



Agreement Between County of Orange and Disability Rights California

Expert's Report (Fifth Round)

Rights and Treatment of People Who Identify as Lesbian, Gay, Bisexual, Transgender, Queer or Intersex (LGBTQI)

On-Site Review: August 26 – August 29, 2024

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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 the above-mentioned 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 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 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 Remedial Plan (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 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. If 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 Remedial Plan 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: 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: Implementation of some components of the relevant RP provision and significant work remains to reach adequate implementation.

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

Un-ratable: 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: 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: Used where two previous successive Compliance Reports have found that the provision has been adequately implemented.

III. Executive Summary

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

- LGBTQI Non-discrimination Policy, Staff Accountability
- Transgender and Intersex Intake & Classification Procedures
- Least Restrictive Setting Appropriate for LGBTQI Population
- LGBTQI Housing/Classification Review Procedures
- LGBTQI Access to Programs, Services, and Activities
- Searches
- Medical and Mental Health Care
- LGBTQI Training for Staff

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 – August 29, 2024. The Monitoring Review included a review of pre-monitoring documents produced by the County of Orange (OC); general on-site observations were conducted, interviews of sworn and non-sworn personnel (e.g., housing deputies, PMU deputies, HCA CHS healthcare staff (medical and mental health), Inmate Services staff, and interviews of LGBTQI incarcerated persons housed at the OC jails. In total, the Expert interviewed approximately 29 incarcerated persons (individual/confidential interviews), and approximately eight (8) staff members from multiple disciplines and areas of responsibility. The Monitor also reviewed several randomly selected five (5) electronic unit health records of a few randomly selected individuals identified as transgender.

An entrance 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 25, 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, coordinating the staff and incarcerated person interviews, and the production of the pre-monitoring documents. As has been the case throughout monitoring, the Expert found that the staff was open and transparent in their responses during the interviews.

The Expert recognizes continued staff efforts to obtain or maintain compliance pursuant to the SA and RP and the applicable county policies and procedures.

The Expert finds that some of the provisions as set forth in the SA and RP (and local policies/procedures) have been implemented. However, the Expert finds that more information and evidence are needed to determine compliance with some of the required elements. For rated items found as "Not Adequately Implemented," a more thorough assessment will be made in future monitoring tours once the remaining policies/procedures are developed, provided, and

implemented, proof of practice documentation (in various key areas) is provided, an approved LGBTQI policy is implemented, relevant training material is developed and implemented, a related accountability plan is provided, plans for enhanced LGBTQI programming is introduced, and more access to programs, services, and activities is confirmed (to demonstrate equal access as compared to other incarcerated persons). The Expert is confident that once the items listed above are provided, staff will be better informed in their understanding of SA and RP requirements and how that pertains to their respective job duties.

As this was the fifth monitoring tour, all elements of the SA and RP were evaluated for compliance as the County strives to achieve and maintain "Adequately Implemented" status in the rated areas. For the current and future monitoring tours, rated items that are found as "Adequately Implemented" in two (2) consecutive rounds of monitoring will be moved to "Monitoring Suspended Based on Previous Findings of Compliance." 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 and resume monitoring 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' positions and provide a written decision regarding the Expert's final decision.

Once again, all staff members were extremely helpful and accommodating to the Expert, and most of the sworn and non-sworn personnel appeared very knowledgeable regarding the LGBTQI population and their respective job duties as related to that jail population.

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 38 major areas rated:

- Adequately Implemented – 3
- Partially Implemented – 28
- Not Implemented – 2
- Un-ratable – 3
- Not Assessed – 0
- Monitoring Suspended Based on Previous Findings of Compliance – 2

It is the Expert's belief that as the County implements vital components of the SA and RP, including those outlined in this report, the areas found other than 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 includes findings and recommendations/actions the County must make to move towards meeting the mandates of the SA and RP.

Based on the document review and on-site monitoring tour, the summary of ratings and recommendations are listed below. For additional information, please refer to each section of the report.

PROVISION		CURRENT RATING	PRIOR RATING
IV.A.	LGBTQI NON-DISCRIMINATION POLICY, STAFF ACCOUNTABILITY		
IV.A.A.	<p>OCSD Policy 375 (Transgender Policy) Provide the revised comprehensive draft OCSD LGBTQI Policy to the Expert (and DRC) for review.</p> <p>Recommendations: Finalize and provide the revised comprehensive draft OCSD CCOM Policy 7300 (LGBTQI Inmates) to the Expert (and DRC) for final review (once OCSD and County Counsel has completed their review of the comments and recommendations provided by the Expert and DRC).</p>	PI	PI
IV. A.B.	<p>Develop and implement procedures to ensure accountability for LGBTQI non-discrimination policy</p> <p>Recommendations: 1) OCSD to keep the Expert apprised of progress toward developing and implementing a staff accountability component (e.g., similar to what CHS rolled-out in late 2023), 2) Include staff accountability-related information future OCSD training material content, 3) Once the draft OCSD CCOM Policy 7300 (LGBTQI Inmates) is revised, and related training is developed, the County provide it to the Expert and DRC for review, comments, and recommendations.</p>	PI	PI
IV.A.C.	<p>Develop and implement procedures to protect against staff disclosing an individual's LGBTQI identity.</p> <p>Recommendations: 1) Include confidentiality and nondisclosure-related information in future training material content, 2) Finalize OCSD CCOM Policy 7300 (LGBTQI Inmates).</p>	PI	PI
IV.A.D.	<p>Staff shall use (1) an individual's pronoun and/or 2) the individual's preferred name or last name.</p> <p>Recommendations: Prior to implementing the LGBTQI component of SOMA, provide the opportunity for the Expert and DRC to review, comment and make recommendations.</p>	PI	PI
IV.A.E.	<p>The County shall permit individuals to update their Jail ID names if they have obtained a legal name change. The County shall permit individuals to seek legal name changes and to take appropriate steps to update legal documents.</p>	PI	PI

PROVISION		CURRENT RATING	PRIOR RATING
	Recommendations: Finalize CCOM Policy 7300 (LGBTQI Inmates) (and training) and provide it to the Expert and DRC for review, comments, and recommendations. Include the updating of jail identification cards (post legal name change) related information into the training material.		
IV.A.F.	The County shall permit transgender and intersex individuals to update the photo on their jail ID. Recommendations: Finalize the draft OCSD CCOM Policy 7300 (LGBTQI Inmates) (and related training material) and provide it to the Expert and DRC for review, comments, and recommendations. The related policy and training should include all related requirements, including that when a jail identification photo is updated, the photo is also updated within the various jail tracking systems as applicable. Future training material content should cover permitting transgender and intersex incarcerated persons to update the photo on their jail identification card.	PI	PI
IV.A.G.	A person's self-identification as LGBTQI at any point is sufficient to trigger the protections and procedures specific to LGBTQI individuals. Recommendations: Finalize the draft comprehensive CCOM Policy 7300 (LGBTQI Inmates) and provide it to the Expert and DRC for review, comments, and recommendations. Provide future training material to the Expert and DRC for review. Include in the content respect, safety, and protection-related information for LGBTQI-incarcerated persons commensurate to the requirements outlined in this section.	PI	PI
IV.B.	TRANSGENDER AND INTERSEX INTAKE & CLASSIFICATION PROCEDURES		
IV.B.A.	During intake and classification, Jail staff shall: 1) offer transgender or intersex individual to complete OCSD Voluntary Gender Identity Disclosure and Search Preference Form, 2) Explain that the individual will not be punished if they choose not to provide such information, 3) Explain that staff shall use a person's stated pronoun and honorific and that the failure to do so may be grieved and reported, 4) Effectively communicate how gender identity impacts classification and housing placement determinations, 5) Ask for information about the individual's preferred housing placement (e.g., male-/female-designated unit, general population/protective custody), 6) Ensure that the above inquiries and information are communicated in a private setting.	PI	PI

PROVISION		CURRENT RATING	PRIOR RATING
	Recommendations: See Section IV.B.A for greater detail as related Classification staff explaining classification options; using preferred pronouns and honorific; need to modify policy regarding gender non-conforming/non-binary/transgender individuals; semi-annual classification for transgender or intersex persons; and the need to develop a Classification script.		
IV.B.B.	The County shall revise the Voluntary Gender Identity Disclosure and Search Preference Form. Recommendations: Once related training material (or overall LGBTQI training curriculum) is developed and finalized, OCSD must provide to the Expert and DRC for review, comments, and recommendations.	AI	PI
IV.C.	LEAST RESTRICTIVE SETTING APPROPRIATE FOR LGBTQI POPULATION		
IV.C.A.	LGBTQI individuals and people whose appearance or manner does not conform to traditional gender expectations should not be placed in more restrictive custodial settings based solely on such identification or status or because they receive gender dysphoria treatment. Recommendations: Future training material should include related information: <ul style="list-style-type: none"> Classification deputies must ensure LGBTQI new arrivals have the pertinent information to make informed requests for their future housing and programming. OCSD should continue efforts to create more opportunities for LGBTQI individuals in all units, especially those assigned to protective custody housing units where there is a lack of (or limited) access to in-person education classes, work assignments, etc. 	PI	PI
IV.C.B.	The County shall not house LGBTQI individuals in more restrictive housing than otherwise indicated because of their actual or perceived sexual orientation, gender expression, gender identity, or intersex status. Recommendations: Future training material should include related information.	PI	PI
IV.C.C.	The County will establish a voluntary GBTQI Program Sector unit. The unit will provide expanded out-of-cell time (i.e., doors open during daytime hours), access to jobs in the sector, and enhanced programming activities.	PI	PI

PROVISION		CURRENT RATING	PRIOR RATING
	Recommendations: 1) Policy must include language regarding the GBTI (PRIDE Program). Provide the revised draft OCSD Policy 7300 (LGBTQI Inmates) and/or other applicable policies to the Expert (and DRC) for review (once OCSD makes any modifications and review is completed by County Counsel), 2) Continue to canvass for at least one (1) additional Case Manager position, 3) Provide clarification as to whether class instruction is potentially all going online via the tablets, instead of in-person. Note: See section IV.C.C of this report for additional recommendation information.		
IV.C.D.	The County shall ensure that lesbian and transgender/intersex individuals housed in the Jail's women-designated housing units are placed in the least restrictive setting with programming access as appropriate to their individual circumstances. Recommendations: Once the revised OCSD CCOM Policy 7300 (LGBTQI Inmates) and other applicable policies are revised (as applicable) as well as subsequent related training material) the County must provide it to the Expert and DRC for review/comments/recommendations.	PI	PI
IV.C.E.	The County shall not place LGBTQI individuals in LGBTQI-specific housing without the individual's consent to such housing. Recommendations: 1) The Expert will review the revised draft OCSD CCOM Policy 7300 (LGBTQI Inmates) once revisions are finalized, and it is reviewed by internally and by Class Counsel, 2) The Expert will review Classification deputy "script" once it's developed and provided for review and recommendations.	PI	PI
IV.D	LGBTQI HOUSING/CLASSIFICATION REVIEW PROCEDURES		
IV.D.A.	The County shall house LGBTQI individuals in LGBTQI-designated housing only if an individual requests such housing. If an individual requests such housing, the County may deny such a request if the individual would present specific, articulable threats to the security or safety of other individuals in such a placement. Recommendations: 1) Provide revised draft OCSD CCOM Policy 7300 (LGBTQI Inmates) once revisions are finalized (and other pertinent revised policies e.g., CCOM 1200) 2) Provide the Classification for review and comment when completed, 3) Provide copies or proof of internal periodic reviews (for quality improvement purposes) or information pertaining to denials of a transgender or intersex individual's stated preference for housing, including classification staff's and supervisor's rationale for the decision, 4) Provide any related draft training materials (once developed).	PI	PI

PROVISION		CURRENT RATING	PRIOR RATING
IV.D.B.	<p>The County shall re-evaluate the classification, placement, and programming assignments of each transgender or intersex individual at least twice a year, including as part of any regular classification reviews.</p> <p>Recommendations: 1) Provide the revised OCSD CCOM Policy 7300 (LGBTQI Inmates) which is pending revisions and review by County Counsel, and 2) Proof of practice documentation that semi-annual reviews for all transgender and intersex individuals are occurring (or have at least commenced).</p>	NI	NI
IV.D.C.	<p>If an individual self-identifies as LGBTQI at any time after intake and states a preference to be assigned to a different housing placement, the County shall conduct a classification review and evaluate the individual's housing preference within 24 hours of receipt of a classification review form.</p> <p>Recommendations: 1) Provide the revised OCSD CCOM Policy 7300 (LGBTQI Inmates) once reviewed internally by OCSD and County Counsel and finalized, as well as provide other relevant policies as related to this provision, 2) Provide the necessary documents to enable the Expert to reconcile class review documents (time stamped) against historical housing assignments (SDS, time-stamped) to establish time frames from initial identification to housing placement and/or a log or spreadsheet with pertinent information.</p>	PI	PI
IV.D.D.	<p>If an individual requests housing reassignment based on LGBTQI status, the County shall develop and implement a safety plan for that individual pending review and any reassignment. The interim placement shall not be Special Management Unit, "Total Sep," or other restrictive housing or classification unless the individual requests such a placement for their own safety or unless serious, specific, and articulable security or management concerns require such placement.</p> <p>Recommendations: Provide revised OCSD CCOM Policy 7300 (LGBTQI Inmates) once the draft version is revised and reviewed internally) or provide applicable policy language (e.g., OCSD CCOM Policy 1200) that captures this provision requirement. Note: Safety Plan (in accordance with this RP Provision) information should be contained.</p>	NI	NI
IV.D.E.	<p>If Jail staff identify serious, specific, and articulable security or management concerns regarding an LGBTQI individual in their housing placement, staff shall document the basis for their concerns, and the housing determination shall be referred for a classification review, consistent with the above procedures.</p>	PI	NI

PROVISION		CURRENT RATING	PRIOR RATING
	Recommendations: Provide revised OCSD CCOM Policy 7300 (LGBTQI Inmate) and/or other relevant revised policy(ies) (e.g., OCSD CCOM Policy 1200) for Expert review, once the internal review process has concluded.		
IV.E.	LGBTQI ACCESS TO PROGRAMS, SERVICES, AND ACTIVITIES		
IV.E.A.	<p>The County shall ensure that all LGBTQI persons are informed of and have equal access to programs, services, and activities available to similarly situated individuals, consistent with their health and security needs and classification level.</p> <p>Recommendations: 1) Revise draft OCSD CCOM Policy 7300 (LGBTQI Inmates) and provide to the Expert: 2) Provide any updates relative to planned implementation of LGBTQI-related program at the Central Men’s Jail as well as the other CJX facilities, 3) Provide any information pertaining to possible slight re-organization of the LGBTQI Coordinator (and Case Manager) contact information on the tablet (embedded within the LGBTQIA+ Community Resource pamphlet) to make it easier for the reader to locate, 4) Provide update as to the opportunities available for all programming, including work, education, self-help, and other programs for self-identified LGBTQI incarcerated persons in all units, and ensure they receive unit orientation or are otherwise made aware as to programming available and not available to them, based on their classification level, and housing unit.</p>	PI	PI
IV.E.B.	<p>The County shall offer regular in-custody programs and support groups specifically serving the needs of LGBTQI individuals (e.g., APAIT).</p> <p>Recommendations: 1) Provide the Expert with the revised draft OCSD CCOM Policy 7300 (LGBTQI Inmates) once completed and reviewed internally by OCSD and County Counsel, and 2) Provide clarity as to which programs are or are not available to LGBTQI individuals, particularly those that live outside the PRIDE Program, and outside of TLF Mod I as-a-whole, and any plans for implementing new LGBTQI-related programs/classes.</p>	PI	PI
IV.E.C.	<p>The County, with input from DRC, shall identify and procure LGBTQI community resource information and disseminate such information to incarcerated LGBTQI individuals.</p> <p>Recommendations: 1) Provide OCSD’s revised draft OCSD CCOM Policy 7300 (LGBTQI Inmates), 2) Provide clarity as to how CHS/OCSD provides updated resource information to LGBTQI individuals and confirm that this information is provided to all LGBTQI</p>	PI	PI

PROVISION		CURRENT RATING	PRIOR RATING
	persons (e.g., proof of practice), 3) Provide CHS' updated CHS resource packet or single master packet to the Expert for review.		
IV.E.D.	The County shall identify, procure, and make accessible LGBTQI reading materials to LGBTQI individuals. Recommendations: 1) Provide the revised draft OCSD CCOM Policy 7300 (LGBTQI Inmates) 2) Provide clarification as to how individuals at CJX Complex as well as all areas at TLF are or will be apprised of the ability to request and access approved LGBTQI-related books.	AI	PI
IV.E.E.	Transgender and intersex individuals shall be given an opportunity to shower separately from others – i.e., at a separate time and/or with appropriate physical separation. Transgender and intersex individuals shall be permitted to use showers with privacy screens. Recommendations: None	AI	PI
IV.E.F.	The County shall, in consultation with DRC, facilitate transgender and intersex individuals to access gender-affirming commissary items, hygiene products, and beauty products. The County shall provide transgender and intersex individuals additional allowances of personal hygiene products (i.e., razors) to alleviate the negative mental health impact of body hair for some individuals, consistent with jail safety and security. Recommendations: Provide the revised draft OCSD CCOM Policy 7300 (LGBTQI Inmates) and other applicable policy(ies) once finalized, 2) Identify allowances OCSD is making (or will make) once the revised LGBTQI Policy is rolled-out, regarding allowances of extra razors for transgender/intersex individuals and to gender-affirming commissary items, hygiene products, or beauty products.	PI	NI
IV.E.G.	The County shall provide gender-affirming clothing. Recommendations: 1) Provide the revised draft OCSD CCOM Policy 7300 (LGBTQI Inmates) once finalized, 2) To the extent there may be validity to the allegations as mentioned above, staff must issue properly sized undergarments/underwear of choice to transgender (and all LGBTQI) individuals.	PI	PI
IV.E.H	The County shall ensure that rules on contact and affection during visiting are the same for LGBTQI and non-LGBTQI individuals, including in-person visitation and approved contact visits. Recommendations: Provide the draft revised OCSD CCOM Policy 7300 (LGBTQI Inmates).	PI	PI
IV.F.	SEARCHES		
IV.F.A.	Policy (Searches) pertaining to transgender or intersex incarcerated persons.	PI	PI

PROVISION		CURRENT RATING	PRIOR RATING
	Recommendations: 1) Provide the revised draft OCSD CCOM Policy 7300 (LGBTQI Inmates) (and any other applicable policy(ies), 2) Staff must be trained (after the revised LGBTQI Policy is rolled-out and curriculum is approved).		
IV.G.	MEDICAL AND MENTAL HEALTH CARE		
IV.G.A.	The County's standards of care for transgender and gender-variant individuals shall reflect community-based standards of care, including relevant UCSF guidelines and World Professional Association for Transgender Health (WPATH) Standards of Care. Recommendations: 1) Provide the new curriculum (once approved through the OC review process) to the Expert (and DRC) for review, 2) Consider logging (into EUHRs) and/or having a checklist (or guidance form) of other source to accurately depict the various types of information and education that healthcare professionals provide to transgender and non-binary patients.	PI	PI
IV.G.B.	The County's standards of care and practice shall ensure that documentation or evidence of prior gender-affirming care is not a prerequisite to receiving gender-affirming care while in jail custody. Recommendations: Please see the Expert's recommendations as outlined in Section G.A. of this report.	PI	PI
IV.G.C.	The County shall ensure that medical and mental health staff have specific knowledge of and training on gender dysphoria and the treatment thereof, including as to the WPATH Standards of Care. Recommendations: Please see the Expert's recommendations as outlined in Section G.A. of this report.	PI	PI
IV.G.D.	The County shall ensure that a qualified medical professional and a qualified mental health professional coordinate to evaluate, diagnose, and treat patients for gender dysphoria. Recommendations: Please see the Expert's recommendations as outlined in Section G.A. of this report.	PI	PI
IV.G.E.	The County shall give transgender and intersex patients uninterrupted access to clinically indicated hormone therapy based upon an individualized assessment of the patient's medical needs in accordance with community-based standards of care. Recommendations: Please see the Expert's recommendations as outlined in Section G.A. of this report.	MS	AI
IV.G.F.	Sex reassignment surgery should be considered on a case-by-case basis and provided when determined to be medically necessary for a patient.	PI	PI

PROVISION		CURRENT RATING	PRIOR RATING
	Recommendations: 1) Please see the Expert's recommendations as outlined in Section G.A. of this report, 2) Provide any past referrals to UCI (if applicable).		
IV.G.G.	The County shall prohibit psychotherapy such as "reparative" or "conversion" therapy or attempts to alter gender identity. Recommendations: None	MS	MS
IV.H.	LGBTQI TRAINING FOR STAFF		
IV.H.A.	The County shall provide at least biennial live/real-time training to staff and contractors, including anyone who has contact with LGBTQI individuals in custody, on LGBTQI policy, procedures, and legal requirements. Recommendations: 1) Provide the revised draft OCSD CCOM Policy 7300 (LGBTQI Inmates) once OCSD and County Counsel complete their internal review, 2) Once Policy 7300 (and other related policy[ies]) are finalized, provide draft training curriculum to the Expert (and DRC) for review. Note: This includes refresher training.	UR	UR
IV.H.B.	Training, including refresher training as appropriate to their position, will be provided to all staff at least biennially. The County shall maintain records of training history. Recommendations: 1) Provide the revised draft OCSD CCOM Policy 7300 (LGBTQI Inmates) once OCSD and County Counsel complete their internal review, 2) Once Policy 7300 (and other related policy(ies) are finalized, provide draft training curriculum to the Expert (and DRC) for review. Note: This includes refresher training.	UR	UR
IV.H.C.	The County shall provide DRC draft LGBTQI training materials (including any updates or revisions) and shall meaningfully consider any DRC input on the content and method of delivery of the training. Recommendations: 1) Provide the revised draft OCSD CCOM Policy 7300 (LGBTQI Inmates) once OCSD and County Counsel complete their internal review, 2) Once Policy 7300 (and other related policy(ies) are finalized, provide draft training curriculum to the Expert (and DRC) for review. Note: This includes refresher training.	UR	UR

IV. Findings

A. LGBTQI Non-discrimination Policy, Staff Accountability

- A. *OCSD Policy 375 (Transgender Policy) prohibits staff from discriminating against incarcerated individuals on the basis of gender, including one's gender identity, gender expression, and sexual orientation. The County requires that staff "shall treat transgender persons in a manner that shows respect for the individual's gender identity and gender expression, which includes addressing them by their preferred name and using gender pronouns appropriate to the individual's gender self-identity and expression."*

Orange County Sheriff's Department Manual Policy 375 Transgender Policy, Policy 328 Unlawful Harassment and Discrimination Policy, and Policy 402 Bias Free Policy contain related language.

In the most recent OCSD Action Plan for this provision, the County reported, "OCSD has submitted its draft LGBTQI Policy to the DRC team for review. After any input from the DRC team has been addressed, the Policy will be shared with Sabot for any input. OCSD will be revising the Classification Policy to address the Remedial Plan requirements for housing and classification of LGBTQI persons. This Policy will also be shared with the DRC and Sabot." It is also noted that in a previous OCSD Action Plan, the County indicated "OCSD takes allegations of staff misconduct very seriously and will fully investigate the allegations. If any allegations are founded, staff will be held accountable. OCSD did follow-up on prior LGBTQI incarcerated person allegations against staff."

The Expert and DRC representatives have reviewed and provided recommendations and comments to the County relative to OCSD draft CCOM Policy 7300 LGBTQI Inmates. Reportedly OCSD is reviewing all comments and recommendations and revising the draft Policy and will soon be shared with the Expert and DRC prior to approval and implementation.

The CHS Policy 6206 Gender Diverse/LGBTQI+ Patient Health Care (Effective July 28, 2023) contains related language.

The Expert continues to acknowledge and appreciates the efforts OCSD had made in following up on previous complaints that have been made by LGBTQI incarcerated persons.

Custody and non-custody staff interviewed (e.g., from Inmate Services, housing units and PMU staff, and CHS healthcare) continue to convey they treat all incarcerated individuals (including LGBTQI) respectfully, are professional, and do not discriminate against them. Staff indicated they refer to all incarcerated persons by their last names and/or preferred pronouns. Housing deputies interviewed acknowledged they also use or have used an individual's preferred pronouns when addressing transgender persons.

One of the housing deputies (from TLF Mod I, Sectors 1-6) stated the J-119s/Mod cards include information such as preferred pronouns and gender identity information. He also

stated the unit staff have a White Board that contains quick-reference information which lists preferred pronouns, search preference information (staff gender), and gender-identity information.

Approximately 23 of the 29 LGBTQI incarcerated persons interviewed stated that custody and non-custody personnel treat them respectfully and fairly, and they didn't have any related concerns. This issue continues to improve as the Expert interviews LGBTQI persons each tour. Nevertheless, and though the Expert was not able to substantiate or refute, there were several related complaints/concerns (from 6 of the 29 individuals interviewed). Some of the positive comments and negative concerns/comments included the following:

- Positives:
 - Housing Unit Staff:
 - Housing staff (CJX & TLF) are great/respectful
 - Unit staff are mostly professional
 - Respectful & fair
 - Unit staff are good
 - Mod J deputies are ok
 - Respectful in both Intake and the housing unit
 - Staff are better than they were a year ago
 - Overall, the deputies treat us better and more professional
 - Much more respect now from staff (night and day different than before) – much better
 - In Mod I Sector 2 staff are mostly good, and female staff are respectful
 - Program Sergeant:
 - New program Sergeant is very engaging and approachable:
 - Twice weekly he asks us how we are doing and if we need anything
 - He's very engaging
 - He is security minded, but very helpful
 - Intake Staff:
 - Intake staff are ok
 - Intake deputies are good
 - Intake deputies are respectful (multiple comments)
 - Intake staff are professional
 - Intake staff are better, and not disrespectful
 - Respectful in both Intake and the housing unit
 - Intake staff are ok
 - Intake staff are ok, no disrespect
- Negatives:
 - Staff are not trained in how to deal with LGBTQI, transgender, or non-binary persons
 - Housing staff attitudes - LGBTQI persons (specifically, the people in the GBTQ mods) must wait to get hot water – not the case for other people in non-GBTQ mods:

- They don't attend to our needs
- Mod J Deputies:
 - Bad
 - They don't communicate with us
 - They tell workers about clothing exchange, but not us
 - Individuals from a different other sector tells us
- Intake:
 - Loop staff are not respectful
 - Intake staff were condescending, two-faced, rude
 - Intake staff disrespectful:
 - Deputies verbally "making fun" of me due to me wearing a butterfly designed shirt, then additional deputies joined in

The Expert has the following recommendations:

- Provide the revised comprehensive draft OCSD CCOM Policy 7300 (LGBTQI Inmates) to the Expert (and DRC) for final review (once OCSD and County Counsel has completed their review of the comments and recommendations provided by the Expert and DRC), and appropriate revisions have been made.

Partially Implemented (Previous Rating - Partially Implemented)

B. The County shall develop and implement procedures to ensure accountability for its LGBTQI non-discrimination policy:

- 1. The County shall develop a procedure to track complaints involving LGBTQI-involved discrimination, including as to housing placement, property, privileges, or health/mental health care. Such tracking will be used for continuous quality improvement purposes.*
- 1. The County shall develop an accountability plan intended to timely log and investigate allegations from any source that staff has violated the LGBTQI non-discrimination policies and procedures. Any staff member who the County finds to have violated such policies and procedures shall be subject to relevant, progressive discipline policy.*
- 2. The County shall ensure that any staff, contractors, agents, and incarcerated individuals may submit complaints regarding any failures to comply with LGBTQI non-discrimination policies and procedures or components stated herein.*
- 3. The County shall track and analyze for quality improvement purposes the final dispositions of LGBTQI-related complaints, including staff accountability/discipline outcomes.*

In the most recent OCSD Action Plan for this provision, the County reported, "OCSD has submitted its draft LGBTQI Policy to the DRC team for review. After any input from the DRC team has been addressed, the Policy will be shared with Sabot for any input. OCSD will document its existing process for staff accountability and will share it with DRC and Sabot. Once Policy is finalized, related training will be developed and provided to DRC and Sabot for review."

Refer to Section IV.A.A for additional updated information as to status of the draft LGBTQI Policy.

Refer to the Expert's previous LGBTQI report (Expert's Fourth Report) in Section IV.A.B., for more information regarding the HCA Policy 1007 Staff Accountability.

The Expert provided related comments/recommendations for draft OCSD CCOM Policy 7300 LGBTQI Inmates. Specifically, comments/recommendations were made within Section 7300.2 Staff Accountability. Some of the questions/concerns in the policy pertained to confidential logs, supervisor/manager responsibilities once apprised of alleged discrimination/harassment, supervisor/manager next steps, and Section 7300.7 (of the Policy) appearing to only apply to the grievance process.

For the previous monitoring tour (Expert's fourth tour), CHS provided an Excel spreadsheet titled, "LGBTQI+ CHS Accountability Log," which contained three (3) entries (all by the same incarcerated person [non-binary] housed at TLF). However, for the current tour (Expert's fifth tour) there was no such documentation provided. It is unclear if there were any CHS related allegations or investigations for the current monitoring period.

To date, OCSD has not provided any related staff accountability log(s) or spreadsheet(s) which pertain to staff violation of LGBTQI policies/rights/RP provisions. As has been previously reported, a comprehensive accountability plan should feasibly include a mechanism to track related discrimination complaints, investigations/inquiries, progressive discipline, and ultimate dispositions/outcomes; and to provide related management quality improvement reviews, including data review information which may help to identify any negative trends showing staff violating or otherwise not following requirements of the RP provisions. The OCSD has not provided any anticipated timelines for implementation. In the future, OCSD must provide examples of draft tracking form(s) that will be used to track related complaints, a copy of any draft plan and/or draft forms that outline management or quality assurance reviews, and draft plans of action to be used for applicable cases.

The County has previously reported that Custody staff will meet with OCSD's Professional Standards Division to discuss the accountability plan required by the RP.

Once an OCSD accountability plan has been approved and implemented, the County will need to provide all associated documents for the Expert's review, e.g., related policies/procedures, staff accountability plan/process, tracking mechanism to track discrimination complaints (inclusive of the investigation process and ultimate disposition/outcome), and information pertaining to OCSD administration personnel analyzing all related data for quality improvement for future monitoring tours.

Post tour, the County provided the new Personnel Complaint Procedure (Policy 1020) as requested. The policy is dated November 29, 2024. The policy addresses management, supervisory, and/or the Internal Affairs Bureau responsibilities and processes, including

“collection, processing, and preservation of complaints to ensure proper attention is given to an incident.” This includes the “Administrative Investigation of Complaint” process as well as documentation protocols within the Commendation/Complaint Reporting System (CCRS) and the “Sheriffs Intranet” related to personnel complaints, whether regarding an agency service or for personnel misconduct or job performance allegations. It is noted that Policy 1020 pertains to complaints from the public, and does not specifically pertain to the grievance process or complaints levied by incarcerated persons. During subsequent tours, the Expert will be requesting related non-confidential status information (e.g., tracking information from the CCRS system for status of any LGBTQI-related complaints [if applicable]) for the respective rating/monitoring period.

The Expert reviewed the following 12 applicable grievances that contained various allegations or complaints:

- Incarcerated Person #1
 - JI# 240508-0019
 - Sexual staff misconduct complaint – per 5/23/24 memo, the case was investigated, and video footage was reviewed.
 - Allegation was unfounded
- Incarcerated Person #2
 - JI# 240319-0407
 - JI# 240212-0092
 - JI# 240113-0378
 - JI# 240106-0188
 - JI# 240212-0092
 - All five (5) grievances for alleged staff gender discrimination
 - All five (5) were unfounded
- Incarcerated Person #3
 - JI# 240125-0267
 - Staff misconduct
 - Unfounded
 - JI#240122-120
 - Excessive force
 - Not sustained
 - JI# TL 01524/0213
 - Grievance and message request requesting LGBTQI housing
 - Classified and moved/Issue resolved
- Incarcerated Person #4
 - JI# 240213-00256
 - PREA complaint (sexual advances)
 - Not substantiated
- Incarcerated Person #5
 - JI# 240702-0388
 - Requested PRIDE program placement
 - Case was investigated, individual was interviewed by PMU and Inmate Programs, and it was determined that he is ineligible.
- Incarcerated Person #6

- JI# 240417-0198
 - Alleges staff misconduct
 - Incident was investigated and determined to be “Not Sustained.”

The Expert has the following recommendations:

- Keep the Expert apprised of progress toward developing and implementing a staff accountability component (e.g., similar to what CHS rolled-out in late 2023).
- Future OCSD training material content should include staff accountability-related information.
- Once the draft OCSD CCOM Policy 7300 (LGBTQI Inmates) is finalized and related training is developed, the County must provide it to the Expert and DRC for review, comments, and recommendations.
- Provide status tracking logs (non-confidential information) for respective monitoring periods for cases that pertain to LGBTQI incarcerated persons:
 - Note: this should include information from the CCRS system for tracking of Personnel Complaints from the public (as outlined in new Policy 1020), and from other tracking systems/sources as related to Policy 7300 (LGBTQI Inmates), and HCA Policy 1007 Staff Accountability.

Partially Implemented (Previous Rating – Partially Implemented)

- C. The County shall develop and implement procedures to protect against staff and contractors disclosing an individual's LGBTQI identity. The County shall limit disclosures to specific, limited circumstances as for purposes of the individual's safety, such as transporting someone.*

The CHS Policy 6206 Gender Diverse/LGBTQI+ Patient Health Care (Effective July 28, 2023) contains related language.

Orange County Sheriff's Department Policy 375 Transgender Policy (Section 375.4) contains some brief related language.

In the most recent OCSD Action Plan for this provision, the County reported, “OCSD has submitted its draft LGBTQI Policy to the DRC team for review. After any input from the DRC team has been addressed, the Policy will be shared with Sabot for any input. Once the Policy is finalized, related training will be developed and provided to DRC and Sabot for review.”

Refer to Section IV.A.A for additional updated information as to status of the draft LGBTQI Policy.

During the LGBTQI incarcerated person interviews, there was a complaint voiced related to the IRC area. OCSD has been apprised and has investigated. There was a second complaint also pertaining to the IRC area, which pertains to clothing; however, it unclear whether this is related to LGBTQI or related harassment. As of the date of this report, all complaints of alleged staff misconduct were investigated by OCSD and determined to be

either not sustained or unfounded. Overall, the issue of staff disclosing an individual's LGBTQIA+ identity (or "outing" them) in the presence of other incarcerated individuals has continued to decrease over the last several monitoring tours.

Custody and non-custody personnel who were interviewed were aware of the confidentiality requirements and the "need-to-know" basis regarding incarcerated persons who identify as LGBTQI or transgender.

The Expert looks forward to reviewing the revised LGBTQI policy once County Counsel completes concludes the review of the comments/recommendations from the Expert and DRC, and applicable revisions are made.

The Expert has the following recommendations:

- Future training material content should include confidentiality and nondisclosure-related information.

Partially Implemented (Previous Rating - Partially Implemented)

- D. Staff shall use (1) an individual's pronoun (including the third-person singular, they/them) appropriately and/or (2) the individual's preferred name or last name.*

In the most recent OCSD Action Plan for this provision, the County reported, "OCSD has submitted its draft LGBTQI Policy to the DRC team for review. After any input from the DRC team has been addressed, the Policy will be shared with Sabot for any input. Once the Policy is finalized, related training will be developed and provided to DRC and Sabot for review."

Refer to Section IV.A.A for additional updated information as to status of the draft LGBTQI Policy.

As the Expert stated in the previous report (Fourth Round LGBTQI Report) the previous OCSD Action Plan indicated that SOMA "will assist with this tracking" however, there has not been any tentative timeline identified for activation for uploading LGBTQI-related information into the SOMA tracking system or when staff will be trained and have access to the information. As outlined in Section IV.A.A., one of the housing deputies interviewed stated the J-119s/Mod cards include information such as preferred pronouns and gender identity information. He also stated the unit staff have a White Board that contains quick-reference information which lists preferred pronouns, search preference information (staff gender), and gender-identity information.

As the Expert previously identified (Expert's Fourth Round LGBTQI Report) OCSD Policy 375 Transgender Policy (Sections 375.3 and 375.4) contains some related language requirements for staff to follow. The policy generally addresses documentation of an individual's preferred name and pronoun, and that the information should be provided to relevant department members for the purpose of ensuring continuity of appropriate treatment.

As has been the case during previous Expert tours, most of the staff members interviewed stated that they refer to all incarcerated persons by their respective last names (regardless of whether they are self-identified as LGBTQI, transgender, or otherwise). Some of the healthcare and other non-custody personnel have continued to maintain that they have use an individual's preferred name and pronoun (if known). As also identified in Section IV.A.A., most of the 29 incarcerated persons interviewed indicated staff are professional or otherwise there are not specific concerns as related to this RP Provision. However, there were a few positive and negative comments, including the following:

- Incarcerated Person A:
 - Use of pronouns getting better
 - Most staff use last names to be safe, but now many are trying to get pronouns accurately
- Incarcerated Person B:
 - Staff not calling transgender folks by proper pronouns
- Incarcerated Person C:
 - Some staff are respectful, but some staff are not. Some are homophobic and refuse to use proper gender-identity or proper pronouns.

As previously reported (Expert's Fourth LGBTQI Report) future training material content should include the requirement for staff to use last names for all incarcerated persons but at least have a transgender individual's preferred name and pronoun available to view (e.g., via SOMA).

It is still expected that the SOMA tracking system (once online with LGBTQI information) will provide staff the ability to track, monitor, and share (amongst staff) related information (e.g., preferred pronouns [including the third-person singular they/them] and/or the person's preferred name or last name). Such a tracking mechanism should be accessed by sworn and non-sworn personnel as applicable (e.g., staff assigned to housing units, healthcare, Programs or Inmate Services, court processing, transportation, etc.).

The Expert has the following recommendations:

- Prior to implementing the LGBTQI component of SOMA, the County should provide the opportunity for the Expert and DRC to review, comment and make recommendations.

Partially Implemented (Previous Rating - Partially Implemented)

- E. The County shall permit individuals (including people awaiting trial) to update their Jail ID names if they have obtained a legal name change and (in cases where there are pending charges) the criminal court has recognized the name change. The County shall permit individuals to seek legal name changes and to take appropriate steps to update legal documents. During the period of monitoring of remedial plan implementation, the County will notify DRC of any incarcerated person who obtains a legal name change.*

In the most recent OCSD Action Plan for this provision, the County reported, “OCSD has submitted its draft LGBTQI Policy to the DRC team for review. After any input from the DRC team has been addressed, the Policy will be shared with Sabot for any input. Once the Policy is finalized, related training will be developed and provided to DRC and Sabot for review.”

Refer to Section IV.A.A for additional updated information as to status of the draft LGBTQI Policy.

“OCSD’s revised LGBTQI policy (with DRC and Sabot’s recommendations/comments) is currently with County Counsel for review.” OCSD’s previous Action Plan item (as identified in the Expert’s Third Round LGBTQI Report) reflects that this RP Provision has been “implemented in practice”, though there were no related records provided for the current monitoring period.

As the Expert previously reported (Fourth Round LGBTQI Report) Court & Custody Operation Manual (CCOM), Section 1201.16 Identification Cards and Clothing, does not specifically address this requirement. There has not been any revisions since the previous monitoring review. However, draft CCOM Policy 7300 LGBTQI Inmates (Section 7300.4 Updating Jail ID Name and Photograph) contains related language/direction for staff.

For this monitoring period, OCSD did not provide any related documents for review, such as internal or external emails regarding a Court order for a transgender incarcerated person's name and gender change; completion of a new Gender Identity Form, and whether the information has been captured in the SDS tracking system; Court's Register of Actions information and/or a Decree Changing Name and Order Recognizing Change of Gender and For Issuance of New Birth Certificate. Likewise, there was no information provided specific to the ordering or issuing of a new OCSD identification card (or whether an updated mod care was made for the respective housing mod reflecting the new name change, etc.). By not receiving any such documentation coupled with the lack of any related concerns identified from the incarcerated person interviews, the Expert presumes this was not an issue that arose during the current monitoring review period.

Staff continue to maintain that incarcerated persons may update their jail identification cards if they have a legal name change.

The Expert has the following recommendations:

- Once the draft CCOM Policy 7300 (LGBTQI Inmates) (and training) is revised, the County must provide it to the Expert and DRC for final review. The training material content should include the updating of jail identification cards (post legal name change) related information.

Partially Implemented (Previous Rating - Partially Implemented)

- F. The County shall permit transgender and intersex individuals (whether sentenced or unsentenced) to update the photo on their jail ID. The County shall permit transgender individuals to update the photos on their ID to minimize the negative impacts of how such photos can "out" them (e.g., if their ID photo and their current gender expression are dissimilar) or cause psychological distress.*

In the most recent OCSD Action Plan for this provision, the County reported, "OCSD has submitted its draft LGBTQI Policy to the DRC team for review. After any input from the DRC team has been addressed, the Policy will be shared with Sabot for any input. Once the Policy is finalized, related training will be developed and provided to DRC and Sabot for review."

Refer to Section IV.A.A for additional updated information as to status of the draft LGBTQI Policy.

OCSD previously reported "this item has been implemented in practice, we will revise policy to address it and include the policy in training materials."

Since inception of monitoring, OCSD has not produced any completed records, forms, or documentation for transgender and intersex incarcerated persons to update their jail ID photo. OCSD has previously indicated there are "likely no records," or related documents or forms.

Staff have continued to maintain that incarcerated individuals may request to have their photo updated for their identification card if they feel the need to do so.

There have not been any concerns or information related to this RP Provision provided to the Expert during the staff and incarcerated person interviews during the past two (2) Expert monitoring reviews.

As previously reported, during the Expert's Second monitoring review, relevant information was provided describing the process for issuance of a new photo and identification card (with a name change), with updated information reportedly having been entered into the SDS system, I-TRAC, and the individual's history card, with a copy of the new identification card issued to the individual.

The Expert has the following recommendations:

- Once the draft CCOM Policy 7300 (LGBTQI Inmates) (and related training material) has been revised by OCSD, it must provide it to the Expert and DRC for final review. The Expert understands the provision requirements have been implemented in practice, but the related policy and training should include all related requirements, including that when a jail identification photo is updated, the photo is also updated within the various jail tracking systems as applicable. Future training material content should cover permitting transgender and intersex incarcerated persons to update the photo on their jail identification card.

Partially Implemented (Previous Rating - Partially Implemented)

G. *A person's self-identification as LGBTQI at any point is sufficient to trigger the protections and procedures specific to LGBTQI individuals, as set forth herein. Documentation of a medical diagnosis or legal documentation of an individual's identity, including their gender marker or legal sex, is not required for staff to respect or confirm an individual's gender identity, except in cases where there is specific evidence that a person has falsely asserted a gender identity:*

- 1. The fact that a person has not completed a legal name change or has not obtained a government-issued identification that reflects their affirmed sex, gender identity, or name shall not constitute evidence to justify staff not respecting the individual's gender identity.*
- 2. The absence of the completed County's Voluntary Gender Identity Disclosure and Search Preference Form shall not constitute evidence to justify staff not respecting the individual's known gender identity.*

The CHS Policy 6206 Gender Diverse/LGBTQI+ Patient Health Care (Effective July 28, 2023) contains related language.

In the most recent OCSD Action Plan for this provision, the County reported, "OCSD has submitted its draft LGBTQI Policy to the DRC team for review. After any input from the DRC team has been addressed, the Policy will be shared with Sabot for any input. Once the Policy is finalized, related training will be developed and provided to DRC and Sabot for review."

Refer to Section IV.A.A for additional updated information as to status of the draft LGBTQI Policy.

Orange County Sheriff's Department Policy 375 Transgender Policy (Sections 375.1, 375.2, and 375.3) contains related language, but there have not been any revisions since the previous monitoring review.

As was the case during the Expert's previous four (4) monitoring reviews (including staff interviews), staff contend that they respect and protect individuals who self-identify as transgender or LGBTQI. During this monitoring review, housing unit deputies indicated they would honor an incarcerated person's known gender identity (including their preferred pronouns, preferred name, and search preference) whether there was written supporting documentation (e.g., Mod card and/or Voluntary Gender Identity Disclosure and Search Preference Form) or not. But as reported in Section IV.A.A., custody and non-custody staff indicated they refer to all incarcerated persons by their last names and/or preferred pronouns.

There have been related complaints (and subsequent County investigations/inquiries) during previous monitoring tours, but there were no such complaints (for misgendering) for the current monitoring period.

The Expert has the following recommendations:

- Once the draft comprehensive CCOM Policy 7300 (LGBTQI Inmates) is reviewed by County Counsel, OCSD must provide it to the Expert and DRC for final review. Future training material must also be provided to the Expert and DRC for review, and its content should include respect, safety, and protection-related information for LGBTQI-incarcerated persons commensurate to the requirements outlined in this section.

Partially Implemented (Previous Rating - Partially Implemented)

B. Transgender and Intersex Intake & Classification Procedures

A. During intake and classification, Jail staff shall:

- 1. Offer each transgender or intersex individual the option to complete the OCSD Voluntary Gender Identity Disclosure and Search Preference Form and continue to maintain documentation of an individual's gender identity, pronoun, honorific, and search preference.*
- 2. Explain that the individual will not be punished if they choose not to provide such information.*
- 3. Explain that staff, contractors, and volunteers shall use a person's stated pronoun and honorific and that the failure to do so may be grieved and reported.*
- 4. Effectively communicate how gender identity impacts classification and housing placement determinations.*
- 5. Ask for information about the individual's preferred housing placement (e.g., male-/female-designated unit, general population/protective custody).*
- 6. Ensure that the above inquiries and information are communicated in a private setting.*

In the most recent OCSD Action Plan for this provision, the County reported, "OCSD has submitted its draft LGBTQI Policy to the DRC team for review. After any input from the DRC team has been addressed, the Policy will be shared with Sabot for any input. OCSD will be revising its Classification Policy to address the Remedial Plan requirements for housing and classification of LGBTQI persons. This Policy will also be shared with DRC and Sabot. OCSD is also working on a script for Classification staff as recommended above. The script will also be shared with DRC and Sabot for any input."

Refer to Section IV.A.A for additional updated information as to status of the draft LGBTQI Policy.

See the Expert's previous report (Expert's Report Fourth Round) pertaining to CCOM Policies/Sections 1710.4 Body Searches of Inmates (Gender Restrictions), 1200.4 Location of Classification Interviews, 1200.10 Housing Assignments and Changes address housing for gender non-conforming or non-binary individuals, and 1201.4 Classification Reviews:

- e) “If an inmate self-identifies as LGBTQI at any time and states a preference to be assigned to a different housing placement, a classification review to evaluate the inmate’s housing preference shall be conducted within 24 hours of receipt of a Classification Review Form. For more information on LGBTQI inmates, refer to CCOM Sections 1201.2 (c), (d), and 1204.5.”

Draft CCOM Policy 7300 (LGBTQI Inmates) includes language that satisfies bullet numbers 1 and 2 of this provision (above). The Expert is satisfied that the revised version of the OCSD Voluntary Gender Identity Disclosure and Search Preference Form satisfies the requirement of this provision (so long as staff continue to use and follow the requirement of the form).

The County provided approximately 50 completed Orange County Sheriff’s Department Voluntary Gender Identity Disclosure and Search Preference Forms for the monitoring period for transgender/intersex individuals for the rating period. Note: All 50 were either the November 9, 2023, or November 20, 2023, versions. The County also provided completed forms that were older versions of the form. However, they appear to be outside the monitoring period, therefore they were not reviewed. The revised version contains the following sections/information (including check boxes to indicate relevant information as appropriate):

- Inmate/Detainee Rights and Advisement:
 - “You have the right not to provide any information requested on this form, and you will not be punished if you decline to do so. However, please be aware that declining to answer one or more of these questions may limit Custody staff’s ability to best meet your housing, programming, and safety needs.”
 - “All staff, contractors, and volunteers shall use your stated pronouns and honorific (title). If this information is not readily available, you shall be addressed by your legal last name. Their failure to do so may be grieved and reported.”
 - “You may update this form at any time by requesting a new form from Custody staff, submitting a message slip, or submitting a grievance, without fear of retaliation or discipline. This form may be accessed by Custody staff only for purposes of ensuring compliance with Jail policies.”
- Voluntary Gender Identity Disclosure and Search Preference:
 - Legal Name / Booking Number
 - What was your assigned sex at birth?
Male/Female/Intersex/Unknown/Decline to Answer
 - What is your gender identity? Male/Female/Non-Binary/Decline to Answer/Other
 - Preferred Pronouns: He/Him / She/Her / They / No Preference / Decline to Answer / Other
 - Preferred Honorific (Title): (e.g., Ms., Mr.) / No preference / Decline to Answer
 - *“While in the custody of the Orange County Sheriff’s Department, I prefer to be searched by Custody staff of the below indicated gender whenever possible. I understand that this preference will be respected, unless the*

situation is an emergency, or the failure to conduct a search will jeopardize the safety of staff and inmates. I understand that if I decline to provide a search preference, I will be searched by Custody staff in a manner consistent with my apparent gender identity or expression."

- Male / Female / No Preference / Decline to Answer
- Signature / Date

The Expert reviewed 20 randomly selected completed OCSD Specialty Housing Requests from Classification deputies. The Expert also reviewed various corresponding documents (e.g., Classification Review Forms, mental health staff input, medical staff input and PREA information).

All the documents reviewed included information regarding the individual's self-identification as LGBTQI. The Classification deputies ask and consider the individual housing placement requests and make recommendations (to a Classification Sergeant) accordingly. Though not consistent between all reviewed documents, there were classification documents that contained information such as preferred names, preferred pronouns, discussion of LGBTQI housing, "sex indicator" (male to female or female to male), filled out Voluntary Gender Identity Disclosure and Search Preference Form, and screening for GBTQI (PRIDE) Program, but numerous documents did not include such information. All 20 documents reviewed contained a Sergeant approval signature. However, there was no information contained relative to Classification staff explaining the differences in PC versus GP (e.g., for programming access/opportunities, possible long-term effects of PC). There was one (1) OCSD Specialty Housing Request Classification document that contained information relative to an individual's right or ability to talk to a deputy and be referred-back to Classification in the event they felt the need to be rehoused or considered for such. There was no evidence to support that semi-annual LGBTQI reviews are being conducted.

Though the Expert did not ask the specific question during the current monitoring tour, during the previous Expert's monitoring review (Expert's Fourth Round LGBTQI Tour), Classification staff acknowledged that semi-annual classification reviews were not being conducted. It is still unclear whether semi-annual reviews for transgender or intersex persons are occurring. There was no evidence (from the document reviews for the current monitoring period) to support that this process has yet been implemented.

The Expert has noted that during each monitoring review, custody staff are becoming more familiar with the OCSD Voluntary Gender Identity Disclosure and Search Preference Forms. There was no documentation or other evidence provided to demonstrate whether Classification deputies currently follow a script that identifies the elements of this RP Provision that they are required to cover during a Classification encounter.

Of the 29 LGBTQI incarcerated persons interviewed, most of them (including all who arrived at the Jail during the current monitoring period) were asked whether Classification deputies explained the jail/prison dynamics associated with the PC classification (e.g., comparing and contrasting PC versus GP, how gender identity impacts classification and programming, how PC status effects [or may effect] out-of-cell time, programming, access

to education and self-help groups, access to work assignments, discussing/explaining gender congruent housing [including how to ask for such], and that it's highly likely that once an individual is classified as PC it is extremely difficult to change to GP, and thus an individual, is most likely going to remain on PC status for any future incarcerations in jail or prison [if applicable]). All of the individuals interviewed (or asked the specific question) stated that Classification staff did not discuss any of this information. However, one (1) of the 20 randomly selected completed OCSD Specialty Housing Requests, included an individual requesting (and was approved by a Classification Sergeant) gender congruent housing.

Related LGBTQI incarcerated person general comments:

- I believe Classification needs to ask individuals if they are ok with being housed with a transgender person.
- Classification staff did not ask about PC or GP preference, or if I had a choice.
- They asked me about the PRIDE Program, but never told me it was a PC unit or even what PC means.
 - They only told me that PRIDE can have some drama, and that if I left the program, it may not be automatic to return right back.

Once the draft OCSD CCOM Policy 7300 (LGBTQI Inmates) is revised, and training materials are drafted, the County must provide them to the Expert and DRC for review, comments, and recommendations.

The Expert's recommendations (pending County Counsel review of revised policy[ies] and forms [as applicable] and training):

1. OCSD CCOM Policy 7300 (LGBTQI Inmates) or OCSD CCOM Policy 1200 (Classification) or other policy must address item numbers 4, 5, and 6 of this provision.
 - Note: The OCSD Voluntary Gender Identity Disclosure and Search Preference Form captures item numbers 1, 2, and 3 of this provision, but it is recommended that Policy (whether CCOM 7300 or CCOM 1200, or other policy) address the requirements.
2. Classification deputies must fully explain applicable classification and security options and ensure LGBTQI self-identified individuals fully understand the protective custody and general population classifications (and others as applicable) and the jail-wide dynamics associated with those classifications. For example;
 - Must include the meaning of PC at OC Jails in short- and long-term; how PC classification impacts programming, out-of-cell time, work assignments, etc.; and how PC classification may impact housing in other prisons and jails.
 - How gender identity impacts (or may impact) housing and programming.
 - Gender-congruent housing availability and process (transgender).
 - Indicate an individual's right or ability to talk to a deputy and be referred-back to Classification in the event they felt the need to be rehoused or considered for such.

- Ask for information about the individual's preferred housing placement (e.g., male-/female-designated unit, general population/protective custody).
- 3. As related to Items A.4 and A.5, modify CCOM Section 1200.10 Housing Assignments and Changes (or other policy) to clarify that the policy and jail practices regarding addressing housing for gender non-conforming and non-binary individuals also include incarcerated persons who identify as transgender.
- 4. Ensure semi-annual transgender or intersex individuals' Classification reviews are being conducted.
- 5. Provide a script (for Classification staff use) that identifies the elements of this RP Provision that they are required for Classification staff to cover during a Classification encounter.
- 6. Ensure that the above inquiries and information are communicated in a private setting.

Future training material should include related information as outlined in this section.

Partially Implemented (Previous Rating - Partially Implemented)

B. The County shall revise the Voluntary Gender Identity Disclosure and Search Preference Form to specify the following:

- 1. The purpose of the form is to ensure that the County adheres to its own policies concerning transgender and intersex individuals.*
- 2. An individual may update the form at any time by requesting a new form from custody/ classification staff, sending a message slip, or submitting a grievance without fear of retaliation or discipline.*
- 3. The form may be accessed by custodial and classification staff only for purposes of ensuring compliance with Jail policies.*

In the most recent OCSD Action Plan for this provision, the County reported, "OCSD has fully implemented this item. This item requires that County "shall revise the Voluntary Gender Identity Disclosure and Search Preference Form to specify the following..." This revision has been made and the revised form is in use."

As described in greater detail in Section IV. B.A. (above) as part of document production, the County provided approximately 50 completed examples (November 9th and 20th 2023 revised versions) of the Voluntary Gender Identity Disclosure and Search Preference Forms. The revised form captures the RP requirements for this provision.

There are no current recommendations for this provision.

Adequately Implemented (Previous Rating - Partially Implemented)

C. Least Restrictive Setting Appropriate for LGBTQI Population

- A. *The County recognizes that LGBTQI individuals and people whose appearance or manner does not conform to traditional gender expectations should not be placed in more restrictive custodial settings based solely on such identification or status or because they receive gender dysphoria treatment.*

In the most recent OCSD Action Plan for this provision, the County reported, “OCSD has submitted its draft LGBTQI Policy to the DRC team for review. After any input from the DRC team has been addressed, the Policy will be shared with Sabot for any input. OCSD will be revising its classification Policy to address the Remedial Plan requirements for housing and classification of LGBTQI persons. This Policy will also be shared with DRC and Sabot. OCSD is also working on a script for Classification staff as recommended (above). The script will also be shared with DRC and Sabot for any input. Training will include related information.”

“An in-person Workforce Prep class is scheduled to take place on Theo Lacy, Mod I, Sectors 1 and 2, starting August 19. This in-person class has been occurring in the PRIDE Unit but will be replaced with a Food Service class at the request of the incarcerated persons in the PRIDE Unit.

Refer to Section IV.A.A for additional updated information as to status of the draft LGBTQI Policy.

CCOM Section 1201.2(c) Inmate Classification Procedures contains language specific to housing identified LGBTQI individuals, as well as housing individuals according to classification level or according to Correctional Health Service (CHS) staff recommendations. CCOM Section 1201.2(d) contains information regarding requested placement into the PRIDE Program, with a reference to CCOM Section 1204.5(b).

The Expert previously requested that OCSD provide proof of practice or an explanation (e.g., via a brief general memo to the Expert) as to how the administration or Classification management personnel monitor Classification activities to ensure LGBTQI individuals are made aware of the jail dynamics associated with them being classified as general population versus protective custody and in being housed as such. The OCSD’s document production (for one of the previous monitoring reviews – Expert’s Third LGBTQI Review) indicated there is no formal process in place yet, and that policy and training are in development. To date, no new information has been provided to the contrary. The Expert anticipates the revised OCSD CCOM Policy 7300 (LGBTQI Inmates (as referenced above for the OCSD Action Plan) or other related documentation will be provided in the future.

Classification Unit staff have continued to maintain that they house LGBTQI incarcerated persons (as well as individuals whose appearance may not appear to conform to traditional gender expectations) in accordance with their classification level and factors, the housing matrix, and specialty housing requests (when applicable) and do not house these individuals in more restrictive housing settings (including program access) than

their classification level and factors otherwise dictate. But as also previously reported, the Expert notes that housing in PC or LGBTQI PC generally results in reduced or somewhat limited out-of-cell and programming opportunities.

As has been previously reported, a recurring concern (as confirmed through current and past LGBTQI interviews) is that multiple LGBTQI incarcerated persons did not understand how PC classification would impact their access to programming, work assignments, and out of cell activities. Individuals have continued to report that they were not told how gender identity impacts classification (e.g., the meaning of being classified as protective custody, or the impact/meaning of being classified as PC, and how gender identity or protective custody status impacts classification). For example, individuals reported that there was no explanation as to any differences between programming in PC versus GBTQ-PC (TL – Mod I, sectors 1 and 2, and the PRIDE program) versus GP, and no explanation as to any differences in access to out-of-cell time work assignments and other programs, services, and activities in PC versus GBTQ-PC (PRIDE Program) versus GP. Most of the LGBTQI incarcerated persons indicated they are satisfied with their housing placement, but there were multiple individuals that stated they may have opted for GP status, Vet housing or other housing had they known the limitations and/or permanent status that often comes with being classified as PC.

As the Expert has previously expressed, Classification personnel must ensure newly arrived and identified LGBTQI incarcerated persons are made aware of the jail dynamics associated with being classified as general population versus protective custody (or other classifications) and in being housed as such, including how it may impact classification processes in future facilities (CDCR, other jail systems, etc.). This will allow the individuals to make a better-informed request as to their future housing and programming status.

Approximately 75.2 percent (91 individuals) of the approximate 121 identified LGBTQI individuals housed at the jail complexes (at the time of the fifth on-site tour) were housed in protective custody for various reasons. As has previously been expressed, in requesting housing placement, LGBTQI persons should not have to choose (if they have a choice about protective custody) between their own safety versus equal access to programs, services, and activities that non-LGBTQI and/or non-protective custody individuals are afforded. LGBTQI-incarcerated persons should have equal access to the jail's programs, services, and activities (e.g., re-entry services, academic/vocational education, work assignments, religious services, etc.). As the Expert has also previously reported, the jail administration should consider expanding offerings for protective custody and/or the LGBTQI population (whether assigned to the general population or protective custody housing) to comply with equal access requirements under the SA and anti-discrimination laws. The Expert recognizes the County's position that incarcerated persons are classified as PC for various reasons, including criminal history and conduct while in custody. The Expert also acknowledges that most of the LGBTQI individuals assigned to PC are classified as such at least in part due to their own request or agreement. But again, the need for Classification staff to have a script to ensure they convey the jail dynamics associated with a PC versus GP designated is extremely important.

The Classification documents reviewed (e.g., OCSD Specialty Housing Requests) continue to show that Classification Unit staff strongly consider the housing requests of LGBTQI individuals.

More information regarding improved program access (at least in some areas) will be outlined later in this report.

The Expert acknowledges that some progress had been made; however, the Expert has the following recommendations:

- Future training material should include related information.
- Classification deputies must ensure LGBTQI new arrivals have the pertinent information to make informed requests for their future housing and programming.
- OCSD should continue efforts to create more opportunities for LGBTQI individuals in all units, especially those assigned to protective custody housing units where there is a lack of (or limited) access to in-person education classes, work assignments, out of cell time, outdoor recreation, etc.

Partially Implemented (Previous Rating - Partially Implemented)

- B. The County shall not house LGBTQI individuals in more restrictive housing than otherwise indicated because of their actual or perceived sexual orientation, gender expression, gender identity, or intersex status. The County shall house LGBTQI people in the least restrictive housing allowed by their classification and security designation.*

In the most recent OCSD Action Plan for this provision, the County reported, “OCSD has submitted its draft LGBTQI Policy to the DRC team for review. After any input from the DRC team has been addressed, the Policy will be shared with Sabot for any input. OCSD will be revising its classification Policy to address the Remedial Plan requirements for housing and classification of LGBTQI persons. This Policy will also be shared with DRC and Sabot. OCSD is also working on a script for Classification staff as recommended (above). The script will also be shared with DRC and Sabot for any input. Training will include related information.”

Refer to Section IV.A.A for additional updated information as to status of the draft LGBTQI Policy.

In a previous report (Expert’s Third Round LGBTQI Report) the Expert noted (in more detail) that CCOM Policy 1200 (1201.2[c]) Inmate Classification Procedures and CCOM Section 1200.10 Housing Assignment and Changes, and CCOM Section 1200.1 Classification Plan included some applicable language.

Based on a review of 20 randomly selected OCSD Specialty Housing, the Classification deputies appear to be housing LGBTQI incarcerated persons in accordance with their classification level and factors and consider an individual's request/preferred housing and not house these individuals in more restrictive housing settings than their classification

level and factors otherwise dictate. The Classification staff housing recommendations are reviewed/approved by a Classification Sergeant. As has been emphasized earlier in this report, it is important to reemphasize the requirement and importance to explain all housing options to LGBTQI new arrivals.

In general, at least for some of the housing units, the number of yard/dayroom groups have decreased, and the number of individuals per group has slightly increased (in accordance with some of the incarcerated persons interviewed), thus allowing for more out-of-cell opportunities for incarcerated persons (including LGBTQI). Some of this was acknowledged by multiple individuals interviewed. Some individuals did not have any concerns regarding their yard and/or dayroom time, while others shared some concerns. The Expert could not substantiate or refute the claims, but some of the comments include:

- Dayroom/Pod:
 - Once daily for one (1) hour (5-6 persons on my yard/recreation group)
 - Supposed to get three (3) hours per day, but it's always shortened.
 - Showers, TV, cleaning supplies.
 - I only get either first or last dayroom (just me and my cellmate in our yard/recreation group).
 - Attend by myself (no concerns)
 - I have my own area (walk-alone)
 - Eight (8) to nine (9) hours daily
 - Dayroom (Tanks):
 - All day AM & PM except for chow, count, etc.
 - Dayroom (Tank)
 - All day
 - Rotates:
 - One day will be 6 AM – 9 AM and the next day will be 7 PM – 11 PM or 8 PM – 11 PM
 - Daily, about 2.5 hours – supposed to be three (3) hours:
 - Times sometimes rotate, depending on time, med call, etc.
 - Four (4) dayroom groups
 - All day in dayroom 6 AM – 11 PM (multiple persons from PRIDE Program stated the same)
 - Daily, or twice daily when they recycle (three [3] hours each)
 - Daily – three (3) hours each (sometimes get cut short)
 - Four (4) dayroom/yard groups
 - Mod J Lower tier gets more time than upper tier LGBTQI persons:
 - We have to buy our own chess, dominoes, etc.
 - Note: The Expert confirmed through OCSD staff that incarcerated persons are not compelled to purchase their own chess sets/pieces or dominoes, and that OCSD (Inmate Programs) provides supplies, including chess, checkers, dominoes, cards, and Uno cards, once per month.
 - Daily for three (3) hours each
 - Rotates AM and PM

- No games – only broken chess board and missing pieces (we use erasers as a pawn piece)
 - We can buy stuff from the commissary
- Normally three (3) hours daily
 - We have three (3) different yard/dayroom groups in our sector
 - Takes staff too much time for us to receive our program
 - Need more out-of-cell opportunities
- Three (3) hours each (rotates AM & PM)
 - Four (4) yard/recreation groups in the sector
 - Recycle dayrooms – sometimes get dayroom twice daily
 - Staff only recently put out cards, chess, checkers, dominoes, and Uno cards
- Daily for three (3) hours each
 - Dominoes, chess (no board), newspaper
- No issues
- Outdoor Recreation/Yard:
 - Concrete yard offered most days (but I'm usually asleep) – Two (2) hours each
 - Three (3) times weekly, but we have to beg to go out.
 - No hot water access.
 - Offered almost daily – three (3) hours each
 - I opt to come out occasionally, not too much.
 - Walk-alone yard (go to roof top) once to twice weekly (1.75 hours each time)
 - On occasion get more time than 1.75 hrs.
 - Roof – we have to ask staff almost daily
 - Minimum two (2) hours – sometimes they forget us and leave us out there for three (3) to four (4) hours
 - Roof
 - We have to ask usually.
 - Usually go three (3) times weekly for minimum of one (1) hour
 - Concrete yard offered once to twice weekly (0900-1100 hours)
 - When regular assigned staff are on duty, they allow us to request extra time when the yard is vacant.
 - Twice weekly – three (3) hours each
 - Once to twice weekly (1-2 hours each)
 - We have never been stuck on the yard any later
 - Four (4) yard/recreation groups in sector
 - Twice weekly for 1.5 hours each
 - Today they offered yard during my dayroom time. We get screwed out of one of them
 - They don't recycle the yards, and we never get extra yard time
 - We have three (3) different yard/dayroom groups in our sector.
 - Need more out-of-cell opportunities
- Concrete Yard:
 - We always had to ask - most days received two (2) to three (3) hours

- Concrete Yard:
 - Three (3) times weekly (three [3] hours each)
 - We can ask and go every other day
- Concrete Yard (outdoor rec):
 - Supposed to go today, but have not gone yet
 - Supposed to go twice weekly for 1.5 hours each, when offered
- Once weekly for two (2) hours
- Yard (Mod O):
 - Rarely (I have been here for two [2] weeks)
- Twice weekly (1-2 hours each) – always in the AM
- Green Sector Yard (outside) (for PRIDE Program):
 - Now we have it – Friday mornings once weekly from 8:30 AM to 10 AM (multiple individuals stated the same)
 - Also, Concrete Yard offered twice weekly

There are still some concerns and complaints regarding the lack of work, programming, and educational opportunities for the LGBTQI incarcerated persons who are in protective custody housing. Note: this will be addressed in greater detail in Section IV. E. A. I.

Once the draft OCSD CCOM Policy 7300 (LGBTQI Inmates) is revised, the Expert will review. Once developed, the Expert will review the “script” for Classification staff to follow to emphasize the requirement and importance to explain all housing options to LGBTQI new arrivals, to ensure LGBTQI self-identified individuals fully understand the protective custody and general population classifications (and others as applicable) and the jail dynamics associated with those classifications.”

It is important to note the opening of the new James A. Musick facility, is designed to house minimum and medium-security incarcerated persons under a direct-supervision model with enhanced access to education and health services. The County has indicated that no Protective Custody incarcerated persons will be housed at the Musick facility, which means that the LGBTQI incarcerated population (most of whom are Protective Custody due to their LGBTQI status) will generally be excluded from that facility. It will be essential that the County ensure that this population is not denied access to the sorts of programs, services, and activities provided at the Musick facility

The Expert has the following recommendations:

- Future training material should include related information.
- With the new opening of the Musick facility in mind, OCSD must ensure that LGBTQI minimum and medium-security level incarcerated persons housed within the Orange County Jail system, including individuals classified as PC, are not denied access to the sorts of programs, services, and activities provided to individuals at the Musick facility, e.g., enhanced access to education and health services.

Partially Implemented (Previous Rating - Partially Implemented)

C. The County will establish a voluntaryGBTQI Program Sector unit once the use of the housing unit is no longer necessary for social distancing, isolation, or quarantine of incarcerated persons due to COVID-19. The unit will provide expanded out-of-cell time (i.e., doors open during daytime hours), access to jobs in the sector, and enhanced programming activities. Attached as Appendix 1 is the County’s plannedGBTQ+ Program Sector Pilot overview and programming schedule.

- 1. Once theGBTQI Program Sector unit has been fully operational for 90 days, the County will provide a status report on the program. The Parties will then discuss whether the County will terminate the program or whether there are any appropriate program modifications, including efforts towards adequate inclusion of transgender individuals consistent with safety and other applicable considerations.*

In the most recent OCSD Action Plan for this provision, the County reported, “It remains OCSD’S position that this provision of the Remedial Plan has been adequately implemented. As OCSD stated in its Action Plan in response to the Third Round Report: “This item of the Remedial Plan pertains to the establishment of a “voluntaryGBTI Program Sector unit once the use of the housing unit is no longer necessary for social distancing, isolation, or quarantine of incarcerated persons due to COVID-19. The unit will provide expanded out-of-cell time (i.e., doors open during daytime hours), access to jobs in the sector, and enhanced programming activities. OCSD has complied with this requirement of the Remedial Plan.”

The previous OCSD Action Plan which indicated “We will revise policy and implement training to address this requirement. Class instruction potentially all going online via the tablets, instead of in-person, continues to be a point of discussion.”

The Expert acknowledges that a revision to the draft OCSD CCOM Policy 7300 (LGBTQI Inmates) is in process. CCOM Sections 1201.2(c), 1204.5, 1205.1, and 1205.2 all contain language relative to theGBTQI (PRIDE Program).

TheGBTQI PRIDE Program remains located in TLF Mod I Sector 3. A previous OCSD Action Plan (from the Expert’s Third Round LGBTQI Report) indicated there are no plans for future PRIDE program expansion. At times the program has been operating with between 12 to 15 individuals. PRIDE program staff have maintained that the desired numbers (LGBTQI incarcerated persons) for maximum effectiveness in each PRIDE program unit is between 8-12 participants. TLF, Mod I, Sector 3, contains 16 cells/32 beds.

The Expert interviewed an Inmate Services staff member regarding the PRIDE program. Some of the information provided included the following:

- The LGBTQI Coordinator now works closely with PMU and the OCSD administration in interviewing and helping to determine LGBTQI candidates for approval into the PRIDE Program (Note: this is very encouraging).
- A Case Manager for the CJX Complex would help toward ensuring and expanding LGBTQI-related available programming
- PRIDE Program:

- New Food Services class (removed Workforce Prep) (just started this week)
- Art Therapy has been up and running for last two (2) weeks
- Now have an Improv class once per month on Monday afternoons (to be a better listener and create goals)
- Mental Health staff tested a new program (a couple of weeks ago) Sound Therapy/Breath Work (helps with anxiety/PTSD) and will recommend OCSD bring the program back
- Currently 14-15 participants, but they (Participants) are saying no more than 12 appears to be the most feasible. Some of the participants are double bunked now (OCSD closed four (4) cells as they are smaller cells)
- The new program sergeant works in PRIDE a lot – and even in TL Mod I Sectors 1&2 the individuals know him:
 - He is good at handling concerns
 - He repaired or replaced the microwave oven
- TL Mod I Sectors 1&2:
 - Workforce Prep is conducted in classroom for TL Mod I Sectors 1&2 (just started this week) for PC 3's
- IRC:
 - The LGBTQI persons see me a lot more now
 - Hoping to add APAIT
 - Some complain of the lack of classes available
- WJ:
 - Many want more resources. We are working to bring an APAIT Workshop
- MJ:
 - PC's have access to in-person classes there now
 - Has a transgender individual female:
 - We're providing her with outside resources
- PC 2's:
 - They want more programming/resources
- LGBTQI Books:
 - Books updated to about 450 books
 - Note: The Expert viewed the books in the LGBTQI Coordinator work area
- Electronic Tablet:
 - LGBTQI Booklist is now on tablet:
 - Note: Noticeable increase in book requests (except for GP males)
 - Note: Copyright issue prevents actual books being on the tablet.
 - LGBTQI tab is now activated
 - LGBTQI community resource info is now contained
 - LGBTQI Coordinator contact info contained:
 - Note: It's embedded within the community resource info (may not be easily identified to the reader)

The Expert interviewed a housing deputy that is familiar with the PRIDE Program as well as other sectors (TLF Mod I Sectors 1-3) that house LGBTQI incarcerated persons. He provided the following information:

- New in unit (3-4 months)
- J-119's on Mod Cards:
 - Pronouns
 - Gender Identity
- White Board:
 - Have white board with Quick reference listing preferred pronouns, search preference info, gender-identity info
- Clothing:
 - OK for female clothing/undergarments
 - Readily available through our CSA
 - Mumus/nightgowns has sometimes been short, and it takes a bit to get
- Razors:
 - 1-for-1 exchange every Friday
 - No need to keep purchasing through Commissary or Welfare Pack
 - Not sure about maximum limit
- LGBTQI Coordinator and Case Manager:
 - LGBTQI interviews are conducted
 - They ask about pronouns, search preference, list of books, etc.
- Shanti OC
 - Comes in on Fridays
- Workforce Prep
 - They also come in
- Religious Services:
 - Protestants had service yesterday
- Yard:
 - PRIDE once weekly Green Sector (outdoor) 1.5 – two (2) hours each
 - Concrete Yard:
 - Twice weekly for 1.5 hours each
 - We recycle yards
- Dayroom:
 - Sectors 1&2 get three (3) hours daily
 - Most days we get to recycle (at night also)
 - Sectors 7&8 have either three (3) or four (4) yard groups
 - Programs provide board games, etc.
- Grievances:
 - I resolve when the sergeant instructs me
 - Sergeant does all the logging of grievances
 - Not sure about how original carbon copy works
 - I do pass out scanned final copies
- Message Requests:
 - Informal – no log numbers
 - No lockbox for message requests
 - Incarcerated persons hand them to us directly
- Work:

- PRIDE workers (several) that serve as workers for Sectors 1-3, they do food service, clothing, clean, and take care of the trash in the atrium (behind guard station)
- There was previous dialogue (brief discussions) with PMU and Inmate Services regarding the consideration of having a Pre-PRIDE Program or expanded out-of-cell time and dedicated programming activities for GBTQ individuals classified as PC-2's. However, there appears to not have been any movement on the matter. It is unclear whether OCSD is still open to or considering such options. There have also been brief discussions in the past regarding consideration for possible expansion to the PRIDE Program, but there has been no continued dialogue on the subject.

OCSD provided the current PRIDE Program Schedule – TLF Mod I Sector 3:

PRIDE Program Schedule:

- Monday:
 - 8 AM – 10 AM
 - Check-in (LGBTQI Coordinator/Case Manager)
 - A group discussion lead by OCSD Correctional Programs to discuss and review new updates on upcoming classes, current programming, rules, concerns, and the structure of the PRIDE Program.
 - 1 PM – 3 PM
 - Participant-led Workshops (Case Manager)/Improv Class – once per month (The Muckenthaler) (NEW CLASS)
 - Offers an opportunity for participants to facilitate a class on an approved topic of their choice, fostering their public speaking skills using structured conversations, presentation development, curriculum design, and maintaining student engagement.
 - Improv class teaches participants to embrace failure, be a better listener, live in the present, go with the flow and more.
 - 6 PM – 8 PM
 - AA Panel
 - Alcoholics Anonymous is a fellowship of men and women who share their experience, strength, and hope with each other that they may solve their common problem and help others to recover from alcoholism. (7–8 PM)
- Tuesday:
 - 8 AM – 10 AM
 - RECLAIM (APAIT Facilitators)

- Addresses experiences prevalent within the LGBTQI community related to substance abuse/use, mental health, and trauma. (10:30 AM to 12:30 PM)
- 1 PM – 3 PM
 - Individual Case Management (Case Manager)
 - One-on-one case management to assist with pre-release planning that provides resources and referrals to a variety of community-based organizations and county agencies, including direct linkage to residential substance abuse treatment upon release, if needed.
- 6 PM – 8 PM (NEW CLASS)
 - Leadership 1 (Rancho Santiago Community College District)
 - Introduces applied leadership and self-development skills. Information will be presented in academic format, and students will be required to demonstrate mastery through participation in student-centered, hands-on activities.
- Wednesday:
 - 8 AM – 10 AM
 - Affirmative Therapy Process Group (OCHCA Clinician)
 - A space allowing LGBTQI identifying participants to explore issues surrounding gender, relationships, and current events.
 - 1 PM – 3 PM
 - Mindfulness/Yoga (Prison Yoga Project)
 - In-person yoga and mindfulness sessions guided by facilitators experienced in offering trauma-informed yoga and mindfulness practices.
 - 6 PM – 8 PM
 - Workforce Prep (Rancho Santiago College)
 - Class topics include vocational readiness assessments, identifying career goals, developing, or enhancing skills, and labor market information.
- Thursday
 - 8 AM – 10 AM
 - Art Therapy (The Phoenix) (NEW CLASS)
 - Provides enrichment to participants in artistic creativity, expanding their imagination and healthy expression using different forms of aesthetic principles.
 - 1 PM – 3 PM
 - Restorative Practices Group
 - A space which focuses on the rehabilitation of participants that aims to get participants to take responsibility for their actions. In addition, this space allows participants to express issues surrounding substance abuse, relapse prevention, and life skills.
 - 6 PM – 8 PM

- Leadership 2 (Rancho Santiago College) (NEW CLASS)
 - Builds on learned applied leadership and self-development skills from Leadership 1. Information will be presented in academic format, and students will be required to demonstrate mastery through participation in student-centered, hands-on activities.
- Friday
 - 8 AM – 10 AM
 - Street Law/Life Skills (OC Public Defender's Office)
 - Help to understand the criminal court process, criminal law, our Constitution and addressing one's record. The class will also cover topics to help participants transition back to life out of custody. (11 AM - Noon)
 - 1 PM – 3 PM
 - Nothing currently scheduled.
 - 6 PM – 8 PM
 - Rancho Santiago Community College District offers correspondence courses to all who are interested. Classes are available upon request and include:
 - Money Matters
 - Substance Abuse
 - Effective Parenting
 - Food Service Handler/Manager
 - Basics of Leadership
 - High School Equivalency
 - Academic Skills
 - Attitudes for success

As stated earlier in the report, the Expert interviewed (individually and confidentially) numerous incarcerated persons in the PRIDE Program (including individuals formerly assigned to the program). The Expert has not confirmed or refuted any of the comments. Some of the comments provided by LGBTQI-incarcerated persons assigned to the PRIDE Program include the following:

- Positives
 - Privilege to be in PRIDE Program.
 - Everyone is inviting
 - Enjoy the out-of-cell time (6 AM – 11 PM)
 - Showers and phones whenever we want
 - We now have a TV channel changer remote
 - We have a microwave oven
 - We have a miniature library
 - Programs are consistent and structured
 - LGBTQI Coordinator and Case Manager are very responsive
 - Sound Therapy (numerous)
 - Improv Class (numerous)
 - Out-of-cell 6 AM – 11 PM

- Community attitude is great
 - Consistent groups
 - Problems solved within out unit/community
 - Perks include TV remote we control
 - Showers whenever we want
 - Extra food – from the carts for working
 - A lot more programs in the unit
- Negatives
 - Nothing
 - A specific individual was not participating (multiple complaints):
 - Note: he has since been removed from the PRIDE Program
 - Would help if instructors identified as LGBTQI
 - They still have not moved the table in the dayroom
 - Laundry (see Clothing/Laundry bullet (below))
 - Grievance procedure/process
 - Still not getting copies of grievances and/or not getting responses. Or, they say we can't grieve to next level because they already responded
 - We never received a written response, therefore we missed the time constraints and cannot appeal to the next level
 - Staff all gave me different interpretations of the Grievance Policy 1600.5 or what time constraints are, or what can/cannot be grieved.
 - Eight (8) four (4)-seat tables in middle of dayroom still needs to be removed – to create space for classes, programming, yoga, etc.
- Safety
 - OK, get along with other incarcerated persons
- Staff
 - Unit staff are good (numerous)
 - Sergeant:
 - He is new, fair, communicates, checks in on us weekly, he listens to us, and is a stickler for the rules
 - The Sergeant is good, and he makes us feel welcomed/included:
 - Other staff are good also. Deputies look at us as persons in a program.
 - The new Program Sergeant is very engaging and approachable
 - Twice weekly he asks us how we are doing and if we need anything
 - Very engaging
 - He is security minded, but very helpful
 - Staff are OK, no disrespect
- Classification
 - No jail dynamics explained (PC vs GP) (numerous)
 - Didn't ask about or no choice between GP vs PC (numerous)
 - They asked me about PRIDE, but never told me it was PC or even what PC is:
 - No jail dynamics (PC vs GP)
 - They only told me that PRIDE can have some drama, and that if I left the program, it may not be automatic to return right back

- LGBTQI Coordinator (or Case Manager)
 - They are good, and they make us feel welcomed/included
- Orientation
 - Case Manager provided me Orientation when I was housed in TL Mod I Sector 1 – She told me I was eligible for PRIDE (I was later moved into the PRIDE Sector)
 - Was very helpful
- Transgender/Pronouns
 - Misgendering makes some transgender women cry even if they are not sad
 - Use of pronouns getting a lot better:
 - Most staff use last names to be safe, but now many are trying to get pronouns accurately
- Dayroom/Recreation
 - All positive (no concerns) (numerous)
- Yard
 - Green Sector yard:
 - Once weekly (Fridays 2-3 hours) (numerous)
 - Now we have it – Friday mornings once weekly 8:30 AM - 10 AM
 - Concrete Yard
 - No concerns (numerous)
- LGBTQI Books
 - Pre-approved list is posted on the sector window – we just have to fill-out a message slip for LGBTQI Coordinator – she responds within the week
 - Hundreds listed on the tablet, on glass in the sector, and in PRIDE Orientation packets:
 - Only takes a couple of days to get a book through the message request process
 - We can have a book for a week and then either request to extend or exchange
 - Aware of them
 - Book list on hard copy paper and posted on glass in sector dayroom (numerous)
- Work
 - PRIDE workers (including myself) handout food for TL Mod I Sectors 1-3, and we do the trash also
 - I'm one of the 4 or 5 food/clothing exchange workers
 - We work with CSAs to find correct clothing sizes
- Electronic Tablets
 - Extreme difficulty looking up account funds
 - Use is ok, self-explanatory
 - We don't share tablets; each person gets one to use for half day
 - LGBTQI Coordinator contact info contained within trifold for LGBTQI Community Resources
 - Every day for half day
 - Don't have to share
 - LGBTQI list of books is contained and there is a hard copy list on glass in Sector

- No avenue to ask ViaPath questions about tablet capabilities or for future specific tablet programs, etc.
- Clothing/Laundry
 - No Mumus (since April)
 - We have not consistently received underwear, towels, either none or the wrong sizes:
 - Distribution of laundry handling isn't consistent – with what GP gets vs PC. It is consistent with available clothes on the high side (HUM V, Phoenix House) but ours isn't.
 - Transgender persons have clothing issues, never correct size bras
 - Hard to receive clothing
 - We just received new sweatshirts yesterday
 - Sectors 1&2 get "slim pickings" and get faded, dingy clothing
 - Sometimes go a month without new towels
 - We have to wash ourselves
- Razors
 - Offered once weekly (Saturdays) (numerous)
 - Can have multiple, and can only swap out one (1) at a time
- Classes/Programs
 - Classes are informative
 - Therapeutic classes:
 - Food Service Handling
 - Yoga
 - Sound Therapy
 - Improv class (helps with PTSD)
 - Sound Therapy:
 - One (1) event so far (2 weeks ago) – optimistic for another session soon
 - New & Amazing
 - Session in dayroom for one (1) hour
 - Licensed Sound Therapist facilitator with entourage of clinical assistants
 - Speaker with programmed music
 - Breathing techniques
 - Lay on yoga mats in dayroom with dim lights
 - Instructions on breathing – then music starts
 - Entourage watched and guided us
 - Rapid breathing to deep breathing
 - Intense emotional release
 - Very professional / very knowledgeable
 - Instructor/facilitator knows her stuff
 - She explained the history of breath work
 - She has done her research – I researched and confirm what she taught us
 - I was in a very calm state for several days, and my family noticed. I was listening and not just reacting
 - Sound Therapy (we have had it once so far, and I attended)

- Sound and breathing therapy
 - Released anxiety
 - Felt strong sense of relief
 - Good music
 - Felt at peace
 - Nice facilitator
 - She was sweet, knowledgeable, thorough, and explained everything
- Sound Therapy
 - Very therapeutic
 - Learning Techniques to fall asleep earlier
 - Outcome was a lot deeper than I thought it would be
 - Very emotional – very pivotal
 - Would like to do it again
- New Improv Class
 - Lots of fun
 - Very engaging
 - Once monthly at beginning of month (instructor only available only once per month for right now)
- Improv Class:
 - New class (on a Friday at noon)
 - Once monthly for one (1) hour
 - Fun, releases stress, we can be a little silly
 - She (facilitator) is passionate about theater and her career as an actress
 - We feel lighter and energetic
- Now we have Food Handling class and can obtain certification
- We have Leadership 1&2
- APAIT weekly (Tuesdays)
 - Right now with a different topic each week
 - Not necessarily part of the 6- or 8-week program
 - Facilitators are part of LGBTQI Community on the streets
- Group Therapy on Wednesdays (1.5 hours) (with Joaquin) and he is part of our community
- Yoga
 - Great, facilitator is very consistent
 - We have yoga mats and blocks
- Food Handlers
 - Wednesday evenings
 - New Improv Class:
 - Lots of fun
 - Very engaging
 - Once monthly at beginning of month (instructor only available once monthly for right now)
- Reentry Services / LGBTQI Community Resource Information
 - They keep us informed in PRIDE
 - We receive info

- Religious Services
 - No concerns (numerous)
- Healthcare
 - No concerns (numerous)
- Message Requests
 - Are responded to quickly (within a couple of days)

Once again, the Expert acknowledges OCSD's contention that this RP Provision has been complied with. A voluntary GBTQI Program Sector has certainly been established and utilized, and the program continues to grow in terms of added available programs/classes. There have been no concerns with out-of-cell time, and access to work opportunities has certainly improved. As stated above, the previous OCSD Action Plan indicated "We will revise policy and implement training to address this requirement. Class instruction potentially all going online via the tablets, instead of in-person, continues to be a point of discussion."

The Expert understands that draft OCSD CCOM Policy 7300 (LGBTQI Inmates) (currently pending revision) as well as other policies (e.g., OCSD CCOM Policy 1200) will reportedly encompass all or most of LGBTQI-related items). The Expert looks forward to reviewing the revised policy version(s) and providing any additional comments/recommendations that may be necessary. The Expert further understands once the revised OCSD CCOM Policy 7300 (LGBTQI Inmates) and other policies are implemented, related training will be developed or revised accordingly. One issue of needed clarity/confirmation is the Expert's concern that class instruction should be via formalized classroom instruction.

The Expert acknowledges it is OCSD's position that it has adequately implemented this section's requirement of the Remedial Plan. County Counsel and DRC recently discussed their respective positions on the matter. OCSD confirmed the Pride Program is no longer a pilot program, and will continue indefinitely. DRC requested that the County formalize and document its current practices regarding participation in the program, which includes the following: OCSD permits any classification to request participation in the PRIDE program. If a person requests to participate in the PRIDE program and is not PC3, classification/PMU evaluates whether reclassifying them to allow for PRIDE program placement is possible. If so, PMU will reclassify and then follow standard procedures for admitting them to PRIDE. DRC also asked the County to provide proof of practice for this important procedure, including providing data about this process to date – i.e., instances where PMU re-evaluated the classification of non-PC3s who requested to participate in PRIDE, and the outcome of those cases. OCSD has agreed to gather information and present it to the experts and DRC. At that point, the parties will then discuss whether there are any further appropriate program modifications to be made, including towards adequate inclusion of the target population (including transgender individuals) consistent with safety and other applicable considerations. The parties agree that when these steps are completed (and barring any other consequential changes), the County will have adequately implemented this Remedial Plan provision. OCSD expects to have this documentation by the next monitoring tour.

The Expert has the following recommendations:

- Provide the revised draft OCSD Policy 7300 (LGBTQI Inmates) to the Expert (and DRC) for final review (once OCSD makes any modifications and reviews are completed by County Counsel).
- Provide clarification as to whether class instruction is potentially all going online via the tablets, instead of in-person.
- Though great strides have been made, continue to explore avenues to create more work and program opportunities for Pride Program participants and keep the Expert and DRC abreast of any further progress.
- Consider creative methods to maintain in-person programming and to deliver it to LGBTQI individuals at the jail. For example, exploring the feasibility of PRIDE program participants to attend classes with other like-classified (i.e., PC) individuals from different housing units.

Partially Implemented (Previous Rating – Partially Implemented)

- D. The County shall continue its efforts to ensure that lesbian and transgender/intersex individuals housed in the Jail's women-designated housing units are placed in the least restrictive setting with programming access as appropriate to their individual circumstances.*

In the most recent OCSD Action Plan for this provision, the County reported, "OCSD has submitted its draft LGBTQI Policy to the DRC team for review. After any input from the DRC team has been addressed, the Policy will be shared with Sabot for any input. OCSD will be revising its classification Policy to address the Remedial Plan requirements for housing and classification of LGBTQI persons. This Policy will also be shared with DRC and Sabot."

"OCSD has requested that the tablet vendor create a folder on the tablet for LGBTQI resource information, the LGBTQI book list and the LGBTQI Coordinator contact information.

Refer to Section IV.A.A for additional updated information as to status of the draft LGBTQI Policy.

At the time of the on-site monitoring tour, 21 incarcerated LGBTQI female incarcerated persons were housed at the OCJ facilities (nine [9] at IW, and 12 at WJ) according to the tracking list produced while onsite).

The Expert interviewed one (1) transgender male (assigned female at birth) who was recently housed in IW but requested and received a move to TLF Mod I for gender congruent housing. This individual did not have any specific concerns with IW, but provided the following information general information (in large part pertaining to TLF Mod I):

- Transgender (He/His/Him)
- Transitioned in L.A. County
- Hormones:

- Have been on hormone therapy in the community since the age of 18
 - Receive shots every Sunday
 - Dosage is correct amount
 - Staff are discreet and professional
 - No concerns with the process
 - Will be released soon, and I've been referred to the UCI Gender-Diversity Center, and will continue hormone meds
 - Medical staff have spoken to me/educated me regarding hormone meds, side-effects, etc.
 - Housing staff (CJX & TLF) are great/respectful
 - Loop staff are not respectful
- Classification:
 - No PC vs GP differences explained
 - I believe Classification needs to ask individuals if they are ok with being housed with a transgender person
- Tablets:
 - Aware of LGBTQI books
 - LGBTQI Coordinator is good
 - Aware of LGBTQI Coordinator contact information
 - Not really any LGBTQI resource information
 - Music is good
 - Phone calls are good
- Razors:
 - Not sure about razor exchange
 - Can order two (2) in commissary
- Commissary:
 - Has Nair and Magic Shave
- Work:
 - No work opportunities (TLF Mod I)
- Education:
 - I participated in nine (9) correspondence/distance learning classes through Rancho Santiago:
 - Meal Prep/Food Prep
 - Math Skills
 - Money Matters
 - Effective Parenting
 - Leadership 1&2
 - Substance Abuse
 - Great Escape (offered through Andrea - correspondence)
 - Back-on-Track (offered through Andrea - correspondence)
- Religious Services:
 - Have called it three (3) times in a month (I went once with my PC 3 group)
 - Not sure about 1-on-1s
- Yard:
 - Three (3) times weekly, but we have to beg to go out
 - Am told no often, and there is no hot water access

- Dayroom:
 - Supposed to get three (3) hours per day, but it's always shortened
 - Showers, TV, cleaning supplies
- Female Hygiene Products:
 - Deputies only give out three (3) pads, and only at dinner time
 - Females have to beg or create a scene to get more pads
- Classification:
 - They are using the PC mod for women with severe mental health issues, "dumping people" who shouldn't be in the unit

The Expert also interviewed one (1) identified LGBTQI-incarcerated person (non-transgender) housed in IW, and one (1) from WJ (non-transgender). The Expert could not substantiate or refute the information provided. Information provided included the following:

- Safety
 - Feels safe here (multiple)
- Staff
 - Respectful & fair
- Education Classes/Programs
 - As of two (2) weeks ago - now have in-person classes offered:
 - GED
 - Math
 - Accounting
 - Budgeting
 - Computers
 - Parenting
 - Thinking-For-A-Change
 - Baking
 - Have not heard back from education regarding my request for Substance Abuse, Computers, and Budgeting class
 - I have a tablet profile.
- Electronic Tablets
 - Not sure about LGBTQI Coordinator contact information (multiple)
 - Not sure about LGBTQI Community Resource information (multiple)
 - Have seen the LGBTQI book list
 - Not sure about LGBTQI books
- Education / Rancho Santiago College
 - Yes, classes are offered
 - I filled-out an application 4-5 days ago (for numerous classes) but have not heard back yet
- Yard
 - Roof – we have to ask staff almost daily
 - Minimum of two (2) hours – sometimes they forget us and leave us out there for 3-4 hours.
 - Roof
 - We have to ask usually

- Usually go three (3) times weekly for minimum of one (1) hour
- Dayroom
 - (Tanks) all day AM & PM except for chow, count, etc. (multiple)
- Work
 - Only for sentenced persons:
 - Kitchen
 - IRC
 - Unit Porters
 - Runners
 - Laundry/Clothing Exchange
- Religious Services
 - “Once in a blue moon”
 - We did have it on Saturday (first time in two [2] months)
 - Not sure about 1-on-1’s
 - Offer once on Sundays
 - Offer once on Saturdays
- Inmate Message Slips (Inmate Requests)
 - Takes 3-5 days to hear back
- Grievances
 - Don’t need to use
- Miscellaneous/General
 - Female vomiting all over the place. We asked for vinegar bags, but they didn’t give any to us
 - Many gnats in the unit. It’s a problem in living area and bathroom
 - Roaches in showers and trash cans

The Expert will review the revised draft OCSD CCOM Policy 7300 (LGBTQI Inmates) once OCSD makes revisions and County Counsel completes the internal review. The Expert continues to recommend the LGBTQI Coordinator meet with all LGBTQI incarcerated persons (including individuals housed in the female housing units) and provide related information (resource information, LGBTQI Coordinator contact information, and information regarding LGBTQI approved reading materials); consider providing access to APAIT or other programs and consider incorporating pertinent LGBTQI-related information into the electronic tablets.

The Expert has the following recommendations:

- Once the revised OCSD CCOM Policy 7300 (LGBTQI Inmates) and other applicable policies are revised (as applicable) as well as subsequent related training material) the County must provide it to the Expert and DRC for review/comments/recommendations.

Partially Implemented (Previous Rating – Partially Implemented)

- E. The County shall not place LGBTQI individuals in LGBTQI-specific housing without the individual’s consent to such housing.*

In the most recent OCSD Action Plan for this provision, the County reported, “OCSD has submitted its draft LGBTQI Policy to the DRC team for review. After any input from the DRC team has been addressed, the Policy will be shared with Sabot for any input. OCSD will be revising its classification Policy to address the Remedial Plan requirements for housing and classification of LGBTQI persons. This Policy will also be shared with DRC and Sabot. OCSD is also working on a script for Classification staff as recommended above. The script will also be shared with DRC and Sabot for any input. Training will include related information.”

Refer to Section IV.A.A for additional updated information as to status of the draft LGBTQI Policy.

The Expert acknowledges there is currently not a consent form that informs LGBTQI individuals as to the requirement for OCSD to not to place LGBTQI individuals in LGBTQI-specific housing without the individual’s consent. OCSD has committed to addressing this item within pending policy, and to revise the Classification “script” to explain applicable classification and security options and ensure LGBTQI self-identified individuals fully understand the protective custody and general population classifications (and others as applicable) and the jail-wide dynamics associated with those classifications.

Classification staff have continued to maintain they would refrain from forced placement into LGBTQI-specific housing without the consent from identified LGBTQI individuals.

Of the 29 identified LGBTQI incarcerated persons interviewed (and as was also the case during the previous two (2) monitoring reviews), there were no complaints regarding forced housing into LGBTQI housing units/areas without the individual’s consent. In fact, as identified in the previous section of this report, a transgender person was housed (per request) in gender congruent housing. This is certainly very encouraging. Documentation (OCSD Specialty Housing Requests) continues to demonstrate Classification staff are asking the LGBTQI incarcerated persons about their housing preference, whether PC mainline, PC LGBTQI, or GP, and staff are strongly considering an individual’s request and seeking and ultimately gaining approval from a Classification sergeant. In previous monitoring tour, multiple incarcerated persons interviewed expressed concerns that if they had to do it over again, they would have opted to remain quiet as to their sexual identity/LGBTQI status to not be compelled to be labeled and classified as protective custody, and/or would have opted for general population housing.

The Expert has the following recommendations:

- Once the revised draft OCSD CCOM Policy 7300 (LGBTQI Inmates) once revisions are made, and it is reviewed by internally and by Class Counsel, the County must provide it to the Expert and DRC for review/comments/recommendations.
- Upon completion of the development of the Classification “script,” provide it to the Expert for review and recommendations.

Partially Implemented (Previous Rating – Partially Implemented)

D. LGBTQI Housing/Classification Review Procedures

- A. *The County shall house LGBTQI individuals in LGBTQI-designated housing only if an individual requests such housing. If an individual requests such housing, the County may deny such a request if the individual would present specific, articulable threats to the security or safety of other individuals in such a placement.*
1. *The County shall conduct individual housing/classification assessments for each transgender and intersex individual. The County shall give “serious consideration” to each individual’s views of their own safety regarding the prospective housing placement (i.e., male vs. female housing for transgender and intersex individuals; LGBTQI-specific housing vs. non-LGBTQI housing) and classification (i.e., general population vs. protective custody).*
 2. *Denial of a transgender or intersex individual’s stated preference is permissible only where there is a determination that the individual’s stated preference presents specific and articulable management or security concerns, and that the County’s alternative placement ensures the individual’s health and safety.”*
 3. *The County shall document decisions described in subsection (2) above, and the Classification Sergeant will review and approve the decision.*
 4. *The County shall not consider an individual’s status of transition or inquire into the individual’s genitalia when determining housing placement.*
 5. *The County shall document all denials of a transgender or intersex individual’s stated preference for housing, including the classification staff and supervisor’s rationale for the decision. Such denials shall be reviewed periodically for continuous quality improvement purposes.*
 6. *If the County denies a transgender or intersex individual’s preferred housing placement, the County shall inform the incarcerated individual of the right to file a grievance about the decision.*
 7. *The County shall prohibit retaliation against LGBTQI individuals who grieve or appeal housing placement or classification decisions.*

In the most recent OCSD Action Plan for this provision, the County reported, “OCSD has submitted its draft LGBTQI Policy to the DRC team for review. After any input from the DRC team has been addressed, the Policy will be shared with Sabot for any input. OCSD will be revising its classification Policy to address the Remedial Plan requirements for housing and classification of LGBTQI persons. This Policy will also be shared with DRC and Sabot. OCSD is also working on a script for Classification staff as recommended above. The script will also be shared with DRC and Sabot for any input. Training will include related information.”

Refer to Section IV.A.A for additional updated information as to status of the draft LGBTQI Policy.

Regarding approved housing based on gender identity (OCSD previously provided the following response):

"We do not approve housing "based on" gender identity but based on multiple factors as part of an individualized assessment of each person, their preference, and safety/security needs. Per Section IV.A.1 of the LGBTQI section of the Remedial Plan, "The County shall conduct individual housing/classification assessments for each transgender and intersex individual. The County shall give 'serious conditions' to each individual's view of their own safety regarding the prospective housing placement (i.e., male vs female housing for transgender and intersex individuals; LGBTQI-specific housing v. non-LGBTQI housing) and classification (i.e., general population vs. protective custody)."

As indicated earlier in the report, the Expert randomly selected and reviewed 20 Specialty Housing Requests (and additional Classification Review Forms). Most examples reviewed demonstrated LGBTQI individuals were provided the opportunity and informed Classification deputies as to their sexuality, gender identity, housing preference, and any reasons of concern (as applicable). Likewise, documentation showed that the Classification deputies discussed any concerns (whether from the individual or respective the Classification deputies) and ultimate housing recommendations (to bring forth to a Classification Sergeant). Some of the reviewed documentation included an individual's preferred name and pronouns (transgender individuals). Though most cases resulted in assigned PC housing, there were cases of GP housing requests accommodations. The documentation showed Classification Sergeant housing approval on all 20 sample cases reviewed.

None of the 20 sample cases reviewed included any information to specifically demonstrate that Classification staff inform the individual as to differences between GP versus PC housing, how that will affect their programming (e.g., limited programming) and how PC status will (or likely will) follow them throughout current and future incarceration (if applicable), as well as other related information that should be addressed during the Classification process (as outlined in more detail earlier in the report).

Although Classification deputies were not interviewed during this monitoring tour, most Classification deputies that have been interviewed (during previous tours) have indicated they provide some general information (though not through a written script) in that it's often difficult to be changed from PC to GP. Classification staff have also continually maintained that individuals can talk with staff at any time to be referred-back to Classification for rehousing/reclassification consideration if needed.

It is noted that past confusion amongst some Classification staff regarding whether gender-congruent housing is considered or offered if requested for transgender individuals, appears to have been eliminated. Note: none of the 20 randomly selected cases contained a request (or approval or denial) for gender congruent housing. But as addressed in Section IV.C.D of this report, there is a recent case where a transgender male (assigned female at birth) was housed in gender-congruent housing per his request.

The Expert has the following recommendations:

- Provide revised draft OCSD CCOM Policy 7300 (LGBTQI Inmates) once revisions are finalized (and other pertinent revised policies e.g., CCOM 1200).

- Provide the Classification for review and comment when completed.
- Provide copies or proof of internal periodic reviews (for quality improvement purposes) or information pertaining to denials of a transgender or intersex individual's stated preference for housing, including classification staff's and supervisor's rationale for the decision.
- Provide any related draft training materials (once developed and finalized).

Partially Implemented (Previous Rating – Partially Implemented)

- B. The County shall re-evaluate the classification, placement, and programming assignments of each transgender or intersex individual at least twice a year, including as part of any regular classification reviews.*
- 1. At each review, the County shall inquire as to the transgender or intersex individual's current preferences and shall re-assess the individual's classification, placement, and programming assignments, consistent with the process in Section IV. A above.*

In the most recent OCSD Action Plan for this provision, the County reported, "OCSD has submitted its draft LGBTQI Policy to the DRC team for review. After any input from the DRC team has been addressed, the Policy will be shared with Sabot for any input. OCSD will be revising its classification Policy to address the Remedial Plan requirements for housing and classification of LGBTQI persons. This Policy will also be shared with DRC and Sabot."

Refer to Section IV.A.A for additional updated information as to status of the draft LGBTQI Policy.

RP Provision for semi-annual classification reviews (at minimum) for transgender or intersex individuals has not yet been put into place. This has been confirmed by Classification personnel and the lack of any applicable documentation (e.g., Classification Review documents, logs or spreadsheets, etc.).

PREA Standards 115.41 Screening for Risk of Victimization and Abusiveness and Obtaining Information from Residents, and 115.42 Use of Screening Information and Placement of Residents, both contain classification related language in effort to reduce the risk of "inmate-on-inmate" sexual abuse and sexual harassment (including sexual victimization).

Standard 115.42 (d) states, "Placement and programming assignments for each transgender or intersex inmate shall be reassessed at least twice each year to review any threats to safety experienced by the inmate."

The Expert has the following recommendations:

- For the next monitoring review period, the County must provide the revised OCSD CCOM Policy 7300 (LGBTQI Inmates) which is pending revisions and review by County Counsel.

- Provide proof of practice documentation that semi-annual reviews for all transgender and intersex individuals are occurring (or have at least commenced).

Not Implemented (Previous Rating – Not Implemented)

- C. *If an individual self-identifies as LGBTQI at any time after intake and states a preference to be assigned to a different housing placement, the County shall conduct a classification review and evaluate the individual's housing preference within 24 hours of receipt of a classification review form.*

In the most recent OCSD Action Plan for this provision, the County reported, "OCSD has submitted its draft LGBTQI Policy to the DRC team for review. After any input from the DRC team has been addressed, the Policy will be shared with Sabot for any input. OCSD will be revising its classification Policy to address the Remedial Plan requirements for housing and classification of LGBTQI persons. This Policy will also be shared with DRC and Sabot."

Refer to Section IV.A.A for additional updated information as to status of the draft LGBTQI Policy.

For the Expert's previous report (Expert's Fourth Report) OCSD's Action Plan indicated "If an individual has self-identified as LGBTQI at any time after intake and stated a preference to be assigned to a different housing placement, OCSD will provide documents in the next document production to show that the classification review was done within 24 hours of receipt of a classification review form."

As OCSD stated in the previous Action Plan, OCSD has committed (in accordance with this RP Provision) to provide documentation showing that classification reviews are done within 24 hours of receipt of a classification review form (post intake when an LGBTQI incarcerated person requests to be assigned to a different housing location or different type of housing placement). As the Expert pointed-out in previous monitoring reports (Expert's Third and Fourth Round LGBTQI Reports), it is anticipated that the Expert will need to reconcile class review documents (time-stamped) against historical housing assignments (SDS, time-stamped) to establish time frames from initial identification to housing placement. However, SDS purges time stamps after 30 days post-release (but keeps the dates), so certain records may be incomplete. This will need to be reviewed. The Expert believes that this issue has not yet been reconciled.

Related policy information must be provided to the Expert for review (whether in OCSD CCOM Policy 7300 (LGBTQI Inmates) or CCOM 1201.4(e) (or other policy) contains relevant information (please see a previous report - the Expert's Third Round LGBTQI Report for more details). Additional information is also contained in CCOM Sections 1201.2(c) and (d) – Inmate Classification Form and CCOM Section 1204.5 – LGBTQI Inmates.

Housing unit deputies continue to maintain they would immediately refer LGBTQI individuals back to the Classification Unit for all requests for different housing assignments. Likewise, Classification staff continue to maintain they would conduct another classification interview to examine such requests, and all factors involved in making a housing/programming decision, including the individual's request.

As stated earlier in this report, the Expert reviewed 20 randomly selected Classification review documents (e.g., Specialty Housing Requests). There were multiple examples for transgender incarcerated persons whereas there were requests for LGBTQI-PC housing. There were multiple cases that appeared to satisfy the RP Provision requirement (24-hour Classification review from referral). However, there were multiple cases whereas there was no sufficient documentation to conclude this was done within a 24-hour time-period from referral (if applicable).

The Expert has the following recommendations:

- Provide the revised OCSD CCOM Policy 7300 (LGBTQI Inmates) once reviewed internally by OCSD and County Counsel, as well as provide other relevant policies once finalized as related to this provision.
- Provide the necessary documents to enable the Expert to reconcile class review documents (time stamped) against historical housing assignments (SDS, time-stamped) to establish time frames from initial identification to housing placement and/or a log or spreadsheet with pertinent information.

Partially Implemented (Previous Rating – Partially Implemented)

- D. If an individual requests housing reassignment based on LGBTQI status, the County shall develop and implement a safety plan for that individual pending review and any reassignment. The interim placement shall not be Special Management Unit, "Total Sep," or other restrictive housing or classification unless the individual requests such a placement for their own safety or unless serious, specific, and articulable security or management concerns require such placement.*

In the most recent OCSD Action Plan for this provision, the County reported, "OCSD has submitted its draft LGBTQI Policy to the DRC team for review. After any input from the DRC team has been addressed, the Policy will be shared with Sabot for any input. OCSD will be revising its classification Policy to address the Remedial Plan requirements for housing and classification of LGBTQI persons. This Policy will also be shared with DRC and Sabot."

Refer to Section IV.A.A for additional updated information as to status of the draft LGBTQI Policy.

OCSD maintains this is done in practice and covered more generally in Classification policy for all incarcerated persons (not specifically for LGBTQI individuals), but no specific related documents exist.

The Expert has the following recommendations:

- Provide revised OCSD CCOM Policy 7300 (LGBTQI Inmates) once the internal process has been completed, and the Policy has been finalized and/or or provide applicable policy language (e.g., OCSD CCOM Policy 1200 if it captures this provision requirement):
 - Note: Safety Plan (in accordance with this RP Provision) information should be contained.

Not Implemented (Previous Rating – Not Implemented)

- E. If Jail staff identify serious, specific, and articulable security or management concerns regarding an LGBTQI individual in their housing placement, staff shall document the basis for their concerns, and the housing determination shall be referred for a classification review, consistent with the above procedures.*

In the most recent OCSD Action Plan for this provision, the County reported, “OCSD has submitted its draft LGBTQI Policy to the DRC team for review. After any input from the DRC team has been addressed, the Policy will be shared with Sabot for any input. OCSD will be revising its classification Policy to address the Remedial Plan requirements for housing and classification of LGBTQI persons.

Refer to Section IV.A.A for additional updated information as to status of the draft LGBTQI Policy.

OCSD maintains this is done in practice for all incarcerated persons and documented in Classification Reviews. Of the 20 randomly selected Classification-related documents (e.g., Specialty Housing Requests, Classification Review Forms, and Miscellaneous Information Forms) there were multiple examples that demonstrated staff are referring individuals to Classification for re-housing considerations.

Housing unit deputies have continued to maintain they refer (or would refer) LGBTQI incarcerated persons through their chain of command and to the Classification Unit if they determine there is a serious security concern related to their housing placement.

The Classification Unit continues to maintain they follow up on all requests for housing changes, whether submitted by staff or incarcerated persons.

The Expert has the following recommendations:

- Provide revise OCSD CCOM Policy 7300 (LGBTQI Inmate) and/or other relevant revised policy(ies) (e.g., OCSD CCOM Policy 1200) for Expert review, once the internal review process has concluded, and Policy has been finalized.

Partially Implemented (Previous Rating – Not Implemented)

E. LGBTQI Access to Programs, Services, and Activities

- A. *The County shall ensure that all LGBTQI persons are informed of and have equal access to programs, services, and activities available to similarly situated individuals, consistent with their health and security needs and classification level. 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. Television;*
 - 6. Reading materials;*
 - 7. Religious programming;*
 - 8. Educational, vocational, re-entry, and substance abuse programs;*
 - 9. Work Assignments, including the Community Work Program;*
 - 10. Self-help groups and similar programs;*
 - 11. Medical, mental health, and dental services and treatment;*
 - 12. Public visiting;*
 - 13. Attorney visiting;*
 - 14. Commissary.*

In the most recent OCSD Action Plan for this provision, the County reported, “OCSD has submitted its draft LGBTQI Policy to the DRC team for review. After any input from the DRC team has been addressed, the Policy will be shared with Sabot for any input.”

“OCSD will provide the other requested information. OCSD has implemented weekly Green Sector access for PRIDE program participants. The books have been received from the OC Public Library and the book list has been updated. OCSD has requested that the tablet vendor create a folder on the tablet for LGBTQI resource information, the LGBTQI book list and the LGBTQI Coordinator contact information.”

Refer to Section IV.A.A for additional updated information as to status of the draft LGBTQI Policy.

In an effort to provide additional LGBTQI-specific programs to the population (non-PRIDE), OCSD continues to maintain a partnership with Shanti OC which is an organization that provides a number of services including Mental Health and Wellness, HIV Care, and Community Education to the LGBTQI community. They are now coming in to provide weekly classes to the PC2 and PC3 groups in Mod I, Sectors 1 and 2. These groups run on 6-week increments and occur on Friday mornings and afternoons. APAIT and AA groups continue to be offered to Sectors 1 and 2 as well. Inmate Services staff acknowledged that there currently is not any availability for APAIT or Shanti OC at the CJX Complex. Reportedly OCSD is working toward having such programming available at CJX (including the Men’s Jail).

The Inmate Programs unit has worked collaboratively with the OC Public Library to procure additional LGBTQI-specific books/reading materials that will be accessible to all LGBTQI incarcerated persons. As identified earlier in the report, there are now over 450 approved LGBTQI-related books from many different authors. Most LGBTQI individuals interviewed are aware of the books and the process to request/order through the LGBTQI Coordinator. However, there were numerous individuals at the CJX Complex as well from housing units at TLF other than Mod I (i.e., Mod O and Mod J).

OCSD now provides access to outdoor “Green Sector” every Friday for PRIDE Program participants. OCSD meets the minimum Title 15 and OCSD yard requirements utilizing both the Green Sector yard and concrete yard.

OCSD (LGBTQI Coordinator and/or Case Manager) now use an Orientation interview questionnaire to conduct Orientation at TLF Mod I Sectors 1-3. There were some inconsistencies reported amongst the LGBTQI incarcerated persons housed at TLF on other units, such as Mod J and Mod Q. The form is not used at the CJX Complex.

LGBTQI incarcerated persons have access to the LGBTQIA+ community resource guide/pamphlet (including on the electronic tablet). However, for individuals that do not receive Orientation or have contact with the LGBTQI Coordinator or Case Manager, particularly some persons housed at the CJX Complex or at TLF Mod J or Mod Q, they have reported (during the Expert’s interviews) that they were not aware of the resource guide. Some of the individuals were not aware there is an LGBTQI Coordinator, LGBTQI, LGBTQI books, and/or LGBTQI Coordinator or Case Manager contact information contained within the electronic tablet.

For the current monitoring period, OCSD produced approximately 177 examples of completed LGBTQI+ Interview Worksheets (orientation). Note: there were additional examples provided that showed an attempt by the LGBTQI Coordinator, or the individuals had since been released from custody. The large majority were from TLF Mod I, and there were some completed forms from TLF Mod J and Mod Q as well. There were approximately 37 completed forms from TL Mod J, and about 10 from TL Mod Q. There were no completed forms for any other unit, including nothing from the CJX Complex. The Expert acknowledges the concerns with potentially “outing” individuals in non-LGBTQI housing units by doing face-to-face orientation (regarding LGBTQI-related concerns, programs, etc.). OCSD has made strides in this area, as the electronic tablet now contains uploaded LGBTQI Coordinator (and Case Manager) contact information, information regarding the approved list of LGBTQI books, and the LGBTQIA+ Community Resource pamphlet. Note: the LGBTQI and Case Manager contact information is embedded within the LGBTQIA+ Community Resource pamphlet and can be easily missed by the reader. Some individuals indicated they didn’t know the pamphlet was contained within the tablet, while others were aware of the resource pamphlet, but didn’t realize the LGBTQI Coordinator or Case Manager contact information was contained. The Expert also realizes there may be some copyright laws and/or concerns with uploading approved LGBTQI books onto the electronic tablet.

Listed below are some of the related complaints and positive acknowledgments (though not an exhaustive list) made by LGBTIQ incarcerated persons who are not housed in the PRIDE Program (or were not formerly housed in the PRIDE Program), are not housed in TLF Mod I Sectors 1 or 2, are not identified as transgender or non-binary, or are not housed in female housing (IW or WJ) (Note: The Expert was not able to confirm or refute the complaints):

- Staff
 - Staff talk too fast on microphone, so we can't understand what program is being offered (IM-J)
 - Unit staff are mostly professional (MJ-R)
 - Respectful & fair (WJ-G)
 - Housing staff attitudes - LGBTQI persons have to wait to get hot water – not the case for other persons (TLF Mod J)
 - They don't attend to our needs
 - Mod J deputies are ok (TLF Mod J)
 - Bad (TLF Mod J)
 - They don't communicate with us
 - They tell workers about clothing exchange, but not us
 - Inmates from other Sectors tells us
 - When we had transgender females in the past, there were no female deputies assigned to the unit (TLF Mod J)
- Classification/Intake
 - Complained to DRC that multiple staff at IRC that deputies verbally harassed me and ridiculed me due to SVP status and my LGBTQI/transgender status
- LGBTQI Coordinator
 - Put in 20 message slips to LGBTQI Coordinator – no responses (TLF Mod J)
 - I talked to her in passing six (6) weeks ago and she told me to submit a message request – I did, but never received responses.
 - Sent 3 message requests to LGBTQI Coordinator and Classification (3 weeks ago) – but no responses (TLF Mod J)
 - Wants to see LGBTQI Coordinator
 - LGBTQI Coordinator - Don't know who she is (TLF Mod J)
- LGBTQI Program/Programming
 - Church not available in our mod/sector (MJ-R)
 - 1-on-1's are done
 - Have not heard back from education regarding my request for Substance Abuse, Computers, and Budgeting class (WJ-G)
 - I have a tablet profile.
 - None (TLF Mod J)
 - No Substance Abuse
 - No response from Chaplain (for a 1-on-1) (TLF Mod J)
 - No OC Shanti (TLF Mod J)

- No APAIT
 - No knowledge of any other related classes
- Self-help - we have to ask for AA (TLF Mod J)
 - We put in message requests, but there are no schedules
 - Same with church
- No OC Shanti (TLF Mod J)
 - No APAIT
- Orientation
 - No Orientation (IM-J)
 - No hard copy orientation handbook/rules provided (IM-J)
 - Rules posted on sector windows (they should put in color – nobody currently reads it)
 - No unit orientation
 - None provided (learned everything from another incarcerated person) (TLF Mod J)
 - I would like to see LGBTQI Coordinator
 - No handbook (TLF Mod J)
 - No verbal LGBTQI orientation
 - No orientation at all
- Searches
 - Staff not honoring search preferences (TLF Mod J)
 - Staff ask about search preference (for transgender persons) (TLF Mod J)
- Pronouns
 - Staff not honoring preferred pronouns (TLF Mod J)
 - Some staff are respectful, but some are not. Some are homophobic and refuse to use proper gender-identity or proper pronouns (TLF Mod J)
- Reading Books (LGBTQI)
 - Not aware LGBTQI books exist (may be interested) (IM-J)
 - Not aware (only regarding regular books) (IM-J)
 - Not posted on sector window TLF Mod J
 - No hardcopy paper list
 - Not sure if it is on the tablet
 - Need to adjust dayroom window LGBTQI Book list (unable to read) (TLF Mod J)
 - No paper list available
 - No hard copy list of LGBTQI books (TLF Mod J)
 - No list posted on sector window/glass in dayroom
- LGBTQI Community Resource Information
 - LGBTQIA+ Brochure and Community Resource pamphlet posted on window TLF Mod J
 - Aware of LGBTQIA+ Resource Pamphlet on the tablet (TLF Mod J)
 - Not aware of the coordinator's contact info.
- Work Assignments
 - No work opportunities (GP's [orange] do the work) (IM-J)
 - Nothing available. GP only (IM-N)

- Sometimes I clean, but it's not a job - I just choose to do it.
- Education
 - Available on tablets (available on tablets)
 - No opportunities, not even on the tablet (TLF Mod J)
- Grievances
 - I don't use, as I fear retaliation (IM-N)
 - Aware of process (TLF Mod J)
 - We don't receive our copy
 - Never receive responses (I filed about five [5] or six [6])
- Message Slips (request forms)
 - I have filed multiple, but they are not responded to (deputies, commissary, programs/services) (TLF Mod J)
- Electronic Tablets
 - Sometimes we get one, sometimes we don't (IM-N)
 - Sometimes after dinner only for a short bit
 - Have never seen LGBTQI Coordinator's name
 - Have never seen a list of LGBTQI books
 - Have never seen LGBTQI community resource information
 - Half day everyday (either 0730-1300/1330 or 1700-2300) (MJ-R)
 - After log-in, there is rules and instructions on use, in the Free Sections and tutorial videos
 - Also, daily T.V., and videos show functionality
 - Sometimes a glitch in the log-in process for some individuals (but rare)
 - Sometimes available funds on my account do not show
 - Not sure about LGBTQI Coordinator contact info, or list of LGBTQI books, or LGBTQI Community Resource information
 - But I do have one book now. LGBTQI Coordinator sees me weekly, and I tell her which book I want to exchange.
 - Not sure about the coordinator's contact information (WJ-G)
 - Not sure about LGBTQI Community Resource information
 - Have seen the LGBTQI book list
 - Rotates mornings/evenings (TLF Mod J)
 - Daily for half day
 - Not aware of LGBTQI Coordinator contact info
 - Not aware of LGBTQI Community Resource information
 - Not aware of LGBTQI Book list
- Razors/Commissary:
 - Nair is expensive, and not meant for your facial area (MJ-R)
 - Magic Shave: I used it once, but it caused my skin to be eaten with redness and bleeding.
 - No razor exchange in Mod J (only in Mod I) TLF Mod J
 - No razor exchange – only in Mod I (TLF Mod J)
 - We must keep purchasing from commissary or keep requesting welfare packs
- Religious Services
 - No church (IM-N)

- The last time was two (2) months ago
 - Only GPs in other sectors can go
 - Sent 1 Message Request to a Chaplain for a 1-on-1, but I never received a written response or saw anyone
- Clothing/Gender-Affirming Clothing Products/Grooming/Hygiene:
 - A transgender person (about a month ago) was consistently (for a week) unable to obtain bra and panties. She had to become obnoxious to get them (TLF Mod J)
 - Prior to this, incarcerated person clothing workers (from a different sector) gave me female underwear (as a joke) which showed they (bras and panties) are/were actually in stock
 - Female undergarments are not sized properly (wrong sizes issued, when issued)
 - No razor exchange for Mod J (TLF Mod J)
 - Must order more from commissary, or order a new welfare pack

The Expert has the following recommendations:

- Provide revised draft of OCSD CCOM Policy 7300 (LGBTQI Inmates).
- Provide any updates relevant to planned implementation of LGBTQI-related program at the Central Men's Jail as well as the other CJX facilities.
- Provide any information pertaining to possible slight re-organization of the LGBTQI Coordinator (and Case Manager) contact information on the tablet (embedded within the LGBTQIA+ Community Resource pamphlet) to make it easier for the reader to locate.
- Provide any update as to the opportunities available for all programming, including work, education, self-help, and other programs for self-identified LGBTQI incarcerated persons in all units, and ensure they receive unit orientation or are otherwise made aware as to programming available and not available to them, based on their classification level, and housing unit, during the classification or initial housing process.

Partially Implemented (Previous Rating – Partially Implemented)

- B. The County shall offer regular in-custody programs and support groups specifically serving the needs of LGBTQI individuals (e.g., APAIT).*
- 1. The County shall make such LGBTQI-specific programming available to all LGBTQI individuals (i.e., pretrial, pre-sentenced, and sentenced; general population and restrictive custody, etc.), consistent with individualized safety and security assessments.*
 - 2. The County shall identify and collaborate with LGBTQI community groups to deliver programming in the Jail facilities.*

In the most recent OCSD Action Plan for this provision, the County reported, "OCSD has submitted its draft LGBTQI Policy to the DRC team for review. After

any input from the DRC team has been addressed, the Policy will be shared with Sabot for any input.”

Refer to Section IV.A.A for additional updated information as to status of the draft LGBTQI Policy.

Document production includes multiple Excel Spreadsheets that identify various LGBTQI-specific and other programs including: APAIT (Access to Prevention Advocacy Intervention & Treatment), Shanti OC – Mental Health and Wellness, and other programs/classes that are offered to LGBTQI incarcerated persons. The Expert acknowledges the increase in available programs now offered, and that OCSD continues to actively work with outside LGBTQI community organizations to continue to provide valuable programs and resources to LGBTQI incarcerated persons. As stated earlier in the report, and as acknowledged by OCSD Inmate Services staff, there are currently no LGBTQI-related programs available at the CJX Complex.

As part of document production for the current and/or previous Expert monitoring period, OCSD has provided multiple resource flyers/pamphlets including: APAIT, Free LGBTQI+ Group Counseling, The County Community Service Center, and OC Social Services Agency. As the Expert identified (from LGBTQI incarcerated person interviews) in earlier sections of this report, there is confusion or a lack of clarity as to which programs are or are not available to LGBTQI individuals, particularly those that live outside the PRIDE Program, and outside of TLF Mod I as-a-whole. Most of the individuals interviewed that participate in LGBTQI-related programs (or who have done so in the past) enjoy the programs and feel that they benefit from them.

The Expert provides the following recommendations:

- Provide the Expert with the revised draft OCSD CCOM Policy 7300 (LGBTQI Inmates) once internal review had been completed and the Policy has been finalized.
- Provide clarity as to which programs are or are not available to LGBTQI individuals, based on their classification level, housing unit (particularly those that live outside the PRIDE Program and outside of TLF Mod I as-a-whole) during the classification or initial housing process, and any plans and anticipated timelines for implementing new LGBTQI-related programs/classes.

Partially Implemented (Previous Rating – Partially Implemented)

- C. *The County, with input from DRC, shall identify and procure LGBTQI community resource information and disseminate such information to incarcerated LGBTQI individuals.*

In the most recent OCSD Action Plan for this provision, the County reported, “OCSD is working with CHS to cross-reference their resource packets.”

The Expert did not receive a CHS Action Plan for this provision. However, the Action Plan for the previous Expert report stated, “CHS produced the LGBTQI-related resource packet in CHS’s document production for the August 2023 Sabot tour. This resource packet, which contains LGBTQI-related community resource information, is provided by CHS healthcare staff to LBTQI-incarcerated persons. CHS will produce another copy of the LGBTQI-related resource packet in CHS’s document production for the February 2024 Sabot tour.” The Expert did not receive a revised CHS LGBTQI-related resource packet for this monitoring tour.

The previous version of the resource provided to the Expert included information for APAIT, Free LGBTQI Counseling, The County Community Service Center, and OC Social Services Agency, and other information. OCSD also previously provided the OCSD LGBTQI+ Resource Guide (two [2] page pamphlet) produced by the Inmate Services Division - Correctional Programs, includes (but is not limited to) the following information regarding services available: employment, legal, housing, suicide and crisis hotlines, support services (in-custody, including PRIDE Program Case Manager, grievances, medical or mental health care, PREA hotlines), basic needs (food, health insurance, support groups), health and wellness (low cost clinics, transgender services, HIV/AIDS), recovery (residential, outpatient and twelve step). CHS staff maintain they provide LGBTQI-related community resource information to LBTQI-incarcerated persons.

As has been the case for previous Expert monitoring reviews, LGBTQI-incarcerated persons interviewed had differing responses as to whether outside community LGBTQI information is provided or available. Although there is a notable increase in understanding that such information is available via the tablet and paper copies. As outlined earlier in this report, there are still some LGBTQI incarcerated persons that are not (or were not) aware of such information being available.

The Expert provides the following recommendations:

- Provide OCSD’s revised draft OCSD CCOM Policy 7300 (LGBTQI Inmates) once it is reviewed internally by OCSD and County Counsel.
- Provide clarity as to how CHS/OCSD provides updated resource information to LGBTQI individuals during the classification or initial housing process, or during specific types of medical and mental health encounters, and confirm that this information is provided to all LGBTQI persons (e.g., proof of practice):
 - Provide the CHS resource packet or master packet to the Expert for review once it is developed.

Partially Implemented (Previous Rating – Partially Implemented)

D. The County shall identify, procure, and make accessible LGBTQI reading materials to LGBTQI individuals.

In the most recent OCSD Action Plan for this provision, the County reported, “The Books have been received from the OC Public Library and the book list has been updated. OCSD has requested that the tablet vendor create a folder on the tablet for LGBTQI resource information, the LGBTQI book list and the LGBTQI Coordinator contact information.”

The LGBTQIA+ Community Resource pamphlet has been uploaded onto the electronic tablet.

As previously outlined in this report, OCSD provided a list of approximately 458 currently approved LGBTQI+ available reading materials/books. Individuals may request a book by completing an Inmate Message Slip through Inmate Program/Inmate Services. Only one (1) book may be checked-out at-a-time, but they can be renewed (by request to the LGBTQI Coordinator) for one (1) week increments. However, as identified earlier in the report, there are still LGBTQI incarcerated persons that live outside of TLF Mod I (Sectorsc1-3) at the CJX Complex (and to some extent individuals houses at TLF Mods J, O, and Q) who were not aware that there is an LGBTQI book list available or that there is a process for checking out the books. Though there were less complaints than the previous Expert tour, there were still some complaints for the current tour that message requests to the LGBTQI Coordinator were not responded to. Some of the requests were in attempts to be interviewed by the LGBTQI Coordinator for potential housing purposes, LGBTQI-related information (including books and resource information).

As outlined earlier in this report, OCSD provided proof of practice documentation (for the rating period) identifying numerous LGBTQI-related books that have been checked-out through the LGBTQI Coordinator.

As also indicated earlier in the report, the Expert understands OCSD’s concern involving possible copyright concerns with uploading the approved LGBTQI books onto the electronic tablet. For the record, there are individuals (particularly outside of TLF Mod, Mod J, and Mod Q interested in checking-out such books if they were available on the electronic tablet.

The Expert provides the following recommendations:

- Provide the revised draft OCSD CCOM Policy 7300 (LGBTQI Inmates) once it is reviewed internally by OCSD and County Counsel.

Adequately Implemented (Previous Rating – Partially Implemented)

Note: although the Expert finds the County has adequately implemented this provision, the Expert has concerns that some LGBTQI individuals at CJX and outlier units at TLF (unless they have previously been housed in Mod I) still don’t understand the process of

ordering the books or that books are even available at all. The Expert would have hoped that with the tablets, and the written language atop the book list that this would not be an issue. Somehow is still is (to a degree). I also relate this can be a delicate issue especially with male incarcerated persons in GP or outlier units. The Expert recommends the County understand this concern and look for creative ways to ensure that all LGBTQI incarcerated persons (regardless of classification level or housing status) be informed of the process and understand how to order LGBTQI-related books, if they are interested.

E. Showers

- 1. Transgender and intersex individuals shall be given an opportunity to shower separately from others – i.e., at a separate time and/or with appropriate physical separation.*
- 2. Transgender and intersex individuals shall be permitted to use showers with privacy screens.*

In the most recent OCSD Action Plan for this provision, the County reported, “OCSD has submitted its draft LGBTQI Policy to the DRC team for review. After any input from the DRC team has been addressed, the Policy will be shared with Sabot for any input.”

The OCSD Action Plan indicated OCSD does not have pending construction of shower barriers. The Mod Q Sector 53 lower tier and upper tier shower doors have been permanently fixed to provide more privacy. The doors have been modified and the length of the door is at four feet which means they mirror doors in Mod I. The Expert is satisfied OCSD modified the shower doors previously in question. The issue has been resolved.

Refer to Section IV.A.A for additional updated information as to status of the draft LGBTQI Policy.

For the current monitoring review, none of the 29 LGBTQI incarcerated persons interviewed from TLF or CJX Complex had any related concerns.

As has been the case with the previous Expert reviews, staff, and transgender individuals acknowledged that transgender persons shower individually, and all have the option of showering at times of the day that may be different from the time-period that others shower (if they so choose). Additionally, the County has made infrastructural changes, including adding metal barriers, shower curtains, and other materials, to ensure transgender people cannot be seen by others while in the shower.

Adequately Implemented (Previous Rating – Partially Implemented)

F. Commissary

- 1. The County shall, in consultation with DRC, facilitate transgender and intersex individuals to access gender-affirming commissary items, hygiene products, and beauty products.*
- 2. The County shall provide transgender and intersex individuals additional allowances of personal hygiene products (i.e., razors) to alleviate the negative mental health impact of body hair for some individuals, consistent with jail safety and security.*

In the most recent OCSD Action Plan for this provision, the County reported, “OCSD has submitted its draft LGBTQI Policy to the DRC team for review. After any input from the DRC team has been addressed, the Policy will be shared with Sabot for any input.”

Refer to Section IV.A.A for additional updated information as to status of the draft LGBTQI Policy.

The OCSD previously identified that policy is being updated to allow for additional razors for transgender/intersex individuals and to gender-affirming commissary items, hygiene products, or beauty products.

There were considerably less complaints under this provision for the current monitoring period than of previous monitoring reviews. There has been a slight increase in the number of allowable razors that incarcerated persons can possess at a given time (now two (2), and previously it was one (1)). However, there is reportedly some disparity between housing mods as to how many razors can be possessed at a time, and regarding the razor exchange process itself. The quality of razor was not an apparent voiced concern during the current monitoring tour.

The issue regarding the high price of the “Nair” and the lack of a legitimate opportunity to obtain gender-affirming commissary items, hygiene products, or beauty products remains a concern.

The Expert provides the following recommendations:

- Provide the revised draft OCSD’s CCOM Policy 7300 (LGBTQI Inmates) and other applicable policy(ies) once reviewed internally by OCSD and County Counsel).
 - Note: The Policy should address gender-affirming commissary items, hygiene products, or beauty products, and the allowance of razors for transgender and intersex individuals.
- Identify allowances OCSD is making (or will make) once the revised LGBTQI Policy is rolled-out, regarding allowances of extra razors for transgender/intersex individuals and to gender-affirming commissary items, hygiene products, or beauty products.
 - Note: The Expert acknowledges OCSD’s position that no makeup is offered by Commissary.

- The County should consider a process to ensure that transgender individuals have access to hair removal products (including through reduced prices or no-cost provision of the product if recommended by clinical staff) when it is determined that such access supports their clinical needs.

Partially Implemented (Previous Rating – Not Implemented)

G. Clothing

- 1. The County shall provide gender-affirming clothing, including, but not limited to:*
 - a. Undergarments, including bras, underwear, and boxer shorts, depending on the individual's stated preference;*
 - b. Footwear in all sizes;*
 - c. Binders and chest compression garments and other types of compression garments;*
 - d. Religious items in accordance with their gender and*
 - e. Makeup, hair products, hair removal tools, and other gender-affirming hygiene products.*
- 2. The County shall apply grooming standards based on an individual's gender identity. For example, if the County permits non-transgender women to wear their hair at a certain ponytail length, transgender women shall be allowed to wear their hair similarly.*

In the most recent OCSD Action Plan for this provision, the County reported, “OCSD has submitted its draft LGBTQI Policy to the DRC team for review. After any input from the DRC team has been addressed, the Policy will be shared with Sabot for any input.”

Refer to Section IV.A.A for additional updated information as to status of the draft LGBTQI Policy.

As outlined earlier in the report, OCSD provided logs showing proof of practice issuing chest compression garments for transgender individuals as requested/needed. The logs covered the entire six-month monitoring cycle.

OCSD staff contend incarcerated persons can request and be provided undergarments of their choice. Most LGBTQI persons interviewed stated the same.

As was the case from the previous Expert monitoring tour, for the current tour there were still some complaints that undergarments/underwear of choice were not available, and there is a problem with obtaining undergarments/underwear in correct sizes. There continues to be complaints that there are sometimes delays and concerns with obtaining gender-affirming clothing that they had previously been approved for. The OCSD still contends that individuals may choose boxers or underwear, regardless of their gender identity, and has issued a training bulletin about

related policies and that staff will know and follow the policies. Unlike the previous Expert monitoring tour, there were no complaints made from female individuals regarding requests for boxers.

The Expert acknowledges that footwear is being provided in all sizes.

The Expert provides the following recommendations:

- Provide the revised draft OCSD CCOM Policy 7300 (LGBTQI Inmates) once it is reviewed internally by OCSD and County Counsel.
- To the extent there may be validity to the allegations as mentioned above, staff must ensure the availability of and then issue properly sized undergarments/underwear of choice to transgender (and all LGBTQI) individuals.

Partially Implemented (Previous Rating – Partially Implemented)

H. Visitation

1. *The County shall ensure that rules on contact and affection during visiting are the same for LGBTQI and non-LGBTQI individuals, including in-person visitation and approved contact visits.*

In the most recent OCSD Action Plan for this provision, the County reported, “OCSD has submitted its draft LGBTQI Policy to the DRC team for review. After any input from the DRC team has been addressed, the Policy will be shared with Sabot for any input.”

Refer to Section IV.A.A for additional updated information as to status of the draft LGBTQI Policy.

There were no specific concerns expressed during the incarcerated person interviews.

The Expert provides the following recommendations:

- Provide the draft revised OCSD CCOM Policy 7300 (LGBTQI Inmates) once it is reviewed internally by OCSD and County Counsel.

Partially Implemented (Previous Rating – Partially Implemented)

F. Searches

A. Policy

1. *For incarcerated persons who are transgender or intersex or whose appearance or manner does not conform to traditional gender expectations, the County shall allow the individual to identify the preferred gender of Jail staff who will perform pat and strip searches of them, including through the use of the Voluntary Gender Identity Disclosure and Search Preference Form.*

- a. *The County shall conduct searches in accordance with the individual's search preference, except in exigent circumstances (i.e., "temporary and unforeseen circumstances that require immediate action in order to address a threat to safety or institutional security") or when performed by medical practitioners in a hospital setting.*
 - b. *If an individual's search preference cannot be determined, the search shall be conducted in a manner consistent with their gender identity or expression.*
 - c. *Temporary staffing issues (e.g., not enough staff on the unit of a specific gender) shall not meet the criteria for "exigent circumstances."*
2. *The County shall ensure that strip searches of transgender and intersex individuals occur with enhanced and appropriate privacy (e.g., outside the view of others not participating in the search).*
3. *The County shall not conduct genital inspections (visual or pat) to determine a transgender or intersex person's anatomy, to otherwise harass or embarrass the individual, or for any other improper purpose.*
4. *The County shall not conduct searches to punish or retaliate against incarcerated people, including people who identify as LGBTQI.*

In the most recent OCSD Action Plan for this provision, the County reported, "OCSD has submitted its draft LGBTQI Policy to the DRC team for review. After any input from the DRC team has been addressed, the Policy will be shared with Sabot for any input. Related training will be developed and provided to DRC and Sabot for review."

Refer to Section IV.A.A for additional updated information as to status of the draft LGBTQI Policy.

As identified earlier in this report, OCSD provided numerous completed copies of the revised Voluntary Gender Identity Disclosure and Search Preference Form (revised versions from November 9th and 20th 2023) with all appropriate information and incarcerated person's signatures. The Expert did not have any concerns.

OCSD Classification staff have maintained that the OCSD Voluntary Gender Identity Disclosure and Search Preference Form is used for transgender or intersex incarcerated persons and is voluntary. If the individual agrees to complete the form, a Classification deputy enters the information into the electronic I-TRAC system (SOMA).

The Expert interviewed three Mod officers (from TL and CJX Complex) and a sergeant. All of the staff were knowledgeable regarding this RP Provision. The staff interviewed are aware of the OCSD Voluntary Gender Identity Disclosure and Search Preference Form, the purpose of the form, and that it is generated from the Intake Classification process. Staff are knowledgeable that search preference information (and gender identity information [inclusive of preferred pronouns and names]) are input into the form (at Classification), staff can access the information within the I-TRAC system, and the information is also located on a respective incarcerated person's mod card (as applicable). Staff indicated they would ensure they honor a transgender or non-binary individuals gender search preference (if they have a documented preference, or if they

verbally identify a preference). Staff stated that at minimum, a verbal request by a transgender or intersex incarcerated person would trigger documentation confirmation.

From the Expert's interviews, there was only one (1) negative related comment. An individual from TLF Mod I (Sector 2) indicated staff do not follow search preferences (for staff gender) when pertaining to transgender or non-binary persons. All other comments were to the contrary.

There were no noted concerns regarding privacy during body searches, or with any searching retaliation.

The Expert provides the following recommendations:

- Provide the revised draft OCSD CCOM Policy 7300 (LGBTQI Inmates) (and any other applicable policy(ies) once reviewed internally by OCSD and County Counsel.
- Staff must be trained (after the revised LGBTQI Policy is rolled-out and curriculum is approved).

Partially Implemented (Previous Rating – Partially Implemented)

G. Medical and Mental Health Care

- A. *The County's standards of care for transgender and gender-variant individuals shall reflect community-based standards of care, including relevant UCSF guidelines and World Professional Association for Transgender Health (WPATH) Standards of Care.*

In the most recent OCSD Action Plan for this provision, the County reported, "CHS will create a guidance form on patient education according to WPATH standards for providers and one for other clinical staff along with training regarding documentation of education.

The Expert's previous reports cite HCA CHS Policy 6206 Gender Diverse/LGBTQIA+ Patient Health Care in greater detail. The most recent revision date is July 28, 2023.

CHS has provided the following documentation as part of document production:

- CHS Policy 1007 Staff Accountability (effective date October 13, 2023)
- CHS Policy 1013 Grievance Process (effective date July 28, 2023)
- CHS Policy 6101 Receiving Screening (effective date January 11, 2024)
- CHS Policy 6206 Gender Diverse/LGBTQIA+ Patient Health Care (effective date July 28, 2023)
- CHS Hormone Therapy Accessibility for LGBTQIA+ Patients (May-August 2023 QM Study (Process))
- CHS Clinical Staff LGBTQIA+ Trainings from APAIT
- LGBTQIA+ 101 Training Outline
- Staff Sign-In Rosters for Course Titled, "LGBTQIA+ CHS Training"

- Excel Spreadsheet Titled, “LGBTQIA+ DRC Audit
- LGBTQI+ CHS Personnel Accountability Log (previous Expert monitoring tour)
- PowerPoint Presentation Titled, “LGBTQ+ 101

HCA CHS healthcare professionals, including medical and mental health/behavioral health staff members and management personnel continue to maintain they are trained and work under HCA CHS Policy 6206 Gender Diverse/LGBTQIA+ Patient Care and the community-based standards of care, including relevant UCSF guidelines and World Professional Association for Transgender Health (WPATH) Standards of Care.

The Expert interviewed a CHS Manager responsible for healthcare training as related to this RP Provision. He reportedly has a background managing the OC Accept Clinic, and training APAIT. He provided clinical supervision at the OCSD jail facilities. He continues to work on drafting the training and indicated the material will soon be sent through the review process through several entities within the County. He provided the following information:

- Will be a 6-hour LGBTQI affirmative formal training course (for healthcare personnel)
- He is building a CME component so he can put finishing touches on CHS training
- When draft curriculum is completed, upper management will review for approval, then OC Division of Communications must approve and the Behavior Health Services for the County of Orange must also review for approval. Curriculum must meet certain standards. There will be BHS reviews as well as more layers throughout the review and approval process.
- As he reported during the prior monitoring tour, he is reportedly building Affirmative Theory into the training, with a focus on myths, how to work with patients, working with families, and providing resources, and other topics. The material will teach CHS staff how to engage with the LGBTQI community.

The Expert interviewed a medical professional who works closely with LGBTQI patients, including transgender and non-binary. She indicated she sees her patients regularly and refers out to the transgender clinic UCI in the event she can't see a patient. In such cases, UCI will start the assessment, and hormone therapy will commence at the Jail.

The Expert interviewed multiple transgender (and non-binary) individuals specific to some of the questions as related to WPATH Standards. Most of the questions elicited positive responses, but one (1) individual claimed she has not received related patient education information. The patients interviewed provided the following information:

- Have been on hormone therapy in the community since the age of 18
 - Receive shots every Sunday
 - Dosage is correct amount
 - Staff are discreet and professional
 - No concerns with the process:
 - Will be released soon, and I've been referred to the UCI Gender-Diversity Center, and will continue hormone medications
 - Medical staff have spoken to me/educated me regarding hormone medications, side-effects, etc.

- Have been denied hormone treatment for seven (7) months because they say I'm on too many medications. But I never received anything in writing on this.
 - Originally started hormone treatment here at the OC Jail 3-4 years ago
 - Have never received education info regarding treatment:
- Would like to be educated regarding side effects, etc.
 - Began treatment in early 2023 here at the OC Jail
 - Initially spoke with mental health then medical professionals
 - Received education including side effects, Cancer, etc.
 - Educated on medication was delivered both verbally and in writing
 - Hormone medication work well (I need to use the restroom a lot)
 - Dr. xxxxxxxx is good
- Don't want any hormones right now (and not receiving any)
- Not interested in hormone treatment

The Expert was unable to confirm or refute the responses (above).

The Expert reviewed EUHR's for five transgender patients (four [4] transgender women and one [1] transgender man) from the Jail's Tech Care System. From the review, healthcare professionals are documenting gender-affirming care, assessments and plans, releasing (from OC Jail) with hormone medications, education information as provided to the patient, side effects, referrals to UCI Gender Clinic, effective communication, addressing Lab work, switching hormone medications as warranted, making adjustments to medications and other types of documentation that are consistent with the respective transgender or non-binary incarcerated person's request or concerns.

The Expert provides the following recommendations:

- Provide the new curriculum (once approved through the OC review process) to the Expert (and DRC) for review.
 - Note: Post monitoring tour, CHS indicated new curriculum will be provided once completed (the most recent reported anticipated date – was June 2024). CHS will create a Guidance Form for use by providers and clinical staff that will include WPATH standards on patient education and a place to document that the patient education was provided. CHS also will create staff training documents on the Guidance Form. The Guidance Form and training documents will be provided once completed.
- CHS must provide an update regarding having a checklist (guidance form) of other source to accurately depict the various types of information and education that healthcare professionals provide to transgender and non-binary patients.
 - Note: The Expert acknowledges that healthcare staff appear to be doing a thorough job of documenting certain aspects of information and education being provided that are consistent with updated UCSF guidelines and WPATH Standards of Care, version 8 (2022).

Partially Implemented (Previous Rating – Partially Implemented)

B. The County's standards of care and practice shall ensure that documentation or evidence of prior gender-affirming care is not a prerequisite to receiving gender-affirming care while in Jail custody.

In the most recent OCSD Action Plan for this provision, the County reported, "CHS will create a guidance form on patient education according to WPATH standards for providers and one for other clinical staff along with training regarding documentation of this education."

CHS Policy 6206 Gender Diverse/LGBTQIA+ Patient Health Care includes a section for Gender Affirming Health Care Management states in part, "Documentation or evidence of prior gender affirming health care will not be a prerequisite for patients receiving gender-affirming health care while in-custody."

Consistent with previous interviews from earlier Expert reviews, CHS healthcare professionals indicated they perform gender-performing care without required or needed evidence to show prior poor gender-affirming care.

From review of five (5) EUHRs (for transgender individuals) while onsite at the OCJ, there was documented evidence of gender-affirming care and education provided by medical professionals to the patients.

All five (5) transgender individuals interviewed confirmed they have received gender-affirming care while at OCJ (and in the community). There was one (1) complaint from an individual that she did not receive any related education information.

The Expert provides the following recommendations:

- Refer to the Expert's recommendations in Section G.A.

Partially Implemented (Previous Rating – Partially Implemented)

C. The County shall ensure that medical and mental health staff have specific knowledge of and training on gender dysphoria and the treatment thereof, including as to the WPATH Standards of Care.

In the most recent OCSD Action Plan for this provision, the County reported, "New curriculum, sign in sheets, logs, and schedules will be provided during document production July 2024."

The Expert acknowledges that the CHS Action Plan indicated LGBTQI training calendars, training logs, and training outline was provided as part of document production.

Refer to Section IV.G.B. (above) regarding information on HCA CHS Policy 6206 Gender Diverse/LGBTQIA+ Patient Health Care. HCA CHS Policy 6206 also indicates all CHS clinical staff receive refresher training on gender dysphoria and its treatment. However, there was no proof of practice documentation provided (for refresher training).

CHS staff previously indicated they receive training regarding gender dysphoria and related treatment, including a 2-hour training course (although mostly general LGBTQI-related information) and a separate training on hormone therapy.

CHS (and OCSD has provided numerous sign-in rosters and information on several different LGBTQI-related training material. As cited in Section IV.G.A., CHS must provide the Expert and DRC with the new CHS training materials once approved through the OC review process for the Expert and DRC to review.

The five (5) transgender individuals interviewed indicated they have been diagnosed with gender dysphoria. There were no concerns with healthcare staff being professional and referring to them by their preferred pronouns or honorific (or last names). There were no complaints of misgendering when dealing with healthcare staff.

The Expert provides the following recommendations:

- Refer to the Expert's recommendations in Section G.A.

Note: current APAIT training material and proof of practice has been addressed/requested in an earlier RP Provision (within this section).

Partially Implemented (Previous Rating – Partially Implemented)

- D. The County shall ensure that a qualified medical professional and a qualified mental health professional coordinate to evaluate, diagnose, and treat patients for gender dysphoria.*

In the most recent CHS Action Plan for this provision, CHS reported, "CHS is able to send individuals to the UCI Gender Clinic through individual letters of agreement (LOA). There is not a master agreement. A list of patients who have received care from the UCI clinic and staff training documents can be provided during document production July 2024"

Previously, CHS provided a spreadsheet titled, "UCI Health Gender Transition Services." The spreadsheet provides the following information regarding services available from UCI: plastic surgery (top surgery, facial feminization/masculinization/non-binary surgery), General/OB/GYN (comprehensive gynecologic care, cervical cancer screening, breast cancer screening, contraception counseling, abnormal uterine bleeding evaluation and treatment, menstrual suppression, preconception counseling and referral to reproductive endocrinology and infertility specialists based on fertility plans, and female to male pelvic gender affirming surgery using minimally invasive gynecologic surgical techniques), Urogynecology (complications associated with male to female reassignment surgery, vaginal stenosis, granulation tissue, rectovaginal or vesicovaginal fistula, and urethral strictures, and male to female bilateral orchiectomy), Pelvic Floor Physical Therapists

(rehabilitation process following male to female surgery, and guidance with vaginal dilation), Urology (orchiectomy), Primary Care/Endocrinology (hormone replacement therapy, LGBTQ-specific primary care, gender diversity program, patient and family counseling, puberty suppression, gender-affirming hormone therapy, sexual health education and HIV prevention, community connections and support, school and community engagement, and provider and trainee education).

From review of five (5) EUHRs (for transgender or non-binary individuals) while onsite at the OCJ, there was documented evidence that multiple transgender individuals reviewed had been diagnosed with gender-dysphoria by medical and mental health professionals.

The five (5) transgender individuals interviewed confirmed they have been diagnosed with gender-dysphoria while at OCJ and/or in the community. There were no related complaints.

CHS reportedly sent out a memo to all staff regarding using Gender Dysphoria or Gender Incongruence terms. CHS also previously provided a one-page training bulletin regarding diagnosis for patients identifying as transgender or non-binary for charting and documentation. The bulletin informs staff to use correct diagnosis to use in Gender Dysphoria (DSM-V) or Gender Incongruence (ICD-10). The bulletin instructs staff to not use "gender identity disorder." The reason is listed as, "gender identity disorder" diagnosis is no longer used because it places the pathology on the existence of a non-cisgender identity rather than the distress that comes from having a gender-identity that does not match one's sex assigned at birth.

For the current monitoring period, document production contained nearly 200 completed LGBTQI+ Inmate Interview Worksheets signed by LGBTQI incarcerated persons, thus acknowledging receipt of LGBTQI Resource Brochure, and other information.

The previous Expert monitoring tours, interviews with healthcare professionals included topics such as: hormone therapy, gender-affirming surgery, medical encounters, non-binary individuals, hair removal, and mental health referrals. For the current monitoring review, the Expert interviewed two (2) healthcare professionals (one [1] from medical, and one [1] from mental health). Topics included the healthcare request process, triage process, daily logging, hormone treatment, release planning (including medications for jail release), referrals to UCI, as well as other related topics.

The Expert provides the following recommendations:

- Refer to the Expert's recommendations in Section G.A.

Partially Implemented (Previous Rating – Partially Implemented)

- E. The County shall give transgender and intersex patients uninterrupted access to clinically indicated hormone therapy based upon an individualized assessment of the patient's medical needs in accordance with community-based standards of care.*

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. Sex reassignment surgery should be considered on a case-by-case basis and provided when determined to be medically necessary for a patient.*

In the most recent OCSD Action Plan for this provision, the County reported, “New curriculum sign-in sheets, logs, and schedules will be provided during document production for July 2024.”

HCA CHS Policy 6206 indicates requests for gender-affirming surgery shall be reviewed on a case-by-case basis by the medical director or assigned designee.

The Expert previously provided information (through healthcare staff interviews) regarding gender-affirming surgery. No new information was obtained from the current monitoring tour interviews conducted during the current monitoring review.

A transgender (male) person interviewed indicated he has already had top surgery in the community and will soon be receiving bottom surgery. He wears a chest compression garment as issued to him at the Jail.

The Expert provides the following recommendations:

- Refer to the Expert’s recommendations in Section G.A.
- Provide any past referrals to UCI (if applicable).

Partially Implemented (Previous Rating – Partially Implemented)

- G. The County shall prohibit psychotherapy such as “reparative” or “conversion” therapy or attempts to alter gender identity.*

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)

H. LGBTQI Training for Staff

- A. The County shall provide at least biennial live/real-time training to staff and contractors, including anyone who has contact with LGBTQI individuals in custody, on LGBTQI policy, procedures, and legal requirements, including the following topics and as appropriate to their position:*

1. *The County's non-discrimination policy.*
2. *The County's complaint and grievance process for reporting alleged incidents of abuse and harassment.*
3. *The Prison Rape Elimination Act.*
4. *How to communicate with LGBTQI individuals professionally, effectively, and consistently with this Agreement.*
5. *The impact of discrimination against LGBTQI incarcerated people.*
6. *Classification, housing, programming, education, work opportunities, and integration of LGBTQI individuals in the jails.*
7. *Basic information about gender identity, sexual orientation, gender expression, and privacy rights.*

In the most recent OCSD Action Plan for this provision, the County reported, "OCSD has submitted its draft LGBTQI Policy to the DRC team for review. After any input from the DRC team has been addressed, the Policy will be shared with Sabot for any input." Once the policy is finalized, related training will be developed and provided to DRC and Sabot for review."

As identified earlier in the report, CHS provided LGBTQI training logs, training calendars and training outline.

OCSD training information produced includes the following:

- OCSD PowerPoint "The LGBTQI Community"
 - 55 slides
 - Learning Objectives
 - OCSD Policy 375.2
 - Regarding 14th Amendment to U.S. Constitution, prohibits differential treatment, discrimination (including against transgender and gender-nonconforming people is also prohibited, including for housing, employment, education, insurance and public accommodations.
 - OCSD Policy 375 (regarding working with diverse communities)
 - Also references Policies 328 (Policy Against Unlawful Harassment and Discrimination) and 402 (Bias Free Policing)
 - Contact with Transgender Individuals
 - Determining How to Address a Transgender Individual
 - Transportation of Transgender Arrestees
 - Report Writing
 - C.C.O.M. 2900.7 Screening for Risk of Sexual Victimization and Abusiveness and Use of Screening Information
 - LGBTQI Terminology
 - Misunderstandings
 - Preconceptions
 - Mistrust
 - Basic Terms

- Important Terms
- Policy 375.1.1 Definitions
- Transition
- Gender Dysphoria
- Terms to Avoid
- California Penal Code Section 4021(b)
 - Regarding unlawful searches
- OCSD Policy 1720 Cross Gender Supervision
- Procedures for Voluntary Gender Identity Disclosure and Search Preference Form (updated 11/13/23)
- Voluntary Gender Identity Disclosure and Search Preference Form Pre-booking/Initial Workflow (flow chart)
- Blank example of OCSD Voluntary Gender Identity Disclosure and Search Preference Form (Revised 11/9/23)
- Screenshot of J-119 – Special Protocols screen (for Classification staff - to be completed and attached to the incarcerated person's Mod Card):
 - At minimum, the J-119 will state:
 - 1) Gender search preference (male or female)
 - 2) Preferred pronouns
- Screening and Classification
- C.C.O.M. Policy 2900 PREA/LGBTI Inmates
 - General/Definitions
 - Sexual Misconduct
 - Crisis of Sexual Abuse in Confinement
 - Inmate Reporting
- Policy 328 Unlawful Harassment and Discrimination
 - Communication is the Key
- Resources:
 - GLAAD – <http://www.glaad.org/resources>
 - LGBTQ Resource List: <https://www.glaad.org/resourcelist>
 - LGBTQ Youth Resource List: <http://www.cdc.gov/lgbthealth/youth-resources.htm>
 - LGBTQ Education and Health Resources: <https://www.lgbthealtheducation.org/lgbt-education/lgbt-health-resources/>
- Suicide Prevention Hotline: 1-800-273-TALK (1-800-273-8255)
 - Anytime 24/7
 - Emergencies call 911 or go to nearest hospital emergency room
- National Runaway Hotline: <https://www.1800runaway.org/>
- Item 139
 - Training PowerPoint – PREA Briefing Training 6-13-24
 - 19 slides
 - Includes information regarding:
 - 4 options for Searching Transgender and Intersex Incarcerated Persons
 - Contact with LGBTQI Individuals (with reference to OCSD Policy 375)

- PREA Resource Center:
 - www.prearesourcecenter.org
- OCSD's Public Website Link
 - Training PowerPoint – PREA for Supervisors
 - 16 slides
- Item 140
 - Policy 1600.5 Grievance Procedure:
 - Information includes:
 - At least once per shift, collect grievances from the locations in your area of responsibility.
 - Review and determine the appropriate level at which to handle them.
 - Assign a JI number to each grievance prior to entering in CRM.
 - Grievances must be submitted within 14 calendar days of alleged incident.
 - Invalid grievances will NOT be entered into database:
 - Kept on for documentation
 - Copy to inmate
 - Original to records
- Item 141 & 147
 - ADA-LGBTQ Block #1 Training:
 - OCSD Training Summary Report – STC Block #1 (7/1/23 – 6/30/24) Report dated 7/16/24”
 - 8-page document
 - Identifies approximately 264 attendees from TL and CJX Complex
 - Unclear if this includes OCSD custody and non-custody personnel or other employees
 - ADA-LGBTQ Block #2 Training:
 - OCSD Training Summary Report – STC Block #2 (7/1/23 – 6/30/24) Report dated 7/16/24”
 - 11-page document
 - Identifies approximately 368 attendees from TL and CJX Complex
 - Unclear if this includes OCSD custody and non-custody personnel or other employees
 - ADA-LGBTQ Block #3 Training:
 - OCSD Training Summary Report – STC Block #3 (7/1/23 – 6/30/24) Report dated 7/16/24”
 - 2-page document
 - Identifies approximately 51 attendees from TL and CJX Complex
 - Unclear if this includes OCSD custody and non-custody personnel or other employees
 - ADA-LGBTQ Block #4 Training:

- OCSD Training Summary Report – STC Block #4 (7/1/23 – 6/30/24) Report dated 7/16/24”
 - 5-page document
 - Identifies approximately 142 attendees from TL and CJX Complex
 - Unclear if this includes OCSD custody and non-custody personnel or other employees
- Excel spreadsheet (“Book #1) Block 1-2 Sworn Personnel
 - Lists scheduled 2-hour block LGBTQ training set for numerous dates from 7/1/24 – 3/26/25
 - Instructors are PMU staff
- Excel spreadsheet (“Professional Staff Blocks 3 & 4)
 - Lists scheduled 2-hour block LGBTQ training set for numerous dates from 7/11/24 – 12/3/24
- CSA-ADA-LGBTQI
 - OCSD Training Summary Report – Adult Corrections Officer Core Course (CSA) (7/1/23 – 6/30/24) Report dated 7/16/24”
 - 2-page document
 - Identifies approximately 49 attendees from TL and CJX Complex
- Jail Academy ADA – LGBTQ
 - OCSD Training Summary Report – Adult Corrections Officer Core Course (7/1/23 – 6/30/24) Report dated 7/16/24”
 - 5-page document
 - Identifies approximately 159 attendees from TL and CJX Complex
- May 2024 ADA – LGBTQ
 - 2-page Excel spreadsheet:
 - Lists 21 deputies scheduled for 6/13/24 STC Block #2 training (all but 1 employee from TL [IRC])
 - Lists 5 CSA’s scheduled for 6/13/24 STC Block #2 training (from TL and CJX Complex)

The Expert provides the following recommendations:

- Provide the revised draft OCSD CCOM Policy 7300 (LGBTQI Inmates) once OCSD and County Counsel complete their internal review.
- Once Policy 7300 (and other related policy(ies) are finalized, provide draft training curriculum to the Expert (and DRC) for review. Note: This includes refresher training.

Un-ratable (Previous Rating – Un-ratable)

- B. Training, including refresher training as appropriate to their position, will be provided to all staff at least biennially. The County shall maintain records of training history.*

In the most recent OCSD Action Plan for this provision, the County reported, “OCSD has submitted its draft LGBTQI Policy to the DRC team for review. After any input from the DRC team has been addressed, the Policy will be shared with Sabot for any input.” Once

the policy is finalized, related training will be developed and provided to DRC and Sabot for review.”

As identified earlier in the report, CHS produced LGBTQI training logs, training calendars and training outline.

OCSD and healthcare have informally indicated a refresher course is (or will be) under development. Reportedly, the course will be designed for two (2) hours ADA and two (2) hours LGBTQI, to be required biennially for both sworn and non-sworn personnel.

The Expert provides the following recommendations:

- Provide the revised draft OCSD CCOM Policy 7300 (LGBTQI Inmates) once OCSD and County Counsel complete their internal review.
- Once Policy 7300 (and other related policy(ies) are finalized, provide draft training curriculum to the Expert (and DRC) for review. Note: This includes refresher training.

Un-ratable (Previous Rating – Un-ratable)

- C. *The County shall provide DRC draft LGBTQI training materials (including any updates or revisions) and shall meaningfully consider any DRC input on the content and method of delivery of the training. DRC agrees to complete a prompt review (e.g., within 30 days) of draft training materials to accommodate the County’s training and operational needs.*

In the most recent OCSD Action Plan for this provision, the County reported, “OCSD has submitted its draft LGBTQI Policy to the DRC team for review. After any input from the DRC team has been addressed, the Policy will be shared with Sabot for any input.” Once the policy is finalized, related training will be developed and provided to DRC and Sabot for review.”

As stated earlier in the report, CHS produced the LGBTQI training logs, training calendars and training outline.

The Expert notes that no draft training curriculum has been provided to the Expert (or DRC) for review and comment. The Expert acknowledges the LGBTQI Policy is still under internal review by County Counsel.

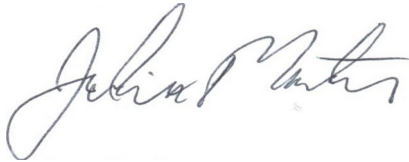
The Expert provides the following recommendations:

- Provide the revised draft OCSD CCOM Policy 7300 (LGBTQI Inmates) once OCSD and County Counsel complete their internal review.
- Once Policy 7300 (and other related policy(ies) are finalized, provide draft training curriculum to the Expert (and DRC) for review. Note: This includes refresher training.

Un-ratable (Previous Rating – Un-ratable)

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 dark ink, appearing to read "Julian Martinez", is written over a horizontal line.

Julian Martinez
Director
Sabot Consulting

December 16, 2024

Date