.
- Speak closely enough to allow the inmate to lip-read.
- Read the written notice.
- Provide the notice in large print.”

However, seven (7) disabled incarcerated persons with disabilities that affect communication stated that staff does not always provide the accommodations of reading documents and providing large print notices/material. Some stated they must rely on other incarcerated persons to fill out pink slips and commissary forms. Three (3) incarcerated persons stated that the ADA Deputy is the only staff that provides assistance. The Expert could not confirm these claims.

The ADA STC PowerPoint includes the following language, “Accommodating Visual Impairments: Assist with filling out paperwork (message slips/commissary forms).” However, other than the ADA Unit staff effectively communicating with the incarcerated person during the ADA orientation process, the County did not produce proof of practice documentation where staff effectively communicated written notices to incarcerated persons with disabilities that affect communication. The Expert will monitor this during the next monitoring tour.

The County reports that Staff will be reminded to document where they effectively communicated announcements to persons with disabilities that affect communication.

Based on this, the Expert finds the County has partially implemented the RP requirement. With the rollout of SOMA, the County must ensure the functionality for all staff to document the effective communication staff provided for all verbal announcements to persons with disabilities that affect communication is included.

Partially Implemented (Previous Rating Partially Implemented)

N. Searches, Restraints, and Count (Section XIV)

A. The County shall ensure that incarcerated people with disabilities, including those with prosthetic limbs, receive reasonable accommodations with respect to the following:

- 1. All searches, including pat searches and searches without clothing;*
- 2. Application of restraint equipment; and*
- 3. During counts.*

- B. Incarcerated persons with disabilities who cannot be restrained, searched, or counted using the standard methods/processes, including but not limited to persons with certain mobility or upper extremity disabilities, using HCA/AD/DME, using prosthetic limbs, and in need of Effective Communication accommodations, must be provided reasonable accommodations.*

As noted in the fourth report, two previous successive Compliance Reports have found that the provision has been adequately implemented. Therefore, monitoring of this provision is suspended.

Monitoring Suspended Based on Previous Findings of Compliance (Previous Rating Monitoring Suspended Based on Previous Findings of Compliance)

Although monitoring is suspended for this provision, during the incarcerated person interviews, four (4) disabled incarcerated persons reported that staff do not provide accommodations when applying restraints.

- Three (3) stated that staff apply full waist restraints on and they have a difficult time using their assistive device when ambulating.
- One (1) stated a deputy applied the waist restraint handcuff to his forearm.

O. Transportation (Section XV)

- A. The County shall provide reasonable accommodations for persons with disabilities when they are in transit, including during transport to court, between Jail facilities, or to outside health care services.*

As noted in the fourth report, two previous successive Compliance Reports have found that the provision has been adequately implemented. Therefore, monitoring of this provision is suspended.

Monitoring Suspended Based on Previous Findings of Compliance (Previous Rating Monitoring Suspended Based on Previous Findings of Compliance)

Although monitoring is suspended for this provision, during the incarcerated person interviews, one (1) disabled incarcerated person reported that he remained in the "Booking Loop" for 10 to 12 hours after a medical appointment. The review of the 788 ADA Interview/Activity Logs reflects the following:

- Said he was on the loop 3-3.5 hours after he returned from an off-site medical appointment.

Additionally, DRC reported, "We continue to hear concerns of patients in CMJ Mod O, Wards C and D, about long delays in the booking loop for people with disabilities/medical conditions coming back from outside health care appointments. Some wait time is understandable in the jail setting, but we keep hearing about lengthy delays that lead to people refusing to go out for treatment, and having consequential issues when they do."

The Expert recommends that the County expedite the disabled incarcerated persons whose medical conditions warrant accommodations during the transportation process.

- B. Prescribed HCA/AD/DME, including canes, for persons with disabilities shall be available to the person at all times during the transport process.*

As noted in the fourth report, two previous successive Compliance Reports have found that the provision has been adequately implemented. Therefore, monitoring of this provision is suspended.

Monitoring Suspended Based on Previous Findings of Compliance (Previous Rating Monitoring Suspended Based on Previous Findings of Compliance)

- C. The County shall use accessible vehicles to transport persons whose disabilities necessitate special transportation, including by maintaining a sufficient number of accessible vehicles. For scheduled transportation (e.g., court appearances and non-emergency outside medical appointments), the County shall schedule the accessible transportation in advance. The County shall ensure that to the greatest extent practicable, persons who require accessible transportation are not required to wait longer for transportation than people who do not require accessible transportation. The County shall ensure that transportation staff does not ask persons who require accessible transportation to accept inaccessible transportation.*

As noted in the fourth report, two previous successive Compliance Reports have found that the provision has been adequately implemented. Therefore, monitoring of this provision is suspended.

Monitoring Suspended Based on Previous Findings of Compliance (Previous Rating Monitoring Suspended Based on Previous Findings of Compliance)

- D. Persons with mobility impairments shall, when necessary, be provided staff assistance getting on and off transport vehicles.*

As noted in the fourth report, two previous successive Compliance Reports have found that the provision has been adequately implemented. Therefore, monitoring of this provision is suspended.

Monitoring Suspended Based on Previous Findings of Compliance (Previous Rating Monitoring Suspended Based on Previous Findings of Compliance)

P. ADA Training, Accountability, and Quality Assurance (Section XVI)

- A. The County shall ensure all custody, health care, and other Jail staff receive annual ADA training appropriate to their position.*
- 1. The County shall provide to all staff appropriate training on disability awareness, including the use and purpose of accommodations and modifications in accordance with the ADA and other federal and state disability law.*

2. *The County shall provide to all staff appropriate training on Trauma-Informed Care, which will be included in the ADA training and Crisis Intervention Training (CIT).*
3. *The ADA training shall include: formalized lesson plans and in-classroom or real-time virtual training for staff (including managers, supervisors, and rank-and-file staff) provided by certified or otherwise qualified ADA trainers. Self-directed study may be paired with real-time ADA training.*
4. *CHS and OCSD staff shall receive periodic training on the range of potential accommodation and adaptive support needs of people with Intellectual/Developmental Disabilities.*

As noted in the fourth report, two previous successive Compliance Reports have found that the provision has been adequately implemented. Therefore, monitoring of this provision is suspended.

Monitoring Suspended Based on Previous Findings of Compliance ((Previous Rating Adequately Implemented))

- B. *ADA instructors shall have appropriate ADA training and subject matter expertise necessary to effectively provide ADA training to staff.*

As noted in the fourth report, two previous successive Compliance Reports have found that the provision has been adequately implemented. Therefore, monitoring of this provision is suspended.

Monitoring Suspended Based on Previous Findings of Compliance (Previous Rating Monitoring Suspended Based on Previous Findings of Compliance)

- C. *The County shall, in consultation with Counsel and the joint Expert, develop and implement written policies and procedures regarding monitoring, investigating, and tracking staff violations (or allegations of violations) of ADA requirements and Jail ADA policies.*

The County reported that OCSD will document its existing process for staff accountability and will share it with DRC and Sabot.

The County previously produced the following documents:

- Orange County Sheriff-Coroner Department, Orange County SD Policy Manual Policy 1001, Code of Professional Conduct and Responsibility for Peace Officers
- Orange County Sheriff-Coroner Department, Orange County SD Policy Manual Policy 1018 Rules of Conduct – General
- Orange County Sheriff-Coroner Department, Orange County SD Policy Manual Policy 347 Disciplinary Policy
- Custody & Court Operations Manual (CCOM) 1600.5 – Inmate Grievance Procedure

The Health Care Agency (HCA) Correctional Health Services (CHS) Policy and Procedure 6407 Reasonable Health Accommodations for Patients with Disabilities states, "CHS staff may be subject to HCA's disciplinary process if found in violation of ADA or Jail ADA-

related policies and procedures." The Health Care Agency (HCA) Correctional Health Services (CHS) Policy and Procedure 1007 Staff Accountability (Effective Date 10-13-23) states, "Every staff member is responsible and held accountable for following Health Care Agency's (HCA) Code of Conduct, Correctional Health Services (CHS) policies and procedures, standardized protocols, and guidelines. In addition, they are responsible for adhering to the security/safety rules and procedures established by the Orange County Sheriff's Department (OCSD). Supervisory counseling, consultation, and/or progressive discipline, in coordination with HCA Human Resources (HR), may occur when CHS staff fail to comply with or fail to remain updated on current policies and procedures, standardized protocols, guidelines, or OCSD's security/safety rules and procedures." The policy also states, "CHS Administrative and Supervisory staff or assigned designee(s) conduct audits of and track occurrences of staff violations of policy.

- a) Examples of audits include but are not limited to policy and legal violations related to Americans with Disabilities Act (ADA) requirements, provision of disability accommodations and effective communication, and prevention of LGBTQI/transgender/intersex-based discrimination.
- b) Occurrences of staff violations include but are not limited to documentation of a performance management issue found within the staff member's individual drop file."

In the previous monitoring tours document production, CHS produced the ADA-CHS Accountability Log that included one (1) entry for 15 staff who did not complete the ADA training by the due date. For this review, the ADA-GCS Accountability Log was not produced. The review of the "Chart Review Jan-June" spreadsheet reflects numerous cases that were identified as not in compliance with the Effective Communication Policy and Settlement Agreement. These cases should be reflected on the log and the County must follow the Accountability Policy to correct the non-compliance issues.

The revised and implemented Custody & Court Operations Manual (CCOM) 8000 - Inmates with Disabilities states, "Allegations, from any source, that staff have violated the ADA or Jail ADA-related policies and procedures will be investigated. OCSD staff who OCSD finds have violated the ADA or Jail ADA-related policies and procedures shall be subject to OCSD's progressive discipline policy."

The revised and implemented Custody & Court Operations Manual (CCOM) 8000 - Inmates with Disabilities includes language that OCSD staff who OCSD finds have violated the ADA or Jail ADA-related policies and procedures shall be subject to OCSD's progressive discipline policy, the policies and procedures do not include a process for monitoring, investigating, and tracking staff violations (or allegations of violations) of ADA requirements and Jail ADA policies. The County must, in consultation with Counsel and the Expert, develop and implement written policies and procedures regarding monitoring, investigating, and tracking staff violations (or allegations of violations) of ADA requirements and Jail ADA policies as required by the RP.

Based on this, the Expert finds the County has partially implemented the RP requirements.

Partially Implemented (Previous Rating Partially Implemented)

- D. The County shall develop an ADA accountability plan intended to timely log and investigate allegations from any source that staff has violated the ADA or Jail ADA-related policies and procedures. OCSD staff who OCSD finds have violated the ADA or Jail ADA-related policies and procedures shall be subject to OCSD's progressive discipline policy. CHS staff who the Health Care Agency finds to have violated the ADA or Jail ADA-related policies and procedures shall be subject to the Health Care Agency's discipline policy.*

The County reported that OCSD will document its existing process for staff accountability and will share it with DRC and Sabot. Additionally, the County reported that CHS would produce a tracking log and draft a policy on staff accountability.

The revised and implemented Custody & Court Operations Manual (CCOM) 8000 - Inmates with Disabilities states, "Allegations, from any source, that staff have violated the ADA or Jail ADA-related policies and procedures will be investigated. OCSD staff who OCSD finds have violated the ADA or Jail ADA-related policies and procedures shall be subject to OCSD's progressive discipline policy. CHS staff who the Health Care Agency finds to have violated the ADA or Jail ADA-related policies and procedures shall be subject to the Health Care Agency's discipline policy."

The Health Care Agency (HCA) Correctional Health Services (CHS) Policy and Procedure 6407 Reasonable Health Accommodations for Patients with Disabilities states, "CHS staff may be subject to HCA's disciplinary process if found in violation of ADA or Jail ADA-related policies and procedures." The Expert also notes that Health Care Agency (HCA) Correctional Health Services (CHS) Policy and Procedure 1007 Staff Accountability (Effective Date 10-13-23) states, "Every staff member is responsible and held accountable for following Health Care Agency's (HCA) Code of Conduct, Correctional Health Services (CHS) policies and procedures, standardized protocols, and guidelines. In addition, they are responsible for adhering to the security/safety rules and procedures established by the Orange County Sheriff's Department (OCSD). Supervisory counseling, consultation, and/or progressive discipline, in coordination with HCA Human Resources (HR), may occur when CHS staff fail to comply with or fail to remain updated on current policies and procedures, standardized protocols, guidelines, or OCSD's security/safety rules and procedures." The policy also states, "CHS Administrative and Supervisory staff or assigned designee(s) conduct audits of and track occurrences of staff violations of policy.

- c) Examples of audits include but are not limited to policy and legal violations related to Americans with Disabilities Act (ADA) requirements, provision of disability accommodations and effective communication, and prevention of LGBTQI/transgender/intersex-based discrimination.
- d) Occurrences of staff violations include but are not limited to documentation of a performance management issue found within the staff member's individual drop file."

In the previous monitoring tours document production, CHS produced the ADA-CHS Accountability Log that included one (1) entry for 15 staff who did not complete the ADA training by the due date. For this review, the ADA-CHS Accountability Log was not produced. The review of the "Chart Review Jan-June" spreadsheet reflects numerous cases that were identified as not in compliance with the Effective Communication Policy

and Settlement Agreement. These cases should be reflected on the log and the County must follow the Accountability Policy to correct the non-compliance issues.

The revised and implemented Custody & Court Operations Manual (CCOM) 8000 - Inmates with Disabilities includes language that OCSD staff who OCSD finds have violated the ADA or Jail ADA-related policies and procedures shall be subject to OCSD's progressive discipline policy and the Health Care Agency (HCA) Correctional Health Services (CHS) Policy and Procedure 6407 Reasonable Health Accommodations for Patients with Disabilities includes language that CHS staff may be subject to HCA's disciplinary process if found in violation of ADA or Jail ADA-related policies and procedures. However, OCSD has not formalized a process and has not created a mechanism to log allegations where it is alleged that staff violated the ADA or Jail ADA-related policies and procedures as required by the RP.

Based on this, the Expert finds the County has partially implemented the RP requirements.

Partially Implemented (Previous Rating Partially Implemented)



V. Signature

Submitted on behalf of Sabot Technologies, Inc. dba Sabot Consulting to the
County of Orange, and Orange County Sheriff's Office

A handwritten signature in black ink, appearing to read "Julian Martinez", is written over a horizontal line.

Julian Martinez
Director
Sabot Consulting

December 16, 2024

Date