



Expert Monitor's Report

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

On-Site Review: June 6-10, 2022

Produced by:

Sabot Consulting ADA Experts

Julian Martinez, Director

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Introduction

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

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

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

The Settlement Monitor's Activities

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

A. Role of the Expert

The duties of the Remedial Plan Experts are as follows:

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

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

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

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

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

B. Monitoring Process

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

Substantial Compliance:

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

Partial Compliance:

Indicates compliance with some components of the relevant provision of the Settlement Agreement, and significant work remains to reach Substantial Compliance.

Non-Compliance:

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

Un-ratable:

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

Executive Summary

This is the second Expert Monitoring Review of the SBCJ's measuring Santa Barbara County's compliance with the *Murray v. Santa Barbara County* Remedial Plan, which addresses Americans with Disabilities Act (ADA), Disability Accommodations, and Access for incarcerated persons with Disabilities housed within the SBCJ's. This second round of monitoring focused on both the Southern Branch Jail (SBJ) and the Northern Branch Jail (NBJ). The on-site Expert Monitoring Review was conducted on June 5-10, 2022. The Expert Monitoring Review included a review of pre-monitoring documents produced by Santa Barbara County, on-site observations of the intake medical screening process, interviews of staff (ADA Coordinator, Grievance Unit, medical providers, medical intake screening staff, custody intake screening staff, Classification Unit staff, program providers, Transportation Unit staff, custody housing staff, and disabled incarcerated persons housed in the SBCJ's.

An exit meeting was conducted with SBCJ custody and medical administrative staff and counsel from the Santa Barbara County Counsel's Office. Plaintiff's Counsel representatives Aaron Fischer and A.D. Lewis were present during the exit conference call.

The Expert recognizes the impact COVID-19 and staffing shortages have on the operations of the SBCJ and implementation of the Santa Barbara County Remedial Plan requirements. In the first report, The Expert noted the County had made some modifications to the Jail Management System (ADA Tracking System) to assist the County in documenting specific requirements of the *Murray v. Santa Barbara County* Remedial Plan; however, the County has not implemented the requirement for staff to document the provision of these requirements within the ADA Tracking System. The Expert does note the ADA Coordinators are using the ADA Tracking System to track the disabled incarcerated persons and their accommodations, in addition to documenting some of the *Murray v. Santa Barbara County* Remedial Plan requirements.

The Expert finds the County has implemented some practices and processes to assist SBCJ staff in providing equal access to the SBCJ programs, services, and activities as required by the *Murray v. Santa Barbara County* Remedial Plan. The Expert notes staff who were interviewed continue to be aware of modifications available and required to be provided to the disabled incarcerated persons. The Expert also notes the ADA Coordinators are knowledgeable about the ADA and the *Murray v. Santa Barbara County* Remedial Plan and are a valuable resource for staff. During the monitoring tour, the ADA Coordinators would immediately resolve individual issues identified by the Expert and brought to the attention of the County. However, until policies and procedures are developed and implemented, and staff is trained on the policies and procedure requirements, staff will not be fully aware of their requirements to ensure incarcerated people with disabilities have access to the SBCJ programs, services, and activities. The Expert recommends that the County focus on the following areas. In doing so, it is the Expert's position this will assist the County in ensuring the incarcerated persons are provided the accommodations they need to access the SBCJ's program, services, and activities and the requirements of the *Murray v. Santa Barbara County*

Remedial Plan. It is the Expert's position that these areas are the "building blocks" of an effective "Disability" program. The Expert recommends that the County focus on the following areas:

- Policy revisions and development – The County must have clear policies that include staff's roles and responsibilities related to the "Disability" program.
- Information provided to incarcerated persons – The incarcerated persons must be made aware of processes they must follow and who to contact when requesting accommodations and submitting ADA-related grievances and their rights related to their disability accommodations. This includes detailed specific ADA-related information in the:
 - Orientation (Handbook/Video)
 - ADA Coordinator contact information
 - Request for Accommodation and ADA Grievance process
- ADA Coordinator must be dedicated to ADA-related duties – The ADA Coordinator must be able to dedicate their time to developing and revising policies and procedures, and the training curriculum required by the *Murray v. Santa Barbara County* Remedial Plan.
- The Expert recommends that the County strongly consider procuring a Jail Management System (JMS) that allows the staff to have access to and the ability to document the specific requirements of the *Murray v. Santa Barbara County* Remedial Plan. This recommendation is based on the current JMS' limitations in tracking disability-related information in real-time. The County has modified the current JMS (ATIMS); however, the modifications require staff to enter information as "inmate notes" and appear to be difficult to navigate. In addition, the "Active ADA Alerts" lists distributed and used for staff to identify the disabled incarcerated persons and their accommodations are manually entered into an "Excel" spreadsheet and is updated weekly.
- The Expert also recommends that the County move forward expeditiously with the physical plant modifications and improvements at the SBJ. The physical plant modifications and improvement are key in ensuring the County provides the disabled incarcerated persons meaningful and equivalent access to the SBCJ programs, services and activities such as work opportunities, education and program classes, recreation activities, out-of-cell opportunities (dayroom), access to telecommunication technology, housing placement in the least restrictive locations, and housing with the appropriate accessible features.

The Expert also makes the following recommendations:

- Development of ADA Coordinator duty statement
- Streamline the information processes/flow of disability information and how the MTO (Medical Treatment Order) is distributed once approved by Wellpath (who enters/routing etc.).
- Ensure the MTOs are forwarded to ADA Coordinators/Classification

- Ensure staff are aware of documentation requirements through policy, training, and quality assurance
 - Intake Screening
 - Classification
 - Assignment of Housing
 - Assignment of Programs
 - Medical and Mental Health encounters
 - Due Process (Inmate Disciplinary Reports/Grievances)
 - Release (Health Care Appliances)
 - Transportation
 - Effective Communication/Sign Language Interpreter
- Ensure the ADA Tracking System is available to custody, medical, mental health, and other staff to ensure appropriate accommodations and adequate program access for people with disabilities (currently, only some medical staff have access)
- Ensure the screening process identifies all qualified incarcerated persons with disabilities and their accommodations.
- Ensure the revised grievance forms are being used/distributed
- Ensure the County identifies the preferred method of communication for hearing, vision, learning disabled, and intellectually disabled incarcerated persons
- Development of essential functions and identification of physical limitations for work assignments
- Ensure personal Health Care Appliances (HCA) are returned to incarcerated persons upon release
- Create an inventory of HCA, including the Periodic Automatic Replacement number and a dedicated storage area (currently, they are spread out in various locations)
- Development of a Monitoring/Accountability Plan
- Development and Rollout of Training

The Expert's report identifies areas of non-compliance and areas that could not be measured for determination of Substantial Compliance based on the County's inability to provide supporting documents. However, it is the Expert's belief that as the County implements vital components of the *Murray v. Santa Barbara County* Remedial Plan, including those listed above, the areas found in non-compliance and/or could not be measured for compliance will progress into Substantial Compliance.

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

Findings

Policy

1. Does the County's policy include the language, "It is the County's policy to provide access to its programs and services to incarcerated people with disabilities, with or without reasonable accommodations, consistent with legitimate penological interests?"

Although the Santa Barbara County Sheriff's Office, Custody Operations – Policies and Procedures Manual, 209 Americans with Disabilities Act (ADA) Revised 01/2017 includes the language, "The Santa Barbara County Sheriff's Office prohibits discrimination against persons with disabilities," the policy does not include the language required by the *Murray v. Santa Barbara County* Remedial Plan. The Policies and Procedures Manual, 209 Americans with Disabilities Act (ADA), must be revised to include the required language from the *Murray v. Santa Barbara County* Remedial Plan. The County reports the ADA policy provided by the Expert is in the process of being edited with anticipated completion in the next three (3) months.

Non-Compliance

2. Does the County's policy include the language, "No person with a disability, as defined in 42 USC § 12102, shall, because of that disability, be excluded from participation in or denied the benefits of services, programs, or activities or be subjected to discrimination. It is the County's policy to provide reasonable accommodations or modifications, consistent with 28 CFR §§ 35.150 & 35.152, and other applicable law?"

Although the Santa Barbara County Sheriff's Office, Custody Operations – Policies and Procedures Manual, 209 Americans with Disabilities Act (ADA) Revised 01/2017 includes the following language, "Eligible individuals are entitled to an equal opportunity to participate in programs, services or activities," the policy does not include the language required by the *Murray v. Santa Barbara County* Remedial Plan. The Policies and Procedures Manual, 209 Americans with Disabilities Act (ADA), must be revised to include the required language from the *Murray v. Santa Barbara County* Remedial Plan. The County reports the ADA policy provided by the Expert is in the process of being edited with anticipated completion in the next three (3) months.

Non-Compliance

ADA Coordinator

1. Has the County designated an Americans with Disabilities Act (ADA) Coordinator whose position is dedicated to coordinating efforts to comply with and carry out ADA-related requirements and policies?

The County reports and the Expert confirmed that Senior Custody Deputy A. Gray and Senior Custody Deputy T. Falfal are designated as the ADA Coordinators. Corporal Gray is assigned to the SBJ, and Corporal Falfal is assigned to the NBJ. The *Murray v. Santa Barbara County* Remedial Plan requires the County to have a designated ADA Coordinator whose position is dedicated to coordinating efforts to comply with and carry out ADA-related requirements and policies. The County has designated Senior Custody Deputy A. Gray and Senior Deputy T. Falfal as the ADA Coordinators; however, the County has not designated an ADA Coordinator dedicated to coordinating efforts to comply with and carry out ADA-related requirements and policies. In addition to ADA Coordinator duties, Corporal Falfal and Gray also perform the following duties; Prison Rape Elimination Act investigations, coordinate incarcerated person marriages, conduct background investigations for Wellpath staff, coordinate special diet requests, coordinate Public Records Act requests, Transgender Liaison/Coordinator, and other administrative duties. The County must ensure the designated ADA Coordinator is dedicated to ADA duties as required by the *Murray v. Santa Barbara County* Remedial Plan.

Partial Compliance

2. Does the ADA Coordinator have sufficient authority to carry out his/her duties, and does the ADA Coordinator work with the executive management team regarding ADA compliance, training, and program needs?

The County and ADA Coordinators' current reporting structure is as follows:

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

The County reported and it is the Experts position that based on this reporting structure, the ADA Coordinators have sufficient authority to carry out their duties, and they work with all staff (including executive management staff) regarding ADA compliance. This includes ADA training and ADA program issues. However, there are key areas of the Remedial Plan that the ADA Coordinator and the executive management team must work together to make needed progress. Based on this, the Expert finds the County in Partial Compliance with this requirement.

Partial Compliance

3. If the County intends for the ADA Coordinator to be based at the SBJ. Any County jail facility that does not have the ADA Coordinator on site does the County have a designated staff member on-site at that facility who has responsibility to monitor day-

to-day ADA compliance, and does the designated staff member report to the ADA Coordinator?

The Expert noted the ADA Coordinators are based at the SBJ and the NBJ, and they are equally responsible for monitoring the day-to-day ADA compliance issues for the SBJ and NBJ. Although Corporal T. Falfal does not report to Corporal A. Gray, they are equally responsible for ADA compliance issues.

Substantial Compliance

4. Are the ADA Coordinator duties and training requirements clearly enumerated?

The County is still in the process of drafting and implementing specific ADA Coordinator duties and training requirements. The County reports the draft version of the ADA Coordinator's Job duties and training requirements has been completed with an anticipated completion within two (2) weeks. The County must finalize the ADA Coordinator duties and training requirements as required by the *Murray v. Santa Barbara County* Remedial Plan. Post monitoring tour, the County provided the draft Duty Statement for Americans with Disability Act (ADA) Coordinator. The Expert provided recommended revisions to the County. The Expert recommends the Duty Statement for Americans with Disability Act (ADA) Coordinator be finalized and implemented.

Partial Compliance

5. Is the method for people to contact the ADA Coordinator (or facility designee) clearly posted in the intake area and in every jail housing unit?

The method for people to contact the ADA Coordinator was not posted in the intake area or any jail housing unit at both the SBJ and the NBJ. Some of the incarcerated people with disabilities who were interviewed stated they were not aware of who the ADA Coordinators are or how to contact them. The County anticipates completing this requirement within the next two (2) months. Post monitoring tour, the County provided the Expert with the draft notices, which were approved by the Expert. In addition, the County provided the Expert with photographs of the postings for each intake area and housing unit at the SBJ and NBJ.

Substantial Compliance

6. Is the name and contact information (address, phone, email) of the ADA Coordinator (or facility designee) available to the public, including posting in each jail's main lobby and online?

Although the contact information (address, phone, email) of the ADA Coordinator (or facility designee) is posted online, the names of the ADA Coordinators are not posted.

In addition, the contact information (address, phone, email) of the ADA Coordinator (or facility designee) is not posted in the SBJ or NBJ main lobby. The County anticipates completing this requirement within the next two (2) months. Post monitoring tour, the County provided the Expert with the draft notices, which were approved by the Expert. In addition, the County provided the Expert with photographs of the postings for each lobby and visiting area at the SBJ and NBJ.

Substantial Compliance

ADA Notice to Prisoners

1. Are incarcerated people with disabilities held at the Jail adequately informed of their rights, including but not limited to:
 - a) The right to receive reasonable accommodations?
 - b) The process for requesting a reasonable accommodation?
 - c) The role of the ADA Coordinator (and designee) and method to contact them?
 - d) The grievance process, location of relevant forms, and process for getting assistance in completing request and grievance forms?
 - e) Instructions on how to request and access health care services, including the provision of Effective Communication and other accommodations in accessing those services?

The Santa Barbara County Sheriff's Office Custody Orientation Handbook does not include the following:

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

The County reports the Orientation Handbook has been edited to include the required information; however, the Handbook has not been printed as the County is editing the Handbook to meet other provisions of the Remedial Plan. The County anticipates completing this requirement within the next six (6) months. The County must ensure incarcerated people with disabilities are informed of their rights as required by the *Murray v. Santa Barbara County* Remedial Plan. It is recommended the County incorporate the language the Expert provided the County into the Santa Barbara County Sheriff's Office Custody Orientation Handbook. Based on the current Orientation Handbook that includes language informing incarcerated persons with

disabilities of their rights and identifies the ADA Complaint Procedure the Expert finds the County in Partial Compliance with this requirement.

Partial Compliance

2. Are incarcerated people, provided with a Custody Operations Orientation Handbook in an accessible format, containing a designated section with ADA-related policies, procedures, and other information within six (6) hours of processing and classification?

During the on-site review, staff that provides incarcerated persons with disabilities the Santa Barbara County Sheriff's Office Custody Orientation Handbook at the SBJ stated that incarcerated persons are provided with the Handbook when processing property and issuance of jail clothing. Intake staff at the NBJ reported that currently, Orientation Handbooks are not provided to incarcerated persons being processed into the NBJ. Additionally, eight (8) incarcerated people interviewed stated they had not received a copy of the Handbook. The County reports they anticipate completing this requirement within the next six (6) months. The County must ensure incarcerated people with disabilities are provided the Handbook within six (6) hours of processing and classification. It is recommended the County establish a mechanism within the ADA tracking system to document when incarcerated people with disabilities are processed into the jail and when they are provided the Handbook. Post monitoring tour, the County reported that as of June 16, 2022, the County provides the Orientation Handbook to all inmates at the SBJ and NBJ when processing property. The Expert will need to measure compliance with this requirement during the next monitoring tour.

Non-Compliance

3. Is the Orientation Handbook available in large print (at least 18-point font) in English and Spanish to accommodate people with visual impairments?

The County previously produced a version of the Santa Barbara County Sheriff's Office Custody Orientation Handbook in 18-point font. However, the version produced was only an English version. The County anticipates completing this requirement within the next six (6) to eight (8) months. The County must ensure a Spanish version of a large print (at least 18-point font) Santa Barbara County Sheriff's Office Custody Orientation Handbook is available.

Partial Compliance

4. Is there an accessible video that presents the contents of the Orientation Handbook, including the ADA-related policies, procedures, and information?

During the on-site review, the County advised the Expert an accessible video presenting the contents of the Orientation Handbook (including the ADA-related policies, procedures, and information) is currently not available. The County

anticipates completing this requirement within the next 12 months. The County must ensure an accessible video that presents the contents of the Orientation Handbook, including the ADA-related policies, is created and available for incarcerated people with disabilities (Deaf and/or Hard of Hearing).

Non-Compliance

5. Does the County provide as appropriate, an SLI to interpret the contents of the Orientation Handbook to persons who are deaf or hard of hearing who use American Sign Language as their primary means of communication?

The County does not currently use an accessible video that presents the contents of the Orientation Handbook, including the ADA-related policies. The County anticipates completing this requirement within the next 12 months. When implemented, the County must ensure an SLI is used to interpret the contents of the Orientation to incarcerated people with disabilities who are Deaf and/or Hard of Hearing and who use American Sign Language as their primary means of communication. Post monitoring tour, the County reported that staff utilize Independent Living Resource Center, an SLI service that is available 24/7, for all interpreting needs, including interpreting the contents of the Orientation Handbook when requested. Although there were no specific cases identified during the rating period the County has a process in place to provide an SLI to interpret the contents of the orientation handbook pending the creation of the Orientation Video.

Partial-Compliance

Staff Training

1. Have all custody, health care, facility maintenance, and other Jail staff received ADA training appropriate to their position.

During the previous monitoring tour, the County produced a PowerPoint presentation titled "Disability Rights California Remedial Plan Implementation" that includes 201 slides. The PowerPoint includes 33 slides related to the ADA requirements of the *Murray v. Santa Barbara County* Remedial Plan. Of the 33 slides, 14 of the slides are dedicated to a quiz. The County reported the ADA Coordinators presented the training, and all custody staff was required to attend the training. During the on-site monitoring tour, some staff interviewed reported they had attended ADA training, while others indicated that no ADA training had been provided. Staff that reported they had attended ADA training reported the training modality was in-person formal training, while other staff reported the training was computer-based. The County did not produce any training records to support the provision of the ADA training. The County reports ADA training is provided in the Academy for Custody Deputies, but training for health care, facility maintenance, and civilian staff at the jail, as well as bi-annual training, needs to be developed. The County anticipates completing this requirement

within the next 12 months. The Expert recommends the County develop ADA training and all jail staff be required to attend the training once the policies and procedures are adopted. The County must also ensure the County develops and implements training, as required by *Murray v. Santa Barbara County* Remedial Plan Section 1X.1 and 1X .4. For future monitoring, the County must track and provide documentation that shows staff were provided with the required ADA training.

Non-Compliance

2. Has the County provided training to all staff during the academy and at least bi-annually thereafter on:
 - a) Disability awareness, including the use and purpose of accommodations and modifications in accordance with the ADA?
 - b) Use of force when interacting with people with disabilities?

The County reports ADA training is provided in the Academy for Custody Deputies, but training for health care, facility maintenance, and civilian staff at the jail, as well as bi-annual training, needs to be developed. The County did not produce the training curriculum and records for the Expert to determine compliance with this requirement. The County reports they have completed training in the academy for Custody Deputies but still need to develop training for health care staff, facility maintenance, and civilian staff at the jail. The County anticipates completing this requirement within the next 12 months. However, in the next six (6) months, the County will be researching lesson plans and meeting with the training bureau to develop components of this training. The Expert recommends the County develop ADA training and all jail staff be required to attend the training once the policies and procedures are adopted. The County must also ensure the County develops and implements training, as required by *Murray v. Santa Barbara County* Remedial Plan Section 1X.1 and 1X .4.

Non-Compliance

3. Does the staff ADA training include formalized lesson plans and in- classroom or virtual training for all staff provided by qualified ADA instructors?

The County reports ADA training is provided in the Academy for Custody Deputies, but training for health care, facility maintenance, and civilian staff at the jail, as well as bi-annual training, needs to be developed. The County anticipates completing this requirement within the next 12 months. However, in the next six (6) months, the County will be researching lesson plans and meeting with the training bureau to develop components of this training. The County did not produce the training curriculum and records for the Expert to determine compliance with this requirement. Based on this, the Expert cannot measure compliance with these requirements. The Expert recommends the County develop ADA training and all jail staff be required to attend the training once the policies and procedures are adopted. The County must

also ensure the County develops and implements training, as required by *Murray v. Santa Barbara County* Remedial Plan Section 1X.1 and 1X .4.

Un-ratable

ADA Tracking System

1. Has the County in consultation with Plaintiffs' counsel, developed and implemented a comprehensive, standardized, electronic system ("ADA Tracking System") to track people with disabilities and their accommodation and Effective Communication needs?

The County currently uses ATIMS Jail Management Software as the Jail Management System (JMS). The JMS has some functional capability to track people with disabilities and some of their accommodation needs. During the last monitoring tour, the County reported that some modifications were made to the JMS to allow the County to track people with disabilities and their accommodation and Effective Communication needs as required by the *Murray v. Santa Barbara County* Remedial Plan. Some of the modifications include:

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

The Expert notes the JMS has some functional capability to track incarcerated people with disabilities. Once an individual is identified as a qualified individual with a disability, the Wellpath and/or Jail staff enter this information from the MTO. The Wellpath staff and/or the ADA Coordinators populate the "ADA Flag" check box in the JMS. The JMS includes categories (check boxes) that the Wellpath staff and/or the ADA Coordinators can populate. The ATIMS flag alert entry screen includes Always Alerts, Active Inmate Alerts, and Diet/Other Alerts. The Always Alerts include 48 individual checkboxes; the Active Inmate Alerts include 38 checkboxes, and the Diet/Other Alerts include 25 checkboxes.

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

- Blind
- Deaf
- Dementia
- Hearing Imp

- Intellectually Disabled
- Paraplegic
- Prosthesis
- Psychiatric/Mental Health
- Quadriplegic
- Walker
- Wheelchair
- Amputee
- Armstrong Notification
- Cane-Walking
- Cannot Walk Long Distances
- Crutches
- Developmental Disability
- Effective Communication
- Extra Blanket
- Extra Mattress
- Lower Bunk Required
- Mental Health IDR Review
- Needs Level Terrain
- No Stairs
- Serious Mental Illness
- Work Restrictions

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

- Harp Inmate
- ADA
- Tri Counties Patient
- MAT

None of the Diet/Other Alerts are disability related.

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

- ADA – Accommodation at Release
- ADA – Accommodation Refusal
- ADA – Accommodation Removal
- ADA – Accommodation Check
- ADA – Armstrong Reports
- ADA – Effective Communication
- ADA – Inmate Check
- ADA – Misc

- ADA – Requests
- ADA – SLI
- ADA – Transportation
- ADA – VRS and Videophone

The Expert notes that the ADA Coordinators currently manually enter disability-related information into an "Excel" spreadsheet (Active ADA Alerts) as the current ATIMS JMS does not have the capability to produce a report of all incarcerated persons with disabilities and their accommodation needs. This manually produce Excel report is generated weekly, and the current JMS does not allow the County to produce this report in real-time. The County will need to include functionality to track incarcerated persons with verified intellectual and learning disabilities and their accommodation needs (adaptive deficits) and the provision of the accommodations (adaptive supports).

Although the County has made modifications to the ADA Tracking system (within the existing JMS), the current ADA Tracking system is fragmented, disorganized, difficult for staff to use, and the functionality is limited in the ability for staff to document and track disability and accommodations and in addition, does not have the functionality of a real-time tracking system. The Expert does note that the ADA Coordinators have invested considerable thought and effort in attempting to make the current tracking system workable, however; without success. Based on this, it is the Experts position that the Remedial Plan's ADA Tracking System requirements cannot be met with the current system in place.

Therefore, the Expert strongly recommends that the County consider procuring a Jail Management System (JMS) that allows the staff to have access to and the ability to document the specific requirements of the *Murray v. Santa Barbara County* Remedial Plan. This recommendation is based on the current JMS' limitations in tracking disability-related information in real-time. Although the County has modified the current JMS (ATIMS), the modifications require staff to enter information as "inmate notes," and this process appears to be difficult to navigate. So long as the current JMS continues to be used, the Expert recommends that the County modify the "Alerts" using the following process. Create flags for the following disabilities/designations:

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

Create sub-flags for the accommodations, such as:

- Lower Bunk
- Lower Tier
- Cane
- Crutches
- Walker
- Wheelchair
- Accessible Cell
- Accessible Shower
- No Stairs
- Level Terrain
- Hearing Aids
- SLI
- Lip Reading
- Speak Louder
- Magnifier
- Assistive Listening Device
- Extra Blanket
- Extra Mattress
- Other

Once the functionality is added or a new JMS is procured, the County must consult with Plaintiff's counsel to determine if the tracking system includes the functional capability to track people with disabilities and their accommodation and Effective Communication needs as required by the *Murray v. Santa Barbara County Remedial Plan*.

Partial Compliance

2. Does the ADA Tracking System identify for each prisoner, as appropriate:

a) Any disabilities and related health conditions?

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

- Deaf
- Blind

- Tri-Counties Patient
- Dementia
- Hearing Impaired
- Paraplegic
- Prosthesis
- Psychiatric/Mental Health
- Quadriplegic
- Walker
- Wheelchair
- Amputee
- Intellectually Disabled
- Psychiatric/Mental Health
- Walker
- Armstrong Notification
- Cane-Walking
- Cannot Walk Long Distances
- Crutches
- Developmental Disability
- Effective Communication
- Needs Level Terrain
- No Stairs
- Serious Mental Illness

Based on the information contained in the MTO, the ADA Coordinator enters (manually) the specific disability into the JMS (Mobility Impaired, Vision Impaired, Hearing Impaired, etc.) into the ADA Active Alerts (Excel Spreadsheet). The County previously reported that modifications to the JMS (ADA Tracking System) were being developed and would be implemented, which will allow the County to track disabled people and their accommodation needs based on specific disability categories. However, as reported above, the current JMS currently does not track disabled incarcerated persons by a specific category as the ADA Coordinators manually enter this information into the ADA Active Alerts List. Manually entering this information can lead to human error and without accurate information, staff may not be aware of the incarcerated persons specific disability and accommodation needs.

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

The JMS has some functional capability to track incarcerated people with disabilities that may pose a barrier to communication. These categories include:

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

The County modified the JMS with the functionality to track incarcerated persons with intellectual disabilities; however, the JMS currently does not have the functionality to track their adaptive deficits and adaptive support needs. In addition, currently, the JMS does not have the functional capability to track incarcerated persons with disabilities that may pose a barrier to communication, such as Learning Disabled (Literacy Concerns).

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

The JMS has the functional capability to track accommodation needs, including housing, classification, transportation, Effective Communication (Deaf and/or Hard of Hearing/SLI only), health care appliances, assistive devices, and durable medical equipment (HCA/AD/DME). The JMS currently does not have the functional capability to track the following accommodations: adaptive deficits and supports for incarcerated people with intellectual disabilities.

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

The JMS currently has the functional capability to track class membership in *Armstrong v. Newsom* (N.D. Cal. No. 94- cv-02307) (i.e., people held in the Jail related to a parole revocation proceeding or term) with their applicable disability classification(s) and accommodation needs. The Expert notes the category of "Armstrong Class Member" was added as a category in the JMS ADA Tracking System.

As recommended in question #1 above, the Expert strongly recommends that the County consider procuring a Jail Management System (JMS) that allows the staff to have access to and the ability to document the specific requirements of the *Murray v. Santa Barbara County* Remedial Plan. This recommendation is based on the current JMS' limitations in tracking disability-related information in real-time and with sufficient clarity and consistency. Although the County has modified the current JMS (ATIMS), the modifications require staff to enter information as "inmate notes," and this process appears to be difficult to navigate. As long as the current JMS continues to be used, the Expert recommends that the County modify the "Alerts" using the process described above, and create flags for the disabilities/designations described above.

The Expert recommends modifications to the JMS (ADA Tracking System), including specific disability categories such as mobility, vision, hearing, learning, intellectual, etc., and the associated accommodation needs.

Partial Compliance

3. Is the ADA Tracking System's prisoner disability information readily available to custody, medical, mental health, and other staff at the Jail to ensure appropriate accommodations and adequate program access for people with disabilities?

The JMS ADA Tracking System is installed on all custody jail staff computer desktops and is available to all jail custody staff; however, currently, only Medical Records staff have access to the JMS ADA Tracking System. Additionally, the Expert noted all housing unit staff are also provided an updated Active ADA Alerts list; however, the Active ADA Alerts list is only updated weekly. Additionally, as described above, not all qualified disabilities and accommodations are tracked by the JMS ADA Tracking System. The County reports they are in the process of granting access to all required staff, and the County anticipates completing the requirements in the next six (6) to eight (8) months. The County must ensure all information for incarcerated people with a qualified disability and their accommodation needs are readily available to custody, medical, mental health, and other staff at the Jail to ensure appropriate accommodations and adequate program access for people with disabilities.

Partial Compliance

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

Wellpath staff (medical records) and the ADA Coordinators have the ability to input information into the ADA Tracking System in real time. However, as discussed above, the County and Wellpath need to ensure a process is put in place for the routing of the MTOs once the RN (during the intake process) and the Medical Providers complete an MTO designating an incarcerated person as disabled and identifying their accommodations. There were cases identified where incarcerated persons were designated as disabled; however, the information was not entered into the ADA Tracking System as the MTO was not routed to Medical Records staff and/or the ADA Coordinators. During quality control checks to ensure the disability-related information has been inputted into the ADA Tracking System, the ADA Coordinators identified cases where the information had not been inputted. The County must ensure health care staff and the ADA Coordinators enter the disability-related information (disability and accommodations) promptly after the MTOs are approved. Real-time entry and tracking will require a comprehensive, standardized, electronic ADA tracking system that cannot be achieved with the current system.

Partial Compliance

-
5. Is the incarcerated person's disability accommodation need(s) printed on the incarcerated person's wristband?

The County reported, and the Expert confirmed that currently, the incarcerated person's disability accommodation needs are not printed on the incarcerated person's wristband. The County anticipates completing this requirement in the next (4) months. The County must ensure the incarcerated person's disability accommodation needs are printed on the incarcerated person's wristband.

Non-Compliance

6. Do staff check the ADA Tracking System for each prisoner, and document that check, immediately prior to:
- a) Intake screening?
 - b) Classification interview?
 - c) Assignment of housing?
 - d) Assignment of programs?
 - e) Medical and mental health encounters?
 - f) All due process proceedings, including but not limited to, resolving grievances and disciplinary infractions?
 - g) All trips to court or outside health care appointments?

Although the County has created "ADA Flags" and "ADA Notes" for staff to check the ADA Tracking System and document the check, all custody, medical, and program staff interviewed all stated they do not currently check the ADA Tracking System and document the check for each incarcerated person with a disability prior to intake screening, classification, assignment of housing, medical (medical, dental, and mental health) encounters, and due process proceedings. The Expert notes that the transportation staff check the ADA Tracking System for each prisoner, and document the check, immediately prior to all trips to court or outside health care appointments. The County anticipates completing this requirement in the next 12 months. The County must ensure staff check the ADA Tracking System and document the check in the ADA Tracking System. As previously stated, the Expert strongly recommends that the County consider procuring a Jail Management System (JMS) that allows the staff to have access to and the ability to document the specific requirements of the *Murray v. Santa Barbara County* Remedial Plan.

Partial Compliance

Screening for Disability and Disability-Related Needs

1. Does the County identify and verify each person's disability and disability-related needs, including by screening them for disabilities during medical intake and classification?

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

The disabilities include:

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

The County and Wellpath reported that Wellpath is piloting a policy and process to screen incarcerated persons for intellectual and developmental disabilities. The screening process begins at initial intake and as part of the medical intake screening process. Screening questions (Adaptive Needs Assessment) have been added to the medical intake screening.

In addition, the policies include the process for medical staff to identify the incarcerated person's disability-related needs/accommodations (assistive devices, health care appliances, durable medical equipment, housing accommodations including low bunk/low tier/grab bars/accessible cell, etc.), and some of the Effective Communication needs. When observing the medical intake screening, the Expert noted that although the policies include directives for medical staff to screen, identify, and verify these disabilities, the screening process in place does not effectively screen for learning disabilities. The screening process only includes questions related to the incarcerated person's ability to read or write and does not assess an individual for potential learning disabilities. Individuals with learning disabilities are typically reluctant to disclose their disability and/or inability to read and write and will more often respond with a "yes" when asked if they can read or write.

The Santa Barbara County Sheriff's Office Custody Operations – Policies and Procedures Manual includes the following process for the identification and verification of an individual being processed into the Jail. The policy states, "The medical screening process during Intake provides the ability to identify most disabilities and the need for accommodations prior to the housing of the inmate. It is the responsibility of Medical staff, Registered Nurse (RN), to assess inmates during intake to determine if a disability exists. This assessment information will be entered on the Intake Medical/Mental Health Screening Form and the Inmate Disability Notification and Tracking form. Medical staff will note on the form if the disability impacts the inmate's housing or transportation needs. Medical staff shall document when an inmate requests an accommodation that is not granted and the reasons why the accommodation was not granted. It is the responsibility of Medical staff to notify Receiving staff when an inmate appears to meet the criteria of a disabled person for the purposes of ADA."

The Active ADA Alerts for the SBJ and the NBJ reflect a total of 22 incarcerated persons designated as disabled. This is a low number given that studies and actual percentages of disabled incarcerated persons (other than mental illness) in other jurisdictions have shown approximately eight (8) to 10 percent of incarcerated persons have verified physical disabilities such as mobility, speech, vision, and hearing, as well as learning disabilities. Studies and percentages have also shown between one (1) to three (3) percent of the incarcerated population have an intellectual disability. Such percentages from 800 incarcerated persons could reasonably be expected to produce numbers in the vicinity of approximately 64-80 incarcerated persons with physical and learning disabilities and approximately eight (8) to 24 incarcerated persons with intellectual disabilities. In totality, the Active ADA Alerts tracking lists could have reasonably listed approximately 70-100 incarcerated persons with verified disabilities (other than mental illness).

During the incarcerated person interviews, the Expert identified the following cases as having a qualified disability; however, these cases had not been identified by Wellpath as having a disability. These cases include;

- An incarcerated person (SBJ) that is totally blind in one eye and who also stated he wears hearing aids. The incarcerated person also stated he requires a new prescription for his glasses for his functioning eye.
- An incarcerated person (NBJ) that has a history of a stroke and had a difficult time ambulating. When the Expert interviewed him, he had a difficult time walking and did not have an assistive device.
- An incarcerated person (NBJ) with a foot injury claimed he needed an evaluation for special shoes.
- An incarcerated person (NBJ) stated that based on a bullet injury to his leg, he needed compression socks.

- An incarcerated person (SBJ), although he was listed on the "Lower Bunk Required" list, he was not listed on the Active ADA Alerts list. In addition, he stated he was prescribed a wheelchair during prior incarcerations.
- An incarcerated person (SBJ) stated that during intake, he was not identified as disabled even though he required a cane to ambulate. He stated the ADA Coordinator had provided him an accommodation. When the Expert interviewed him, he was walking with a visible limp.
- Two (2) incarcerated persons were listed on the "Lower Bunk Required" list, and they were not listed on the Active ADA Alerts list.
- An Incarcerated person (SBJ) claimed he has a Learning Disability and a history of being in special education classes.

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

The County and Wellpath must ensure that all qualified disabled incarcerated persons are identified during the medical intake screening process so that staff can be aware of their disability and accommodation needs. Although not *specifically* required by the Santa Barbara County Remedial Plan, the Expert recommends that the County consider asking the incarcerated person the additional questions listed below as other County jail screening processes do:

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

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

Partial Compliance

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

The Wellpath staff has specific policies in place for the identification and verification of disability and disability-related needs, including screening persons being processed into the Jail for disabilities during the medical intake process. However, as noted above, there were cases identified where the incarcerated person had a qualified disability, and the Wellpath staff had not identified the disability and accommodations. The Expert was not provided medical progress notes to measure compliance with the requirements to provide and document Effective Communication. The County must ensure medical staff identify all incarcerated persons and their accommodations, conduct the required checks of the ADA Tracking System, and document Effective Communication.

Partial Compliance

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

The Wellpath Policy HCD-110_F-08 Verification and Accommodation of Disability - Santa Barbara CA, includes the following language:

"Verification of a disability may be triggered by any of the following:

- The patient self-identifies or claims to have a disability, requests accommodation, or complains about disability-based discrimination.
- Staff observes what appears to be a disability severe enough to impact placement, affect program access, or presents a safety or security concern.

- The patient's medical file or classification file contains documentation of a disability.
- A third party, such as a family member or attorney, requests an evaluation of the patient for an alleged disability."

The current screening process includes the *Murray v. Santa Barbara County* Remedial Plan screening process requirements.

Substantial Compliance

4. Are ADA screening results promptly entered in the ADA Tracking System?

Once a disability is verified, and the accommodations are approved, an MTO is generated, and the MTO is routed to the Wellpath medical records office, and medical records staff enter the information into the ADA Tracking System. However, during the monitoring tour, it was reported that, at times, the MTOs have not been routinely forwarded to medical records. Based on this, there were times when the ADA Coordinators would identify these cases and would subsequently request the MTOs from medical, and once received, the information was entered into the ADA Tracking System.

The County and Wellpath must ensure that all ADA screening results (intake screening and post-housing screenings) are promptly entered into the ADA Tracking System. Based on the limitations of the current ADA Tracking System, until a comprehensive, standardized electronic ADA Tracking System is implemented, staff must ensure that all of these various ADA tracking components are promptly and accurately entered.

Partial Compliance

Disability-Related Requests and Grievances

1. Has the County revised the ADA Request Form to contain an explanation of how to appeal a denial of accommodations?

The County previously provided the Expert with a copy of the Santa Barbara County Sheriff's Office Disability Request for Accommodations (REV-2021 ADA 1.1.) The following statement is contained within the form, "To Appeal The Above Decision Please Utilize Grievance Process." The Expert reviewed the Santa Barbara County Sheriff's Office Custody Operations – Policies and Procedures Manual and found the policies include specific guidance and directives for staff in regard to the ADA Request Form process. The policy states, "All denials of ADA accommodations may be appealed through the existing inmate grievance process." The Expert reviewed the Santa Barbara County Sheriff's Office Custody Operations Orientation Handbook and found the Handbook contains the following language, "The Santa Barbara County Sheriff's Office has an ADA Compliance Coordinator who can assist you with your

needs. If you are needing accommodations in order to participate in a service, program, or activity provided by the facilities, you can submit a request form describing the accommodations needed. If you believe that you have not been provided with a reasonable accommodation, you may file a formal grievance. Instructions for submitting a formal grievance can be found in this Handbook or by asking a custody deputy."

Substantial Compliance

2. Does the County's grievance policy provide a procedure for people with disabilities to appeal any denial of an accommodation, and to report any disability-based discrimination or violation of the ADA, this Remedial Plan, or Jail ADA-related policy?

The Expert reviewed the Santa Barbara County Sheriff's Office Custody Operations – Policies and Procedures Manual and found the policies provide a procedure for people with disabilities to appeal any denial of an accommodation. However, the policy does not include the language that incarcerated persons can report any disability-based discrimination or violation of the ADA, the *Murray v. Santa Barbara County* Remedial Plan, or Jail ADA-related policy. The County must revise the Santa Barbara County Sheriff's Office Custody Operations – Policies and Procedures Manual to include the requirements of the *Murray v. Santa Barbara County* Remedial Plan.

Partial-Compliance

3. Are incarcerated people who are Deaf or hard of hearing interviewed and provided a qualified SLI as part of the grievance/appeal process?

The Expert reviewed the Santa Barbara County Sheriff's Office Custody Operations – Policies and Procedures Manual and found although the policy contains language that states, "Inmates who are deaf and blind shall be afforded the use of a tactile interpreter at no cost to the inmate and Inmates who are deaf and reliant upon American Sign Language as their primary way of communicating shall be afforded the use of a sign language interpreter at no cost to the inmate," the policies do not provide a procedure for people who are Deaf and/or Hard of Hearing to be interviewed and provided a qualified SLI as part of the grievance/appeal process. The County reports they have obtained a VRS account with Purple Communications so that deaf and hard of hearing inmates have access to contact outside parties. The County is working on a VRI contract with Purple Communications to further ensure that deaf/hard-of-hearing inmates are provided effective communication as part of the grievance/appeal process. Additionally, an on-call SLI can be utilized for effective communication for deaf or hard of hearing inmates in the interim. Staff interviewed stated that incarcerated people who are Deaf and/or Hard of Hearing are provided with a qualified SLI as part of the grievance/appeal process. The County reported there were no cases where Deaf and/or Hard of Hearing required a qualified SLI as part of the grievance/appeal process. The County must revise the Santa Barbara County Sheriff's Office Custody

Operations – Policies and Procedures Manual to include the requirements of the *Murray v. Santa Barbara County* Remedial Plan.

Partial-Compliance

4. To ensure ADA accommodations requests and ADA grievances are promptly addressed, does the County:

- a) Respond to an individual's Request for Accommodations within 72 hours of receipt?

The Expert reviewed the Santa Barbara County Sheriff's Office Custody Operations – Policies and Procedures Manual and found the policies include this requirement. The County produced One (1) Disability Request for Accommodation, and the Expert notes the response was provided 23 days after receipt.

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

The Expert reviewed the Santa Barbara County Sheriff's Office Custody Operations – Policies and Procedures Manual and found the policies include this requirement. The County produced two (2) ADA Grievances, and the Expert notes the responses were provided within the 72-hour requirement. However, the Expert reviewed Grievances Logs the County produced for all Experts for the document production period from July 2021 to March 2022. Based on this review, the Expert identified 34 grievances that contain an ADA component; however, these grievances were not produced by the County. Of the 34 grievances, 13 were categorized as ADA-Medical, one (1) was categorized as ADA-Unfair, one (1) was categorized as ADA-Maintenance, one (1) was categorized as Miscellaneous, eight (8) were categorized as Medical, and one (1) was categorized as MAT. Some of the issues include;

- Requesting MAT treatment
- Requesting repair of wheelchair
- Requesting grab bars
- Requesting extra mattress
- Requesting glasses
- Requesting low bunk
- Requesting medical equipment

The Expert requested that the County produce these grievances, including the responses. The County produced 27 of the 34 grievances. In the review of the 27 grievances, the Expert determined three of the grievances were not ADA-related. Of the 24 ADA-related grievances, 17 were not responded to within the required

72 hours. Two (2) of the grievances did not reflect the response/completed date. For future monitoring, the County must produce all responsive grievances.

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

The Expert reviewed the Santa Barbara County Sheriff's Office Custody Operations – Policies and Procedures Manual and found Policy 361 Grievance Procedure states, "ADA-related grievances will be immediately reported to the ADA Coordinator and will be responded to within 72 hours of receipt. In cases where an inmate's personal safety or physical well-being are at risk, the Lead Supervisor or designee will be immediately notified." The policy/procedure does not include the specific process and types of grievances that must be processed on an expedited basis. Additionally, grievances that were not produced include issues where the incarcerated person's safety or physical well-being was at risk and should have been responded to on an expedited basis.

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

The Expert reviewed the Santa Barbara County Sheriff's Office Custody Operations – Policies and Procedures Manual and found the policies do not include this requirement.

The problems with tracking (and processing) ADA grievances, as described in this section, offer further evidence of the need for an effective, comprehensive, standardized ADA Tracking System. The County must ensure ADA grievances and requests for accommodation are responded to and processed as required by the *Murray v. Santa Barbara County* Remedial Plan. The County must also revise the Santa Barbara County Sheriff's Office Custody Operations – Policies and Procedures Manual to include the requirements of the *Murray v. Santa Barbara County* Remedial Plan. The County states they responded to nine (9) of the ADA grievances within the 72 hours as required by this provision. Additionally, the County reported they intend to increase specificity regarding the process and type of grievances that must be expedited, and that the County presently maintains the following process for expedited grievances: "In cases where an inmate's personal safety or physical well-being are at risk, the Lead Supervisor or designee will be immediately notified." Based on this, the Expert finds the County in Partial Compliance of this requirement.

Partial Compliance

- 5. Do grievance forms contain an "ADA" box to indicate that a particular grievance relates to a disability-related issue?

The County produced a blank Santa Barbara County Sheriff's Office Custody Operations – Inmate Grievance Form (SH – 585a). The Form includes an "ADA" box; however, during the on-site monitoring tour, the Expert noted the grievances being used at the SBJ were not the revised Grievance Form with the "ADA" box. The County must ensure the grievance forms used at the SBJ include the "ADA" box.

Partial Compliance

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

The Expert reviewed the Santa Barbara County Sheriff's Office Custody Operations – Policies and Procedures Manual and found the policies do not include this requirement. The County produced two (2) ADA Grievances, and the Expert notes that although one (1) of the grievances did not have the "ADA" box, this grievance was categorized as "ADA." However, of the 34 grievances that contained an ADA component (identified in question 4. b above), ten (10) were not categorized as ADA. Staff interviewed stated in cases where the reviewing supervisor reviews a grievance with disability-related issues; the grievance is processed and responded to as an ADA grievance. The County must revise the Santa Barbara County Sheriff's Office Custody Operations – Policies and Procedures Manual to include the requirements of the *Murray v. Santa Barbara County* Remedial Plan and ensure in cases where the incarcerated person submits an ADA-related grievance and does not check the "ADA" box these grievances are categorized as ADA.

Non- Compliance

7. Are grievance forms readily available and accessible to all incarcerated people at all times?

During the monitoring tour, the Expert asked housing unit deputies if grievance forms were readily available and accessible to incarcerated people. All of the housing units had grievance forms available. However, as previously reported, the housing units at the SBJ did not have the revised grievance form with the "ADA" box. The County must ensure all housing units have the revised grievance forms readily available and accessible to all incarcerated people at all times.

Partial Compliance

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

As part of document production, the County produced a large print (18-point font) version of the grievance form used by the County to accommodate incarcerated

people with vision impairments. The County reported the County has implemented the grievance form in 18-point font, which are readily available at the SBJ. The County piloted a project to maintain forms in each housing unit. This project is being expanded to all housing units. Currently, all housing units at the NBJ have grievance forms readily available to them at all times. The Expert noted the large print grievance forms were available in the NBJ; however, the large print grievances were not available at the SBJ. The County anticipates completing this requirement in the next three months.

Partial Compliance

9. Are written grievance responses, including the resolution, the basis for a denial (if applicable), and the process for appeal provided to incarcerated persons with a disability?

The Expert reviewed the Santa Barbara County Sheriff's Office Custody Operations – Policies and Procedures Manual and found the policies include a requirement for completed grievance responses to be returned to incarcerated people. The County produced two (2) ADA Grievances, and the Expert notes the responses include the resolution, the basis for a denial (if applicable), and the process for appeal when provided to incarcerated persons with a disability. However, the Expert reviewed Grievances Logs the County produced for all Experts for the document production period from July 2021 to March 2022. Based on this review, the Expert identified 34 grievances that contain an ADA component; however, these grievances were not produced by the County. Of the 34 grievances, 13 were categorized as ADA-Medical, one (1) was categorized as ADA-Unfair, one (1) was categorized as ADA-Maintenance, one (1) was categorized as Miscellaneous, eight (8) were categorized as Medical, and one (1) was categorized as MAT. Some of the issues include;

- Requesting MAT treatment
- Requesting repair of wheelchair
- Requesting grab bars
- Requesting extra mattress
- Requesting glasses
- Requesting low bunk
- Requesting medical equipment

The Expert requested that the County produce the grievances, including the responses. The County produced 27 of the 34 grievances. In the review of the 27 grievances, the Expert determined three of the grievances were not ADA-related.

Although the grievances include the resolution, the basis for a denial (if applicable), and the process for appeal when provided to incarcerated persons with a disability, some of the responses did not address the incarcerated person's request and/or did not include a thorough response. These include:

- #18546 – Requested a walker, and the response states, “a wheelchair is not medically indicated at this time.”
- #18555 – Requested MAT Program placement, and the response states, “Although he was tasked to meet, due to lack of staff to complete his screening prior to his release.”
- #18596 – Requested bottom bunk, and the response states, “There have not been any prior requests. For a bottom bunk...please use kite system to be seen for back issues and request of bottom tier bunk.”
- #18755 – States he is currently handicapped and is requesting treatment, and the response states, “There is no previous documentation of patient being handicapped.”
- #18773 – Requesting to be seen by an eye doctor and response states, “We currently have a backlog we are trying to catch up with. You are scheduled to see the optometrist soon.”
- #18838 – Requesting MAT and told by the deputy that he was not taken to see MAT due to staffing, and the response states, “Your concerns in regards to Sherriff’s Department staffing has been heard and is being addressed per Lieutenant Espinoza of SBSO.”
- #19086 – Requesting glasses and response states, Because of being unable to send people, there is a longer list and longer wait times. You are scheduled to see the optometrist soon.”
- #18674 – Requesting replacement glasses and response states, “Patient did put in a sick call slip on 7/2021. Patient was never seen for this. Patient has been placed on nurse sick call to address vision concerns.”
- #18691 – Requesting glasses and response states, “Due to COVID, the optometrist was not seeing patients. The optometrist has started to see patients again, and you are on the list to be scheduled to see them.”
- #18703 – Requesting handrails in South Dorm shower and response states, “...I will also talk to the ADA Coordinator about possibly adding more handrails to the S-Dorm module.”
- #18565 – Requesting compression stockings and response states, Due to your current and past behavior, this request was denied for safety and security of the facility.”

The County must develop a system to identify ADA-related grievances, track them, and process grievances through ADA procedures. For future monitoring, the County must produce all ADA-related grievances, which should also be compiled for internal processing and quality assurance purposes.

Non-Compliance

10. Are all prisoners made aware of the disability grievance procedures, including the availability of accommodations and staff assistance to submit a grievance and/or appeal?

While on-site, the Expert obtained a version of the Santa Barbara County Sheriff's Office Custody Operations Orientation Handbook (Revised March 2021) from the Intake Release Center property area where the Handbooks are issued at the SBJ. The Orientation Handbook contains the following language, "You have the right to request reasonable accommodations. No person who is a qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied benefits of services, programs, or activities of the facilities or be subjected to discrimination. Jail staff shall identify each person's disability and where there may be barriers to effective communication, provide accommodations to overcome them." The Orientation Handbook does not list the accommodations available to incarcerated persons with disabilities nor includes language that staff assistance will be provided to submit a grievance and/or appeal if needed. During the tour at the NBJ, staff assigned to the intake area reported that the Orientation Handbook is not provided to incarcerated persons. The County reports they are in the process of fully implementing this requirement. The County has documented this requirement in the Custody Operations Orientation Handbook and the grievance section of the ADA Policy. In the next six months, the County will conduct staff training regarding ADA-related grievances. The County must ensure that the Santa Barbara County Sheriff's Office Custody Operations Orientation Handbook is issued to all incarcerated people and that the Orientation Handbook be revised to include the requirements of the *Murray v. Santa Barbara County* Remedial Plan. The County reported although they intend to revise the Orientation Handbook to include specific language recommended by the Expert, the Orientation Handbook presently includes language related to grievances and accommodations. The Expert agrees that the current Orientation Handbook includes language related to grievances and accommodations; however, the requirement is that incarcerated persons be made aware of the disability grievance procedures, including the availability of accommodations and staff assistance to submit a grievance and/or appeal. Although the Orientation Handbook contains some of the required language, the Expert could not confirm that incarcerated persons were being made aware of the of the disability grievance procedures, including the availability of accommodations and staff assistance to submit a grievance and/or appeal based on the County not issuing the Orientation Handbook to the incarcerated persons. Post monitoring tour, the County reported that as of June 16, 2022, the County provides the Orientation Handbook to all inmates at the Main Jail and NBJ when processing property. The Expert will need to measure compliance with this requirement during the next monitoring tour.

Non-Compliance

11. Has the County implemented a specific tracking system regarding the submission, processing, and responses for disability-related grievances and complaints?

The County reports the Jail currently uses ATIMS to log and track all grievances. The County produced one (1) ADA-related grievance. On-site, the County queried the ATIMS JMS to identify the ADA-related grievances. The query identified one (1) grievance. However, the Expert reviewed Grievances Logs the County produced for all Experts for the document production period from July 2021 to March 2022. Based on this review, the Expert identified 34 grievances that contain an ADA component; however, these grievances were not produced by the County. Of the 34 grievances, 13 were categorized as ADA-Medical, one (1) was categorized as ADA-Unfair, one (1) was categorized as ADA-Maintenance, one (1) was categorized as Miscellaneous, eight (8) were categorized as Medical, and one (1) was categorized as MAT. These grievances were not identified as ADA-related grievances when staff queried ATIMS for all ADA-related grievances. It is recommended the County include an "ADA" selection in the Grievance Type dropdown menu and all ADA-related grievances be identified as "ADA" by staff entering the grievances into the ATIMS.

Non-Compliance

12. Does the County regularly review the disability-related grievances and complaint information for quality assurance purposes?

The County reported the ADA Coordinator is actively involved in reviewing and responding to the ADA-related grievances for quality assurance purposes. The County also reported that they intend to implement a more complete quality assurance/monitoring process. The County must implement a more complete a quality assurance/monitoring process that includes a process to ensure staff regularly review the disability-related grievances and complaint information for quality assurance purposes.

Partial Compliance

Housing Placements

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

- a) The need for a lower bunk?

The Expert reviewed the Santa Barbara County Sheriff's Office Custody Operations – Policies and Procedures Manual (305 Bed Assignment) and found the policy addresses the management and assignment of incarcerated people to lower bunks. The Wellpath MTO for Patient includes the documentation of approval for Lower Bunk. The MTO is completed and approved by the Medical

Provider after an individualized evaluation and provided to custody staff (ADA Coordinator). Although the MTO is not provided to Classification staff, medical staff interviewed reported information related to the need for lower bunk assignment is provided verbally to Classification staff for housing placement/determination. The County reports they are working on the implementation of the Classification Input Form, which includes an individualized assessment from health care staff related to an inmate's functional limitation and restrictions as required by this provision.

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

The Wellpath Medical Treatment Order for Patient includes the documentation of approval for "House in ADA Cell," "Shower Chair/ADA Shower," and "Grab Bars." The MTO is completed and approved by the Medical Provider after an individualized evaluation and provided to custody staff (ADA Coordinator). Although the MTO is not provided to Classification staff, medical staff interviewed reported information related to the need for lower bunk assignment is provided verbally to Classification staff for housing placement/determination. The County reports they are working on the implementation of the Classification Input Form, which includes an individualized assessment from health care staff related to an inmate's functional limitation and restrictions as required by this provision.

c) The need for accessible toilets?

The Wellpath Medical Treatment Order for Patient includes the documentation of approval for "House in ADA Cell" and "Grab Bars." The MTO is completed and approved by the Medical Provider after an individualized evaluation and provided to custody staff (ADA Coordinator). Although the MTO is not provided to Classification staff, medical staff interviewed reported information related to the need for lower bunk assignment is provided verbally to Classification staff for housing placement/determination. The County reports they are working on the implementation of the Classification Input Form, which includes an individualized assessment from health care staff related to an inmate's functional limitation and restrictions as required by this provision.

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

The Wellpath Medical Treatment Order for Patient includes the documentation of approval for Lower Tier. The MTO is completed and approved by the Medical Provider after an individualized evaluation and provided to custody staff (ADA Coordinator). Although the MTO is not provided to Classification staff, medical staff interviewed reported information related to the need for lower bunk assignment is provided verbally to Classification staff for housing placement/determination. The County reports they are working on the implementation of the Classification Input Form, which includes an individualized assessment from health care staff related to an inmate's functional limitation and restrictions as required by this provision.

e) The need for level terrain?

The Wellpath Medical Treatment Order for Patient does not include a process for health care staff to conduct an individualized assessment for approval of level terrain. The County reports they are coordinating with Wellpath to formulate a plan to address this provision.

Based on this, the Expert finds the County is in Partial Compliance with the requirements of the *Murray v. Santa Barbara County* Remedial Plan.

Partial Compliance

2. Are incarcerated people with disabilities housed in the Jail consistent with their individual security classification?

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

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

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

The Santa Barbara County Sheriff's Office, Custody Operations – Policies and Procedures Manual (209 Americans with Disabilities Act (ADA) states, "All inmates with mobility disabilities shall be housed in a housing unit within their classification level." During the on-site monitoring tour, the Expert noted that incarcerated people with disabilities were housed in the following locations:

Southern Branch Jail

- East Module-8
- East Module-24

- Intake and Release Center
- Northwest-A
- Northwest-B
- Northwest-I
- South Dorm
- South Isolation

Northern Branch Jail

- Module-A
- Module-C
- Module-D
- Module-G
- Module-J

The County stated they are in the process of fully implementing this requirement. The County presently houses people with disabilities consistent with their security classification at the NBJ. The County does so at the SBJ, subject to the structural constraints of that facility. Given the current SBJ population, the County presently houses inmates consistent with their security classification regardless of disability, except in exigent circumstances such as when quarantining inmates during COVID-19 outbreaks. During COVID-19 outbreaks, the County ensures that inmates with disabilities are housed in areas where they have access to ADA showers, even if the quarantine cells are not ADA compliant. If the SBJ population requires additional ADA housing, the County will work within the confines of the structural barriers of the facility to provide accommodations to those with disabilities that cannot be ADA cells. This requirement has yet to be completed due to structural building issues and the need to quarantine inmates during the COVID-19 pandemic. The County anticipates fulfilling this requirement once the proposed SBJ remodel is complete. The Expert notes there are incarcerated persons with disabilities housed in the SBJ South Dorm (including several who are not receiving medical care that would warrant medical housing) receive inferior yard access, do not have access to jobs, and do not have access to programs and educational classes. Additionally, incarcerated persons with MH disabilities are being housed in isolation (NW Isolation and NE Isolation), where they have far less (and in some cases close to zero) access to yard, dayroom, jobs, programs, and education classes. Based on this, the Expert finds the County in Partial Compliance with these requirements.

Partial Compliance

3. Are incarcerated people with disabilities placed by Classification staff in:
 - (a) Inappropriate security classifications because no ADA-accessible cells or beds are available?

As stated above, the County presently houses people with disabilities consistent with their security classification at the NBJ. The County does so at SBJ, subject to the structural constraints of that facility. However, the placement of incarcerated persons with mental health disabilities in the SBJ NW Isolation and NE Isolation amounts to placement in higher security settings due to disability. The Expert notes that given the current SBJ population, the County presently houses inmates consistent with their security classification regardless of disability, except in exigent circumstances such as when quarantining inmates during COVID-19 outbreaks. During COVID-19 outbreaks, the County ensures that inmates with disabilities are housed in areas where they have access to ADA showers, even if the quarantine cells are not ADA compliant. If the SBJ population requires additional ADA housing, the County will work within the confines of the structural barriers of the facility to provide accommodations to those with disabilities that cannot be ADA cells. This requirement has yet to be completed due to structural building issues and the need to quarantine inmates during the COVID-19 pandemic. The County anticipates fulfilling this requirement once the proposed SBJ remodel is complete. The County must implement structured mental health program units as required by the Remedial Plan.

Substantial-Compliance

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

The County reported, and the Expert notes there is no specific medical housing area for incarcerated people at the SBJ. South Dorm is primarily used to house incarcerated people who may require immediate access to medical staff. Based on South Dorm being in the general vicinity of the medical treatment area classification, staff house incarcerated people who may need immediate access to medical staff. However, South Dorm is not considered/classified as medical housing. The Expert notes that South Dorm serves as a de facto Medical unit that houses incarcerated persons with disabilities even though they are not receiving medical care that would warrant medical unit placement. The South Dorm may be the best Main Jail option available for some class members with disabilities at present, but the current practice does not comply with the Remedial Plan or with 28 CFR 35.152. The NBJ has a medical housing area; however, there are no incarcerated people with disabilities housed in the medical area.

Partial Compliance

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

As stated above, with the exception of SBJ South Dorm and incarcerated people with disabilities are housed in areas consistent with their classification case factors

and, in some cases, due to the requirement of COVID-19 quarantine/isolation. The incarcerated persons with disabilities housed in the SBJ South Dorm and in the SBJ NW Isolation and NE Isolation do not have the opportunity to participate in programs, services, and activities as the non-disabled incarcerated persons. The County must ensure that the incarcerated persons housed in the SBJ South Dorm and SBJ NW Isolation and NE Isolation housing units have access to equivalent programs as non-disabled incarcerated persons.

Substantial-Compliance

Visitation

1. Are family/personal and professional visitation areas accessible for people with disabilities and visitors?

During the on-site monitoring tour, the Expert notes the County is currently conducting all family/personal and professional visits via Zoom/Video. The locations of the Zoom/Video visits are accessible to visitors and incarcerated people. In addition, the Expert toured the visiting areas and found there are 81 visiting stations that do not have a permanent stool and can be accessed by incarcerated people with disabilities. The Accessibility Expert will have to confirm if the visiting areas (family/personal and professional) comply with the Americans with Disabilities Act Architectural Guidelines. This will be conducted by the Accessibility Expert.

Partial Compliance

2. Does the County perform an individualized assessment as needed and ensure people with disabilities have full access to visitation at the Jail?

The Wellpath MTO includes the documentation of approval accommodations the incarcerated people with disabilities need to access the Jails programs, services, and activities. After the individualized evaluation is conducted, the MTO is provided to custody staff. Custody staff ensures the required accommodations are provided so the incarcerated person can access the Jail's programs, services, and activities. Once the ADA tracking system includes the functional capability to track people with disabilities and their accommodation and Effective Communication needs, the Expert will measure the County's compliance with the *Murray v. Santa Barbara County* Remedial Plan requirement that the County ensure people with disabilities have full access to visitation at the Jail.

Partial Compliance

Access to Programs, Services, and Activities

1. Do incarcerated people with disabilities, including those housed in specialty health care units, have equal access to programs, services, and activities available to similarly situated people without disabilities, consistent with their health and security needs?

All incarcerated people with mobility disabilities who require a wheelchair for ambulation do not have access to accessible exercise equipment. None of the recreational yards with recreational exercise equipment have accessible yard equipment in place for incarcerated people with mobility disabilities. The County reported that accessible exercise equipment has been delivered and is pending installation.

The Expert notes the SBJ and NBJ Programs Calendar reflects the following programs available to incarcerated persons in the following locations:

- Chaplain Services – SBJ/NBJ (Men and Women) various days and times.
- Correspondence Courses (Courage to Change) – NBJ (A Unit, D Unit, and J Unit).
- Courage to Change – NBJ (A Unit, C Unit, D Unit, E Unit, H Unit, and J Unit)
- Criminals and Gang Members Anonymous – SBJ and NBJ (Back Central 1, Back Central 4, C Unit).
- Various Correspondence Courses (Community Partners in Programming and Education and Self-Help) – SBJ and NBJ (Back Central 1, Back Central 4, West 4, West Isolation 18, East 1, East 6, and C Unit).
- Fatherhood – SBJ and NBJ (East 6 and C Unit).
- GED – SBJ and South Branch Jail (East 6 and East 24).
- Various Community Partners in Programming and Education, Self-Help Programs, and Re-Entry & Discharge Planning – NBJ (C Unit, D Unit, E Unit, G Unit, and H Unit).
- ServSafe – SBJ (East 24)

EDOVO Tablet Program is also available to all incarcerated persons who do not participate in the above-listed programs.

To measure compliance with this requirement, the Expert requested the current housing matrix of all active housing units and the classification of inmates that are housed in the units (PC, SMI, GP, etc.). To date, the County has not provided the requested information. In a review of the SBJ/NBJ Programs Calendar, there appear to be some housing units where programs are not being offered, such as NBJ B Unit and SBJ South Dorm. If the County provides the requested information, the Expert will revise the report measuring the County's compliance with the requirement to provide

Incarcerated persons with disabilities access to all other programs, services, and activities available to non-disabled incarcerated persons.

Partial Compliance

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

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

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

The program facilitators stated they do not receive a list of incarcerated people with disabilities, or their accommodations needs. They stated the incarcerated people would have to self-identify their disability and/or accommodation needs. The County reports they provide magnifiers, auxiliary aids, large print, and easy reading material during the program. However, program facilitators reported the only accommodations the program staff provides to incarcerated people with disabilities are facilitating the provision of reading glasses, assistance in understanding the program content, and an SLI.

- b) Work Assignments

The Active ADA Inmate Alerts produced by the County during the on-site review reflects that from the 22 incarcerated person on the lists, there is only one (1) incarcerated person assigned to a work assignment. This incarcerated person is assigned to the Kitchen Crew at the NBJ. No other information was provided by the County regarding the number of work assignments currently available at the Jails. The County must ensure that the disabled incarcerated persons have an equal opportunity to be assigned to work positions.

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

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

- d) Outdoor recreation (including accessible exercise equipment)

Accessible exercise equipment is not available in any of the SBJs recreation yards. The outdoor recreation yards at the NBJ do not have exercise equipment other than basketball and handball areas.

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

e) Structured programming (including in-cell activities)

The program facilitators stated they do not receive a list of incarcerated people with disabilities, or their accommodation needs. They stated the incarcerated people would have to self-identify their disability and/or accommodation needs. The only accommodations the program staff provide to incarcerated people with disabilities are the provision of reading glasses, assistance in understanding the program content, and the provision of an SLI. No other accommodations (auxiliary aids, large print, magnifiers) are available for incarcerated people with disabilities.

f) Showers

Although incarcerated people with disabilities are escorted to an accessible shower, the Expert notes the County of Santa Barbara - Santa Barbara Jail ADA Transition Plan for Adult Detention Facility completed by Vanir identifies deficiencies regarding incarcerated persons with disabilities access to showers. Some of the deficiencies noted include:

- Inmates will have to take their shower in the South housing unit.
- Staff noted they would like to have one ADA shower in each section of the jail.
- Dress-In-128 Shower, water closet, and lavatory do not meet all accessibility requirements necessary for compliance.
- South Dorm Toilets and Shower- Shower, water closet, grab bars, mirror, accessories, and lavatory do not meet all accessibility requirements necessary for compliance.

- Medium Security Facility Males Latrine E - Shower, water closet, grab bars, mirror, accessories, and lavatory do not meet all accessibility requirements necessary for compliance.
- New East Isolation - Shower, water closet, grab bars, mirror, accessories, and lavatory do not meet all accessibility requirements necessary for compliance.
- SBJ Basement Dorm 1 - Shower, water closet, grab bars, mirror, accessories, and lavatory do not meet all accessibility requirements necessary for compliance.
- SBJ Basement Dorm 2 - Shower, water closet, grab bars, mirror, accessories, and lavatory do not meet all accessibility requirements necessary for compliance.
- SBJ Basement Dorm 3 - Shower does not meet all accessibility requirements necessary for compliance.
- SBJ West Dayroom 1 - Shower does not meet all accessibility requirements necessary for compliance.
- SBJ West Dayroom 13 - Shower does not meet all accessibility requirements necessary for compliance.
- SBJ West Dayroom 16 - Shower does not meet all accessibility requirements necessary for compliance.
- SBJ East Dayroom 4 - Shower does not meet all accessibility requirements necessary for compliance.
- SBJ East Dayroom 6 - Shower does not meet all accessibility requirements necessary for compliance.
- SBJ Dorm C17 - Shower does not meet all accessibility requirements necessary for compliance.
- SBJ East Dorm 23 - Shower does not meet all accessibility requirements necessary for compliance.
- SBJ East Dorm 24 - Shower does not meet all accessibility requirements necessary for compliance.
- SBJ East Isolation Shower - Shower does not meet all accessibility requirements necessary for compliance.
- SBJ Isolation Shower 213 - Shower does not meet all accessibility requirements necessary for compliance.
- SBJ South ADA Shower E128 - Shower does not meet all accessibility requirements necessary for compliance.
- SBJ South Isolation Shower R 7-12 - Shower does not meet all accessibility requirements necessary for compliance.
- SBJ South Shower - Shower does not meet all accessibility requirements necessary for compliance.
- SBJ South Tank and Shower 137 - Shower does not meet all accessibility requirements necessary for compliance.

- New East Isolation Dayroom New East 1 - Shower does not meet all accessibility requirements necessary for compliance.
- New East Isolation Closet and Shower N136 - Shower does not meet all accessibility requirements necessary for compliance.
- New East Isolation Dayroom D130 - Shower does not meet all accessibility requirements necessary for compliance.
- New East Isolation Dayroom A - Shower does not meet all accessibility requirements necessary for compliance.
- New East Isolation ISO Cell 164 - Shower does not meet all accessibility requirements necessary for compliance.

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

g) Telephones and/or videophones

The Santa Barbara County Sheriff's Office, Custody Operations – Policies and Procedures Manual does not include language regarding access to videophones for deaf and/or hard of hearing incarcerated people. The County advised the Expert the County provides deaf and/or hard of hearing incarcerated persons access to video phones (zoom/facetime platform). The County advised the Expert that in cases where a deaf and/or hard of hearing incarcerated person requests access to videophones, the incarcerated person advises the Custody Deputy, and the Custody Deputy provides access to the technology. The County must ensure policies and procedures are developed and implemented, and guidance is provided to staff to ensure deaf and/or hard of hearing prisoners have equal access to communication with friends and family. The County reports that they are in the process of installing video phone technology at the SBJ.

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

The County advised the Expert recreational reading material is provided to the County by donations. During the monitoring tour, the Expert noted easy reading, large print books, and other materials are not available and accessible to people with a vision-related disability. The Expert noted that Books-on-Tape are available in the event an incarcerated person with a vision disability requires the accommodation.

i) Religious services

Religious services are provided on a one-on-one basis, and most incarcerated people with disabilities are provided equal access. Incarcerated people who are deaf and whose preferred/primary method of communication is ASL/SLI must be provided an SLI during the religious program.

j) Family/personal and professional visits

All visiting areas are accessible to incarcerated people with disabilities.

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

All medical, mental health and dental services are accessible to incarcerated people with disabilities. The Architectural Expert will review the physical access to the treatment rooms in more detail.

Partial Compliance

3. Does the County's policy include the provision of assistance in reading or scribing legal documents, sick call requests, grievances, documents related to disciplinary procedures, and documents related to health care encounters?

Wellpath Policy HCD-110_F-09 Effective Communication – Santa Barbara, CA includes specific directives for medical staff to provide reading and writing/scribing medical-related documents to incarcerated people with disabilities. The Santa Barbara County Sheriff's Office Custody Operations – Policies and Procedures Manual includes specific directives to staff for the provision of assistance (reading and scribing) for the grievance process, Inmate Request Form, and assistance during the disciplinary process. However, the policies and procedures do not include directives for staff regarding the provision of assistance in reading or scribing legal documents for incarcerated persons with disabilities. The County must revise the Santa Barbara County Sheriff's Office Custody Operations – Policies and Procedures Manual to include the requirements of the *Murray v. Santa Barbara County* Remedial Plan.

Partial Compliance

4. Are incarcerated people with disabilities provided with equitable work opportunities?

To measure compliance with this requirement, the Expert requested a list of all work assignments/positions available for incarcerated persons, housing locations of workers, and a list of all incarcerated persons currently assigned to work positions. To date, the County has not provided the requested information. In a review of the SBJ and NBJ Active ADA Alerts, there is only one (1) disabled incarcerated person assigned to a work position (Kitchen Crew) at the NBJ. Post monitoring for the County provided the Expert information for the work positions at the NBJ and SBJ. The County reports that both facilities (NBj and SBJ) has the following incarcerated person work positions in Kitchen Crews, Dock Crews, Laundry Crews, and Lobby Crews.

- NBJ Landry Crew – 6 positions filled
- NBJ Kitchen/Dock Crew – 24 positions filled

- NBJ Inside Men – 2 positions filled
- NBJ Lobby, PM Weekends Kitchen – 7 positions filled
- NBJ Lobby – 2 positions filled
- SBJ Kitchen Workers – 15 positions filled
- SBJ Laundry Workers – 10 positions filled
- SBJ Supply Room – 2 positions filled
- SBJ Northwest Dock Crew – 4 positions filled
- SBJ Lobby Crew – 4 positions filled

The County also provided information on three (3) disabled incarcerated persons who are currently assigned and who have previously been assigned to the following work positions at the NBJ:

- Landscaping
- Kitchen Crew
- Landry Crew
- Housing Unit Crew

The Expert notes there is no documentation/information that disabled incarcerated person at the SBJ have been provided work opportunities. The County must ensure incarcerated persons with disabilities housed at the SBJ are provided with equitable work opportunities.

Partial Compliance

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

The County did not provide job duty statements for the incarcerated people's work positions. The County must ensure job duty statements are clear and include essential functions and specific criteria.

Non-Compliance

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

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

Limitations, the County does not have in place duty statements listing the essential functions for the incarcerated person's job assignments. Without these in place, medical staff cannot conduct an individualized assessment to determine if the incarcerated person can perform the essential functions of the job assignment with or without the need for reasonable accommodations.

Partial Compliance

Health Care Appliances, Assistive Devices, Durable Medical Equipment

1. Has the County established a written policy to ensure the timely provision of safe and operational HCA/AD/DME to people with a disability based on an individualized assessment by medical staff, with a process for timely repair and replacement of such devices as needed?

Wellpath Policy HCD-110_F-10 Durable Medical Equipment Medical Supply – Santa Barbara, CA includes the specific directives for the provision of HCA/AD/DME to people with a disability. The policy includes the requirement for an individualized assessment by medical staff and also includes guidelines and directives for the maintenance and repair of Durable Medical Equipment.

Although the County has a written policy in place to ensure the timely provision of safe and operational HCA/AD/DME to people with a disability, during the on-site monitoring tour, the Expert noted the County currently stores the HCA/AD/DME in various locations throughout the jails. The Expert also noted the County does not have an inventory for the HCA/AD/DME in place. The Expert recommends that the County create an inventory of HCA, including a Periodic Automatic Replacement number and a dedicated storage area.

Substantial Compliance

2. Does an incarcerated person's request for a particular device or other accommodation given primary consideration, and is the request granted unless the request is unreasonable for specific, articulated reasons allowable under the ADA or unless other effective accommodations are available?

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

During the on-site monitoring tour, the Expert was informed by the County the approval of canes for incarcerated people is now authorized. Additionally, the Expert was informed in cases where medical staff determined the authorization of an assistive

device was not medically necessary; the ADA coordinator makes an individualized assessment, and, in some cases, the incarcerated person is issued the assistive device as an accommodation. The County must ensure the policies and practices include the requirement that an incarcerated person's request for a particular device or other accommodation is given primary consideration, and the request is granted unless the request is unreasonable for specific, articulated reasons allowable under the ADA or unless other effective accommodations are available. The County's contract medical provider and the incarcerated persons interviewed stated the medical provider requires historical medical information as part of the evaluation and assessment process when making a determination to approve or deny an HCAs/ADs/DME. Once it is determined the person has a qualified disability, the County must provide the disabled person with a requested accommodation (if the accommodation request is reasonable and not medically harmful). The need for accommodations must be determined by the incarcerated person's need for the accommodation to access the Jail's programs, services, and activities. It is not based on medical treatment and necessity. As an example, if the incarcerated person requests a cane for ambulating, a cane should be provided unless the provision of the cane would be medically harmful to the individual. The fact that the provider prefers to prescribe a walker instead of a cane is a violation of the ADA when the incarcerated disabled person's request is a reasonable request for a cane.

This determination should be a two-step process:

1. A qualified healthcare professional conducts an individualized assessment of the incarcerated person to determine if they have a qualified disability and/or impairment and, if so,
2. Provide the incarcerated disabled person with an accommodation that is reasonable so the incarcerated person can access the Jail's programs, services, and activities. The incarcerated person's personal preference should be granted unless the request is unreasonable and/or would be medically harmful.

The County and Wellpath must ensure a process is put in place with policies, procedures, post orders, and duty statements for incarcerated person's request for a particular device or other accommodation be given primary consideration and the request granted unless the request is unreasonable for specific, articulated reasons allowable under the ADA or unless other effective accommodations are available.

Partial Compliance

3. Does the County allow people to retain personal HCAs/ADs/DME (including mobility devices, glasses, and hearing aids) unless there is an individualized determination that doing so would create an articulated safety or security risk?

Wellpath Policy HCD-110_F-10 Durable Medical Equipment Medical Supply – Santa Barbara CA includes the specific directives and guidance for the approval of personal

assistive devices. However, the Santa Barbara County Sheriff's Office Custody Operations – Policies and Procedures Manual does not contain any guidance and directives for the approval and/or removal of personal assistive devices or a process for an individualized assessment to be conducted when determining the removal of a personal assistive device based on a safety or security risk. The County reported that incarcerated people who arrive at the Jails with a personal assistive device are issued County-owned assistive devices during the medical intake screening process. The County must develop and implement policies and practices for staff to conduct individualized assessments when determining whether a personal assistive device is a safety or security risk in cases where the personal assistive device is not allowed.

Partial-Compliance

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

The County did not provide documentation of any cases where staff determined it was necessary to remove a personal HCA/AD/DME for security reasons. The County must develop and implement policies and practices for cases where staff determine it is necessary to remove personal HCA/AD/DME for security reasons, for the County to provide an equivalent Jail-issued device unless custody staff, with ADA Coordinator approval, determine and document, based on an individualized assessment, that the device constitutes a risk of bodily harm or threatens the security of the facility. Post monitoring tour the County provided a SBSO Santa Barbara Sheriff Inmate History-Inmate Notes ADA-Accommodation Removal dated 8/19/22. The note reflects it is backdated to 11/21/2019. The note further reflects an incarcerated person removed a leg of his wheelchair and assaulted another incarcerated person. The incarcerated person had his wheelchair removed due to safety and security issues and was provided with a new wheelchair that had all removable parts bolted down to prevent any future related incidents. The County must ensure the ADA Coordinator documents these cases in the ADA Tracking System timely. The County must also ensure these requirements are included in the ADA Policy revision. Based on this the Expert finds the County in Partial Compliance with these requirements.

Partial Compliance

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

The County did not provide documentation of any cases where staff determined it was necessary to remove a personal HCA/AD/DME for security reasons. The County must develop and implement policies and practices for cases where a determination is

made for the ADA Coordinator to document the decision and reasons for the determination. Post monitoring tour the County provided a SBSO Santa Barbara Sheriff Inmate History-Inmate Notes ADA-Accommodation Removal dated 8/19/22. The note reflects it is backdated to 11/21/2019. The note further reflects an incarcerated person removed a leg of his wheelchair and assaulted another incarcerated person. The incarcerated person had his wheelchair removed due to safety and security issues and was provided with a new wheelchair that had all removable parts bolted down to prevent any future related incidents. The County must ensure the ADA Coordinator documents these cases in the ADA Tracking System timely. Based on this the Expert finds the County in non-compliance with these requirements.

Non-Compliance

6. Did the ADA Coordinator consult with medical staff to determine an appropriate alternative accommodation?

The County did not provide documentation of any cases where staff determined it was necessary to remove a personal HCA/AD/DME for security reasons. The County must develop and implement policies and practices for cases where a determination is made for the ADA Coordinator to consult with medical staff to determine an appropriate alternative accommodation. Post monitoring tour the County provided a SBSO Santa Barbara Sheriff Inmate History-Inmate Notes ADA-Accommodation Removal dated 8/19/22. The note reflects it is backdated to 11/21/2019. The note further reflects an incarcerated person removed a leg of his wheelchair and assaulted another incarcerated person. The incarcerated person had his wheelchair removed due to safety and security issues and was provided with a new wheelchair that had all removable parts bolted down to prevent any future related incidents. The SBSO Santa Barbara Sheriff Inmate History-Inmate Notes ADA-Accommodation Removal dated 8/19/22 does not reflect that the ADA Coordinator consulted with medical staff to determine an appropriate accommodation. The County must ensure the ADA Coordinator consults with medical staff to determine an appropriate alternative accommodation and document the result of the consult in the ADA Tracking System. The County must also ensure these requirements are included in the ADA Policy revision. Based on this the Expert finds the County in non-compliance with these requirements.

Non-Compliance

7. Has the County implemented a written policy governing the release of people who need assistive devices?

The Expert reviewed the Santa Barbara County Sheriff's Office Custody Operations – Policies and Procedures Manual and found the manual only addresses the release of incarcerated people with personal wheelchairs. The County must develop and

implement policies for the release of people who need other assistive devices as required by the *Murray v. Santa Barbara County* Remedial Plan.

Non-Compliance

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

The Expert toured the property rooms and the Main and NBJ and identified eight (8) personal mobility devices being stored in the property room/Conex. A review of the JMS found that of the eight (8) devices, five (5) of the devices belonged to incarcerated people who had been released. The Expert also notes the Santa Barbara County Sheriff's Office Custody Operations – Policies and Procedures Manual does not contain specific directives/guidance for staff to ensure personal mobility devices stored in the property room are returned to incarcerated persons upon release. The County must develop and implement policies and procedures to ensure the personal mobility devices being stored are returned to incarcerated persons upon their release.

Non-Compliance

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

The County's policies and procedures do not address these requirements. Additionally, the County did not provide documentation for any cases meeting this criterion. The County must develop and implement policies and procedures for the release of people who need assistive devices as required by the *Murray v. Santa Barbara County* Remedial Plan. Post monitoring tour, the County provided a SBSO Santa Barbara Sheriff Inmate History-Inmate Notes ADA-Accommodation At Release dated 8/19/22. The Note reflects the following four (4) cases:

- Inmate at release refused to keep wheelchair accommodation. Deputies stood by with the inmate and assisted him into his girlfriend's vehicle. Entered by ADA Coordinator Gray on 6/9/21.
- 02/02/21 Was provided SBSO wheelchair #8 upon release due to not having a personal assistive device in his property. Entered by ADA Coordinator Gray on 4/11/21.
- Incarcerated person was provided his personal wheelchair upon his release. Incarcerated person refused deputy assistance down the hill to Calle Real with his wheelchair. 5516 released the incarcerated person. Entered by ADA Coordinator Gray on 6/21/22.

- 4/9/2021 Incarcerated person was released with his personal cane after refusing a County owned wheelchair see signed refusal. Entered by ADA Coordinator Gray on 4/11/21.

Although the County has a process in place to document cases where an incarcerated person with a disability did not have a personal mobility device but was ambulatory with the assistance of a cane, crutch, or walker, and the County permitted the incarcerated person to retain the device that was used while in custody upon release, or was provided a comparable device, upon release, the County must ensure the process is included in the ADA policy and procedures. Additionally, the County should require the staff providing the accommodation (AD/DME/HCA) to document the provision in the ADA Tracking System.

Partial Compliance

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

The County's policies and procedures do not address these requirements. Additionally, the County did not provide documentation for any cases meeting this criterion. The County must develop and implement policies and procedures for the release of people who need assistive devices as required by the *Murray v. Santa Barbara County* Remedial Plan. Post monitoring tour, the County provided a SBSO Santa Barbara Sheriff Inmate History-Inmate Notes ADA-Accommodation At Release dated 8/19/22. The Note reflects the following fours (4) cases:

- Inmate at release refused to keep wheelchair accommodation. Deputies stood by with the inmate and assisted him into his girlfriend's vehicle. Entered by ADA Coordinator Gray on 6/9/21.
- 02/02/21 Was provided SBSO wheelchair #8 upon release due to not having a personal assistive device in his property. Entered by ADA Coordinator Gray on 4/11/21.
- Incarcerated person was provided his personal wheelchair upon his release. Incarcerated person refused deputy assistance down the hill to Calle Real with his wheelchair. 5516 released the incarcerated person. Entered by ADA Coordinator Gray on 6/21/22.
- 4/9/2021 Incarcerated person was released with his personal cane after refusing a County owned wheelchair see signed refusal. Entered by ADA Coordinator Gray on 4/11/21.

Although the County has a process in place to document cases where a person who is due for release requires a wheelchair but does not have a personal wheelchair, and

Jail staff coordinate with the prisoner, family or friends, and other County agencies as needed to secure a wheelchair or took other steps to address the individual's needs upon release, the County must ensure the process is included in the ADA policy and procedures. Additionally, the County should require the staff providing the accommodation (AD/DME/HCA) to document the provision in the ADA Tracking System.

Partial Compliance

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

The County's policies and procedures do not address these requirements. Additionally, the County did not provide documentation for any cases meeting this criterion. The County must develop and implement policies and procedures for the release of people who need assistive devices as required by the *Murray v. Santa Barbara County* Remedial Plan. Post monitoring tour, the County provided a SBSO Santa Barbara Sheriff Inmate History-Inmate Notes ADA-Accommodation At Release dated 8/19/22.

Although the County has a process in place to document cases where an incarcerated person with a disability did not have a personal mobility device but was ambulatory with the assistance of a cane, crutch, or walker, and the County permitted the incarcerated person to retain the device that was used while in custody upon release, or was provided a comparable device, upon release and cases where a person who is due for release requires a wheelchair but does not have a personal wheelchair, and Jail staff coordinate with the prisoner, family or friends, and other County agencies as needed to secure a wheelchair or took other steps to address the individual's needs upon release, the County must ensure the process is included in the ADA policy and procedures. Additionally, the County should require the staff providing the accommodation (AD/DME/HCA) to document the provision in the ADA Tracking System.

Partial Compliance

Transportation

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

The Expert reviewed the Santa Barbara County Sheriff's Office Custody Operations – Policies and Procedures Manual and found the policies include specific guidance and directive for staff to ensure incarcerated people who require accessible transportation and/or assistance during the transport are provided accommodations. The Transportation staff reported they identify incarcerated people who require

accommodations during the transport by reviewing information/reports from ATIMS (SBSO Santa Barbara Sheriff's Court-Appointments by Booking) and the Active ADA Alerts report distributed by the ADA Coordinator. A review of these documents reflects these documents identify incarcerated persons who require accessible transportation. The Transportation staff also reported they ensure incarcerated persons (who require accessible transportation and/or accommodations) are provided the accommodations during the transport. The Transportation staff stated they would use accessible transportation and/or provide assistance to the incarcerated people. The County also produced ADA Transportation Unit Logs for the months of June 2021 to April 2022. A review of the logs reflects that ADA Accessible vehicles were used 26 times. All incarcerated people with Mobility-Disabilities interviewed confirmed the County provides accessible transportation and/or assistance to them during the transport.

Substantial Compliance

2. Are prescribed HCAs/ADs/DME for people with disabilities available to them at all times during the transport process, including in temporary holding cells?

The Santa Barbara County Sheriff's Office Custody Operations – Policies and Procedures Manual does not include language regarding the requirement for staff to ensure HCAs/ADs/DME for people with disabilities are available to them at all times during the transport process, including in temporary holding cells. The Transportation staff interviewed stated that incarcerated persons with prescribed HCAs/ADs/DME are able to retain the devices during the transport, including while they are in temporary holding cells. All incarcerated people with Mobility-Disabilities interviewed confirmed the County allows them to retain their HCAs/ADs/DME at all times during the transport process, including while they are in the temporary holding cells. The County must revise the Santa Barbara County Sheriff's Office Custody Operations – Policies and Procedures Manual to ensure specific guidance and directives are included for staff to ensure prescribed HCAs/ADs/DME for people with disabilities are available to them at all times during the transport process, including in temporary holding cells as required by the *Murray v. Santa Barbara County* Remedial Plan.

Partial Compliance

3. Does the County maintain a sufficient number of accessible vehicles to ensure timely transport of people with disabilities that require special transportation?

During the on-site monitoring tour, the Expert confirmed that the County has two (2) operational accessible vehicles in the County's fleet. In addition, the County reported they are in the process of procuring an ADA-accessible vehicle to replace the one currently being used at the SBJ. The estimated time for delivery of the vehicle is six (6) to 12 months.

Substantial Compliance

4. Do staff provide assistance to people with mobility or other disabilities where necessary to ensure safe access on and off of transport vehicles?

The Expert reviewed the Santa Barbara County Sheriff's Office Custody Operations – Policies and Procedures Manual and found the policies do not include specific guidance and directives requiring staff to provide assistance to incarcerated persons with mobility or other disabilities where necessary to ensure safe access on and off of transport vehicles. The Transportation staff interviewed stated that in the event an incarcerated person with a mobility disability requires assistance to ensure safe access on and off of transport vehicles, staff would provide assistance. All incarcerated people with mobility disabilities interviewed confirmed where they require assistance to ensure safe access on and off of transport vehicles; staff would provide assistance. The County must revise the Santa Barbara County Sheriff's Office Custody Operations – Policies and Procedures Manual to ensure specific guidance and directives for staff to ensure staff is required to provide assistance to incarcerated people with mobility or other disabilities where necessary to ensure safe access on and off of transport vehicles as required by the *Murray v. Santa Barbara County* Remedial Plan.

Partial Compliance

Effective Communication

1. Has the County developed and implemented a Custody Operations policy to ensure that people with disabilities receive accommodations and services necessary to provide Effective Communication consistent with the provisions of the Settlement Agreement?

The Expert reviewed the Santa Barbara County Sheriff's Office, Custody Operations – Policies and Procedures Manual, and the Santa Barbara County Sheriff's Office Policy Manual and found that although the County has an Effective Communication Policy (370 Communication with Persons with Disabilities), the County has not developed and implemented a Custody Operations policy to ensure incarcerated people with disabilities receive accommodations and services necessary to provide Effective Communication, consistent with the provisions of the Settlement Agreement. A review of policy 370 Communication with Persons with Disabilities found this policy provides specific directives for the Santa Barbara County Sheriff's Enforcement Deputies. The County must develop and implement an Effective Communication policy and procedure for Custody Operations as required by the *Murray v. Santa Barbara County* Remedial Plan. Effective Communication needs must be provided for all services, programs and activities, including with respect to health care treatment, custody/classification processes, and classes/jobs/other programs, including through implementation of a comprehensive, standardized, electronic ADA Tracking System.

Non-Compliance

2. Does the County assess all people detained at the Jail for any period of time for Effective Communication needs and take steps to provide Effective Communication based on individual need?

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

- Developmental Disability – (have an individual education plan, or attend special education classes?)
- Adaptive Support Needs Assessment – Ask the patient the following questions and indicate their response in the appropriate box.
 - Do you have a reading problem?
 - When you were in school, were you in classes for slow “learners”?
- Patient Education – Is patient able to read or write (English/Spanish). The Expert notes the medical intake screening does not include an assessment for Effective Communication as the screening process only asks the individual if they can read or write.

Wellpath Policy HCD-110_E-02 Receiving Screening – Santa Barbara, CA, does not contain a process to assess people being detained at the Jail for Effective Communication needs. Wellpath Policy HCD-110_E-04 Initial Health Assessment – Santa Barbara, CA, does not contain a process to assess people being detained at the Jail for Effective Communication needs. The Initial Health History and Physical Exam (NCCHC), which is conducted within 14 days of an incarcerated person's arrival at the Jail, includes the following questions to assess Effective Communication needs:

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

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

The Santa Barbara County Sheriff's Office, Custody Operations – Policies and Procedures Manual 209 Americans with Disabilities Act (ADA) states, "IDENTIFYING DISABLED INMATES AT INTAKE: The medical screening process during Intake provides the ability to identify most disabilities and the need for accommodations prior to the housing of the inmate. It is the responsibility of Medical staff, Registered Nurse (RN), to assess inmates during intake to determine if a disability exists. This assessment information will be entered on the Intake Medical/Mental Health Screening Form and the Inmate Disability Notification and Tracking form."

Although the County has processes in place to identify the Effective Communication needs of people being processed into the Jail, with the exception of Intellectual Disabilities, the County is not conducting an assessment to identify Effective Communication needs and is only asking the individuals questions. Individuals with barriers to Effective Communication are typically reluctant to disclose their inability to read and write and will more often respond with a "yes" when asked if they can read or write. The County needs to develop an assessment tool/process to identify the people who are detained at the Jail for Effective Communication needs and take steps to provide Effective Communication based on their individual need. The disabilities that require identification of Effective Communication needs include:

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

Wellpath reported they are in the process of working with Custody to establish a process to identify incarcerated person's primary means of communication and their Effective Communication accommodation needs.

Partial Compliance

3. Do the County custody and health care policies and procedures contain sufficient guidance on the provision of Effective Communication?

Wellpath Policy HCD-110_F-09 Effective Communication – Santa Barbara, CA contains sufficient guidance for Wellpath staff on the provision of Effective Communication. The Santa Barbara County Sheriff's Office Custody Operations – Policies and Procedures Manual contains some guidance on the provision of Effective Communication for incarcerated people with hearing (interpreters), vision (interpreters), intellectual disabilities (assistance in completing the Inmate Request Form and Grievance Process) and providing assistance during the disciplinary process. However, the Santa Barbara County Sheriff's Office Custody Operations – Policies and Procedures Manual does not contain sufficient guidance on the provision

and documentation of Effective Communication required by the *Murray v. Santa Barbara County* Remedial Plan. The County must revise the Santa Barbara County Sheriff's Office Custody Operations – Policies and Procedures Manual and ensure the policy and procedures contain sufficient guidance on the provision of Effective Communication as required by the *Murray v. Santa Barbara County* Remedial Plan.

Partial Compliance

4. Did staff assess individual Effective Communication needs at the beginning of the medical intake screening and at the beginning of the classification screening to facilitate Effective Communication throughout those and all subsequent processes?

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

Non-Compliance

5. Did staff provide the enhanced procedures for the provision of Effective Communication in the following situations:

a) Due Process Events, including the following:

- i. Classification processes?
- ii. Disciplinary hearing and related processes?
- iii. Service of notice (to appear and/or for new charges)?
- iv. Release processes?
- v. Probation encounters/meetings in custody?

The County did not produce completed classification documents, completed disciplinary reports, completed service of notices (to appear and/or for new charges), completed release documents, and probation encounters/meetings in custody. Based on this, the Expert was not able to measure the County's compliance with these requirements.

Non-Compliance

In order to measure compliance with this requirement the County must produce documents for the following:

- Classification processes
- Disciplinary hearing and related processes
- Service of notice (to appear and/or for new charges)
- Release processes
- Probation encounters/meetings in custody

Based on the County not producing any documents showing proof of practice for the provision of Effective Communication the Expert's position is that the rating remains as Non-Compliance.

b) Clinical Encounters, including the following:

- i. Determination of medical history or description of ailment or injury?
- ii. Diagnosis or prognosis?
- iii. Medical care and medical evaluations?
- iv. Provision of mental health evaluations, rounds, group and individual therapy, counseling, and other therapeutic activities?
- v. Provision of the patient's rights, informed consent, or permission for treatment?
- vi. Explanation of medications, procedures, treatment, treatment options, or surgery?
- vii. Discharge instructions?

The County did not produce any completed documents for medical, dental, and mental health encounters. The County must ensure staff provides the enhanced procedures for the provision of Effective Communication.

Non-Compliance

6. Did staff identify each person's Disability where there may be a barrier to comprehension or communication requiring reasonable accommodation(s)?

The County did not produce any completed documents for medical, dental, and mental health encounters, completed classification documents, completed disciplinary reports, completed service of notices (to appear and/or for new charges), completed release documents, and probation encounters/meetings in custody. The County must ensure that staff identifies each person's Disability where there may be a barrier to comprehension or communication requiring reasonable accommodation(s).

Non-Compliance

7. Did staff provide effective reasonable accommodation(s) to overcome the communication barrier?

The County did not produce any completed documents for medical, dental, and mental health encounters, completed classification documents, completed disciplinary reports, completed service of notices (to appear and/or for new charges), completed release documents, and probation encounters/meetings in custody. The County must ensure staff provides effective reasonable accommodation(s) to overcome the communication barrier and identify each person's Disability where there may be a barrier to comprehension or communication requiring reasonable accommodation(s).

Non-Compliance

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

The County did not produce any completed documents for medical, dental, and mental health encounters, completed classification documents, completed disciplinary reports, completed service of notices (to appear and/or for new charges), completed release documents, and probation encounters/meetings in custody. The County must ensure staff document the method used to achieve Effective Communication and how the staff person determined the person understood the encounter, process, and/or proceeding.

Non-Compliance

9. When determining what auxiliary aid or service to provide, did staff give primary consideration to the request of the person with Effective Communication needs? (The aids may include bilingual aides, SLIs, readers, sound amplification devices, captioned television/videotext displays, Videophones and telecommunication services for deaf persons, audiotaped texts, Braille materials, large print materials, writing materials, and signage).

The County did not produce any completed documents for medical, dental, and mental health encounters, completed classification documents, completed disciplinary reports, completed service of notices (to appear and/or for new charges), completed release documents, and probation encounters/meetings in custody. The County must ensure that when determining what auxiliary aid or service to provide, staff give primary consideration to the request of the person with Effective Communication needs.

Non-Compliance

10. Did staff ensure that all outside education, program, and service providers at the Jail provided Effective Communication for people participating in such programs?

Based on the COVID-19 restrictions, the County reported all outside education, program, and service providers are currently not providing services at the Jail. Based on this, the Expert could not measure compliance with these requirements.

Un-ratable

Access for Individuals with Hearing Impairments

1. Has the County developed and implemented a policy for newly arrived and newly identified people with hearing disabilities to determine each person's preferred method of communication?

The Wellpath Policies and Procedures for Santa Barbara County (HCD-110_F-09 Effective Communication – Santa Barbara, and the Santa Barbara County) includes a process for all patients to be screened for the need for accommodation or assistance to achieve effective communication as part of the intake receiving screening process, Health Assessment and Physical Exam, and as needed at each interaction with health care staff on an on-going basis. The policy also requires health care staff to determine the primary accommodation or assistance required to achieve effective communication by reviewing the alerts and problems list in the health record. However, during the Expert's observation of the medical intake screening process and review of the Receiving Screening Questions, Medical Treatment Order for Patient Housing, and the Initial Health History and Physical Exam (NCCHC) do not contain specific questions for the identification of an incarcerated person's (with a hearing disability) preferred method of communication. While on-site, Wellpath reported they will be working with Custody to develop a process to identify and determine the preferred method of communication for incarcerated persons identified with hearing disabilities.

The County must ensure the screening tools contain specific questions for the identification of the preferred method of communication, and staff must implement this process as required by the *Murray v. Santa Barbara County* Remedial Plan.

Partial Compliance

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

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

Manual, 209 Americans with Disabilities Act (ADA) Revised 01/2017 requires the use of an SLI (at no cost to the incarcerated people) in cases where the incarcerated person is deaf and is reliant on ASL.

A review of the Active ADA Alerts (1/24/22) produced by the County reflects one (1) incarcerated person with a hearing disability who uses sign language communication. However, the County did not produce any documents that reflect the provision of an SLI during intake for due process functions, health care encounters, and Jail programming for the Expert to measure compliance with these requirements. During subsequent monitoring tours, the County will need to provide these documents to the Expert if available. The County must develop and implement policies for these requirements. Post monitoring tour, the County provided a SBSO Santa Barbara Sheriff Inmate History-Inmate Notes ADA-SLI dated 8/18/22. The Note reflects six (6) cases where an SLI was provided for two (2) incarcerated persons. In one case the note reflects a SLI from IRLC came on site to interpret per the incarcerated person request for an interpreter; however, the note does not indicate the type of encounter. In the other case there are five (5) cases where an SLI from ILRC was provided for a Mental Health Encounter. The Note reflects all cases were entered in the ADA Tracking System by the ADA Coordinator and not the staff that facilitated the SLI during the encounter. Additionally, the dates in the Note reflect that the entry was made by ADA Coordinator up to 5 months after the encounter.

Although the County has a process in place to document the provision of an SLI, there is no documentation provided that reflects that an SLI was provided during intake and for due process functions, medical health care encounters, and Jail programming. Additionally, the County should require the staff providing the SLI during the encounter to document the provision in the ADA Tracking.

Non-Compliance

3. Did staff log when, for whom, and for what purpose an SLI was used?

A review of the Active ADA Alerts (1/24/22) produced by the County reflects one (1) incarcerated person with a hearing disability who uses sign language communication. However, the County did not produce any documents that reflect the provision of an SLI during intake for due process functions, health care encounters, and Jail programming for the Expert to measure compliance with these requirements. During subsequent monitoring tours, the County will need to provide these documents to the Expert if available. The County must develop and implement policies for these requirements. Post monitoring tour, the County provided a SBSO Santa Barbara Sheriff Inmate History-Inmate Notes ADA-SLI dated 8/18/22. The Note reflects six (6) cases where an SLI was provided for two (2) incarcerated persons. In one case the note reflects a SLI from IRLC came on site to interpret per the incarcerated person request for an interpreter; however, the note does not indicate the type of encounter. In the other case there are five (5) cases where an SLI from ILRC was provided for a

Mental Health Encounter. The Note reflects all cases were entered in the ADA Tracking System by the ADA Coordinator and not the staff that facilitated the SLI during the encounter.

In five (5) of the six (6) cases provided, staff logged when, for whom, and for what purpose an SLI was used.

Partial Compliance

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

A review of the Active ADA Alerts (1/24/22) produced by the County reflects one (1) incarcerated person with a hearing disability who uses sign language communication. However, the County did not produce any documents that reflect the provision of an SLI during intake for due process functions, health care encounters, and Jail programming for the Expert to measure compliance with these requirements. During subsequent monitoring tours, the County will need to provide these documents to the Expert if available. The County must develop and implement policies for these requirements. Post monitoring tour, the County provided a SBSO Santa Barbara Sheriff Inmate History-Inmate Notes ADA-Accommodation Refusal dated 8/19/22. The Note reflects one (1) case where an incarcerated person was offered an SLI using written communication and the incarcerated person waived the SLI using written communication. The Note reflects the ADA Coordinator logged the refusal in the ADA Tracking System and not the staff that offered the SLI during the encounter.

Although the County has a process in place to log the refusal/waiver of an SLI, the County must ensure the process is included in the ADA policy and procedures. Additionally, the County should require the staff offering the SLI to log the refusal/waiver in the ADA Tracking System.

Partial Compliance

5. In cases where an incarcerated person whose preferred method of communication is SLI waives an SLI, did staff log the method of communication of the waiver?

The Wellpath Policy, HCD-110_F-09 Effective Communication – Santa Barbara requires that if the patient refuses the assistance of an SLI, the patient must sign a refusal of clinical services form, and the circumstances must be documented on the form. However, there is no requirement for staff to document/log the method of communication of the waiver. The Santa Barbara County Sheriff's Office, Custody Operations – Policies and Procedures Manual, 209 Americans with Disabilities Act (ADA) Revised 01/2017 does not address the *Murray v. Santa Barbara County*

Remedial Plan requirements for documenting/logging the method of communication of the waiver.

A review of the Active ADA Alerts (1/24/22) produced by the County reflects one (1) incarcerated person with a hearing disability who uses sign language communication. However, the County did not produce any documents that reflect the provision of an SLI during intake for due process functions, health care encounters, and Jail programming for the Expert to measure compliance with these requirements. During subsequent monitoring tours, the County will need to provide these documents to the Expert if available. The County must develop and implement policies for these requirements. Post monitoring tour, the County provided a SBSO Santa Barbara Sheriff Inmate History-Inmate Notes ADA-Accommodation Refusal dated 8/19/22. The Note reflects one (1) case where an incarcerated person was offered an SLI using written communication and the incarcerated person waived the SLI using written communication. The Note reflects the ADA Coordinator logged the refusal in the ADA Tracking System and not the staff that offered the SLI during the encounter.

Although the County has a process in place to log the method of communication of the waiver refusal/waiver of an SLI, the County must ensure the process is included in the ADA policy and procedures. Additionally, the County should require the staff offering the SLI and receiving the incarcerated persons waiver of the SLI to log the refusal/waiver in the ADA Tracking System.

Partial Compliance

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

The policies and procedures do not address the requirement for staff to log the method staff used to determine the waiver was knowingly and freely given in cases where an incarcerated person (whose preferred method of communication is SLI) waives an SLI.

A review of the Active ADA Alerts (1/24/22) produced by the County reflects one (1) incarcerated person with a hearing disability who uses sign language communication. However, the County did not produce any documents that reflect the provision of an SLI during intake for due process functions, health care encounters, and Jail programming for the Expert to measure compliance with these requirements. During subsequent monitoring tours, the County will need to provide these documents to the Expert if available. The County must develop and implement policies for these requirements. Post monitoring tour, the County provided a SBSO Santa Barbara Sheriff Inmate History-Inmate Notes ADA-Accommodation Refusal dated 8/19/22. The Note reflects one (1) case where an incarcerated person was offered an SLI using written communication and the incarcerated person waived the SLI using written communication. Although the log reflects staff and the incarcerated person used

written communication during the waiver the log does not reflect the waiver was knowing and freely given.

Although the County has a process in place to log the refusal/waiver of an SLI, the County must ensure the ADA policy includes the requirement for staff to document that the waiver was knowing and freely given.

Non-Compliance

7. Does the County maintain a contract or service agreement with interpreter services, including a VRI service, in order to provide such services for deaf or hard of hearing incarcerated people?

The County produced an Agreement between Independent Living Resource Center, Inc. and Santa Barbara Sheriff's Office dated 5/17/18 (no expiration date). The Agreement includes the Interpreting Services Terms and Conditions. The Terms state, Except for emergency requests, all requests for interpreting or notetaking services must be submitted 72 hours (3 business days in advance to ILRC's Operations Coordinator. The Agreement defines Emergency and Emergency-Legal as "urgent requests for immediate services typically in medical, mental health, job-related, law enforcement or legal settings." The County also states they use the services of VRI. However, information on the VRI services was not provided.

Substantial Compliance

8. Does the County ensure that appropriate Jail staff have sufficient guidance regarding use of SLI/VRI services?

The Wellpath Policy, HCD-110_F-09 Effective Communication – Santa Barbara and the Santa Barbara County Sheriff's Office, Custody Operations – Policies and Procedures Manual, 209 Americans with Disabilities Act (ADA) Revised 01/2017 include directives and some guidance for staff to provide an SLI for incarcerated people identified as Deaf and whose primary/preferred method of communication is ASL. Wellpath, Custody, and Program staff interviewed were not aware of the process of how to secure an SLI, and all reported they would contact the ADA Coordinators for guidance. The policies do not outline who the SLI provider is and how to schedule/contact the SLI provider. The County must modify the policies to ensure sufficient guidance is included for staff to schedule and ensure SLI services are provided when required.

Partial Compliance

9. If the incarcerated person did not indicate that lip reading was their preferred method of communication, was lip-reading the sole method of Effective Communication used by staff?

A review of the Active ADA Alerts (1/24/22) produced by the County reflects one (1) incarcerated person with a hearing disability who uses sign language communication. However, the County did not produce any documents that reflect the provision of an SLI during intake for due process functions, health care encounters, and Jail programming for the Expert to measure compliance with these requirements. During subsequent monitoring tours, the County will need to provide these documents to the Expert if available. The County must develop and implement policies for these requirements. Post monitoring tour, the County provided a SBSO Santa Barbara Sheriff Inmate History-Inmate Notes ADA-SLI dated 8/18/22. The Note reflects six (6) cases where an SLI was provided for two (2) incarcerated persons. In one case the note reflects a SLI from IRLC came on site to interpret per the incarcerated person request for an interpreter; however, the note does not indicate the type of encounter. In the other case there are five (5) cases where an SLI from ILRC was provided for a Mental Health Encounter. Documents produced by the County reflect that there are no cases where the County used lip-reading as the method of communication for deaf and/or hard of hearing incarcerated persons who indicated that lip reading was not their preferred method of communication.

Although the County has a process in place to document the provision of Effective Communication, the County must ensure the ADA policy includes the requirement for staff to use the incarcerated persons preferred method of communication.

Partial Compliance

10. In cases where the use of an SLI was not practicable or was waived by the incarcerated person, did Jail staff employ the most effective form of communication available?

A review of the Active ADA Alerts (1/24/22) produced by the County reflects one (1) incarcerated person with a hearing disability who uses sign language communication. However, the County did not produce any documents that reflect the provision of an SLI during intake for due process functions, health care encounters, and Jail programming for the Expert to measure compliance with these requirements. During subsequent monitoring tours, the County will need to provide these documents to the Expert if available. The County must develop and implement policies for these requirements.

Non-Compliance

11. Are videophones available for deaf and hard of hearing incarcerated persons?

The Santa Barbara County Sheriff's Office, Custody Operations – Policies and Procedures Manual does not include language regarding access to videophones for deaf and/or hard of hearing incarcerated people. The County advised the Expert the

County provides deaf and/or hard of hearing incarcerated persons access to video phones (zoom/facetime platform). The County advised the Expert that in cases where a deaf and/or hard of hearing incarcerated person requests access to videophones, the incarcerated person advises the Custody Deputy, and the Custody Deputy provides access to the technology. The County also reported they are in the process of installing videophone technology on the NBJ Kiosks. The County must ensure policies and procedures are developed and implemented, and guidance is provided to staff to ensure deaf and/or hard of hearing prisoners have equal access to communication with friends and family.

Partial Compliance

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

The Santa Barbara County Sheriff's Office, Custody Operations – Policies and Procedures Manual does not include language regarding access to VRS technology for deaf and/or hard of hearing incarcerated people. The County advised the Expert the County provides deaf and/or hard of hearing incarcerated persons access to video phones (zoom/facetime platform). The County also reported they are in the process of installing videophone technology on the NBJ Kiosks. The County did not provide information regarding VRS technology. The County must ensure policies and procedures are developed and implemented, and guidance is provided to staff to ensure deaf and/or hard-of-hearing prisoners have access to VRS technology.

Partial-Compliance

13. Are deaf/hard of hearing incarcerated people provided with twice as much time for calls using telecommunication relay services, such as a videophone or TDD/TTY, to account for the fact that such conversations take longer than spoken conversations?

The County advised the Expert that access to telephones for non-disabled incarcerated persons is not timed, and in some cells and dorm housing locations, incarcerated persons have unrestricted access to telephones between the hours of 7:00 a.m. to 10:00 p.m. Additionally, the Santa Barbara County Sheriff's Office Custody Operations – Policies and Procedures Manual does not include language regarding the amount of time incarcerated people and disabled incarcerated people have access to telecommunication technology. The County must ensure policies and procedures are revised and include language where a disabled incarcerated person who uses videophone and TTY/TDD technology has either unrestricted access to phones as non-disabled incarcerated persons have and/or are provided additional time (twice as much) for calls using telecommunication relay services.

Non-Compliance

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

The Santa Barbara County Sheriff's Office Custody Operations – Policies and Procedures Manual does not include language regarding the requirement for staff to document the time each incarcerated person uses and has access to videophone/VRS/TDD/TTY equipment. However, the County provided a document from ATIMS (SBSO Santa Barbara Sheriff Inmate History-Inmate Notes ADA-VRS and Videophone) documenting two (2) occasions where an incarcerated person used and had access to videophone technology. The County must ensure policies and procedures are revised and include language that requires staff to document the time each prisoner uses and has access to videophone/VRS/TDD/TTY equipment.

Partial Compliance

15. Were incarcerated people who require an SLI as their primary method of communication provided an SLI for education, vocational, and religious programs?

A review of the Active ADA Alerts (1/24/22) produced by the County reflects one (1) incarcerated person with a hearing disability who uses sign language communication. However, the County did not produce any documents that reflect the provision of an SLI during intake for due process functions, health care encounters, and Jail programming for the Expert to measure compliance with these requirements. During subsequent monitoring tours, the County will need to provide these documents to the Expert if available. The County must develop and implement policies for these requirements. The County reports they have created a section in the ADA Tracking System that documents this requirement (ADA-SLI), and the County maintains an interim provider to provide SLI as required and is finalizing a contract with Purple Communications.

Non-Compliance

16. In housing units where an individual with a hearing-related disability resides, are public announcements communicated as consistent with individual Effective Communication needs? (This includes announcements regarding visiting, meals, recreation release, and recall, count, lock-up, and unlock. Verbal announcements may be effectively communicated via written messages on a chalkboard, or dry erase board, or by personal notification, as consistent with individual need).

The Santa Barbara County Sheriff's Office Custody Operations – Policies and Procedures Manual includes the following language regarding announcements, "If a hearing-impaired inmate does not respond for an appointment, visit, meal or dayroom time, the housing unit Custody Deputy shall follow up with the inmate immediately to ensure that do not wish to attend the event." The County advised the Expert the use

of a public address system to make announcements is not in place at the Jails. Announcements are made via in-cell intercoms or face-to-face notifications in dorm-style housing or cells that do not have intercoms in place. The County must ensure the requirements of the *Murray v. Santa Barbara County* Remedial Plan are incorporated into the existing policies and must include the requirement that staff effectively communicate announcements to incarcerated persons with disabilities who require effective communication. The County anticipates completing this within the next 12 months.

Partial Compliance

17. Were the procedures for public announcements communicated to incarcerated people during the orientation process?

A review of the Santa Barbara County Sheriff's Office Custody Operations Orientation Handbook found that the Handbook does not contain information on the procedures for public announcements. The County must revise the Santa Barbara County Sheriff's Office Custody Operations Orientation Handbook and ensure the procedures for public announcements are communicated to incarcerated people during the orientation process. The County anticipates completing this within the next 12 months.

Non-Compliance

18. Have the procedures for public announcements been incorporated into relevant policies and post orders?

A review of the Santa Barbara County Sheriff's Office Custody Operations – Policies and Procedures Manual found that it does not contain information on the procedures for public announcements. The County must revise the Santa Barbara County Sheriff's Office Custody Operations – Policies and Procedures Manual and ensure the procedures for public announcements are incorporated into relevant policies and post orders. The County anticipates completing this within the next 12 months.

Non-Compliance

Prisoners with Intellectual/Developmental Disabilities

1. Has the County developed and implemented a comprehensive written policy and procedure regarding people with Intellectual and/or Developmental Disabilities?

The County and Wellpath reported that Wellpath is piloting a policy and process to screen incarcerated persons for intellectual and developmental disabilities. The screening process begins at initial intake and is part of the medical intake screening process. Screening questions (Adaptive Needs Assessment) have been added to the medical intake screening. If the initial screening results in a positive response

(identification of potential intellectual/developmental disability) and the incarcerated person does not have an Adaptive Support Needs Plan on file, the case is referred to a psychologist for further evaluation. Referrals can also be made by staff, family, friends, the incarcerated person, or their attorney. Urgent referrals can also be made based on cases where victimization and/or safety concerns are suspected. There are timelines for the psychologist to make contact with the incarcerated person (one week for urgent referrals). The referrals are required to be completed and closed out within 21 days. The psychologist conducts a record review as well as psychological testing using standardized intelligence assessments such as the Quick Test (QT) and the Test of Nonverbal Intelligence-4 (TONI-4), and in addition, conducts an Adaptive Support Evaluation. Upon completion of the psychological evaluation, the psychologist identifies if the incarcerated person has adaptive support deficits and adaptive support needs while in custody. The psychologist must also develop an adaptive supports needs plan if required. The areas of adaptive deficits includes;

- Communication Skills
- Academic Skills
- Self-Care Skills
- Socialization Skills
- Self-Advocacy/Use of Resources
- Work
- Health and Safety
- Self-Direction

As part of the adaptive support needs plan, the psychologist also identifies the adaptive supports the staff will need to provide the incarcerated person. Incarcerated persons who have an adaptive supports needs plan are enrolled in the Mental Health Special Needs Program.

Wellpath produced a spreadsheet with all cases that have been referred to a psychologist for further intellectual/developmental disability evaluation. The spreadsheet reflects that 46 cases were referred for further evaluation. Of these cases, three (3) reflect that an Adaptive Support Plan was needed, 17 reflect "N/A" or the field is blank, 19 reflect an Adaptive Support Plan was not needed, and seven (7) are pending referral completion.

Wellpath also produced an 18-page PowerPoint presentation titled "Identifying Developmental Disabilities & Appropriate Adaptive Support Needs" that was used to train staff in the process.

Wellpath reported that although the policy and process require the Adaptive Support Plan to be provided to the Wellpath Health Services Administrator, a process needs to be developed of how the information in the Adaptive Support Plan will be provided to custody staff.

Although Wellpath has pilot policies and procedures regarding the identification of people with Intellectual and/or Developmental Disabilities and their adaptive support needs in place, Custody policies and procedures must be developed and must include all of the requirements of the *Murray v. Santa Barbara County Remedial Plan*.

Partial Compliance

2. Do the policy and procedures include the following?
 - a) Screening?
 - b) Identification of their adaptive support needs and adaptive functioning deficits?
 - c) Monitoring, management, and accommodations for people with Intellectual or Developmental Disabilities?

As detailed above, Wellpath policies and procedures include a comprehensive screening process for the identification of adaptive support needs and adaptive functioning deficits. However, the County does not have in place policies and procedures for the management and provision of accommodations for incarcerated people with disabilities once their adaptive support deficits and needs are identified by Wellpath. The County must ensure the policies and procedures include the requirements of the *Murray v. Santa Barbara County Remedial Plan*.

Partial-Compliance

3. In cases where a person is known to have or suspected of having an Intellectual or Developmental Disability, did the County contact the appropriate Regional Center within the next business day of the person's arrival at the Jail?

The Wellpath policy, HCD-110_E-02 Receiving Screening - Santa Barbara CA Section 6.8, requires a referral to a caseworker (e.g., the local Regional Center for Developmentally Disabled) for the purpose of diagnosis identification and/or treatment within 24 hours of identification, excluding holidays and weekends. The Santa Barbara County Sheriff's Office, Custody Operations – Policies and Procedures Manual, 243 – Special Care Inmates requires contact with Tri-County Regional Center If the inmate is a Tri-County Regional Center patient. Staff is required to contact Tri-County Regional Center in Oxnard at 1-805-485-3177 or the Santa Barbara office at 1-805-962-7881 and advise them when a developmentally disabled incarcerated person is in custody. The notification must occur within 24 hours of the incarcerated person's custody.

The County did not produce any supporting documents that reflect the County contacted the Regional Center in cases where an incarcerated person was known to have or suspected of having an Intellectual or Developmental Disability. The spreadsheet produced by Wellpath reflects there were 46 cases where an

incarcerated person was known to have or suspected of having an Intellectual or Developmental Disability. The County must ensure that in cases where an incarcerated person is known to have or suspected of having an Intellectual or Developmental Disability, contact with the appropriate Regional Center is made within the next business day of the person's arrival at the Jail as required by the *Murray v. Santa Barbara County* Remedial Plan. Post monitoring tour the County produced a Wellpath Authorization for Use or Disclosure of Protected Health Information requesting information from Tri County Regional Center for one (1) of the two (2) cases listed in the spreadsheet produced by Wellpath for cases that were referred to a psychologist for further intellectual/developmental disability evaluation. The case is identified in the spreadsheet as being a Tri Counties Pt. However, the Expert notes that spreadsheet includes two (2) additional cases where an Adaptive Support Plan was needed. Additionally, the spreadsheet reflects an additional 42 cases that were referred for evaluation for a Developmental/Intellectual disability. The County did not produce Authorization for Use or Disclosure of Protected Health Information requesting information from Tri County Regional Center for these cases. The County is required to contact the appropriate Regional Center within the next business day of the incarcerated person's arrival at the Jail for cases where a person is known to have or suspected of having an Intellectual or Developmental Disability. Based on this the Expert finds the County in non-compliance with these requirements.

Non-Compliance

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

As stated above, the spreadsheet produced by Wellpath reflects there were 46 cases where an incarcerated person was known to have or suspected of having an Intellectual or Developmental Disability, and the County did not provide supporting documentation that the County contacted the appropriate Regional Center requesting the current IPP. The County must ensure staff requests the incarcerated person's current IPP with the individual's authorization. Post monitoring tour the County produced a Wellpath Authorization for Use or Disclosure of Protected Health Information requesting information from Tri County Regional Center for one (1) of the two (2) cases listed in the spreadsheet produced by Wellpath for cases that were referred to a psychologist for further intellectual/developmental disability evaluation. The County also produced the Person Centered Individual Program Plan provided to the County from Tri Counties Regional Center. The case is identified in the spreadsheet as being a Tri Counties Pt. However, the Expert notes that spreadsheet includes two (2) additional cases where an Adaptive Support Plan was needed. Additionally, the spreadsheet reflects an additional 42 cases that were referred for evaluation for a Developmental/Intellectual disability. The County did not produce Authorization for Use or Disclosure of Protected Health Information requesting information from Tri County Regional Center for these cases. The County is required to contact the appropriate Regional Center within the next business day of the

incarcerated person's arrival at the Jail for cases where a person is known to have or suspected of having an Intellectual or Developmental Disability. Based on this the Expert finds the County in non-compliance with these requirements.

Non-Compliance

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

As stated above, the spreadsheet produced by Wellpath reflects there were 46 cases where an incarcerated person was known to have or suspected of having an Intellectual or Developmental Disability, and the County did not provide supporting documentation that the County contacted the appropriate Regional Center requesting the current IPP. The County did not provide case notes or documentation reflecting that medical and custody staff reviewed the IPP to ensure all communications and services being provided to the incarcerated person with Intellectual Disabilities were appropriate. The County must ensure that once received, medical and custody staff reviews the IPP to ensure all communications and services being provided are appropriate.

Non-Compliance

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

As stated above, the spreadsheet produced by Wellpath reflects there were 46 cases where an incarcerated person was known to have or suspected of having an Intellectual or Developmental Disability. In 44 of these cases, the spreadsheet reflects the incarcerated person is not a Regional Center client. Although the Wellpath psychologist conducts additional testing and evaluation of adaptive support deficits and needs, the County did not request that the Regional Center (or other appropriate agency) perform an evaluation. The County must ensure that for cases where an incarcerated person suspected of having an Intellectual or Developmental Disability and he/she is not a Regional Center client, the County must request that the Regional Center (or other appropriate agency) perform an evaluation as required by the *Murray v. Santa Barbara County* Remedial Plan. Post monitoring tour the County produced a Contact with Tri-County Regional Center spreadsheet. The spreadsheet reflects seven (7) cases where the County contacted Tri-County Regional Center regarding the case. However, the County did not produce documentation that the County had requested that the Regional Center (or other appropriate agency) perform an evaluation for the cases listed in the spreadsheet produced by Wellpath for cases that were referred to a psychologist for further intellectual/developmental disability evaluation and the incarcerated persons was not identified as a Regional Center client. Based on this the Expert finds the County in non-compliance with these requirements.

Non-Compliance

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

There were no documents produced by the County to measure compliance with this requirement. Additionally, the County's policies do not address this requirement. The County must ensure the policies and procedures are revised and address the *Murray v. Santa Barbara County* Remedial Plan requirements.

Non-Compliance

8. Were incarcerated people identified as having an Intellectual or Developmental Disability provided with accommodations tailored to their needs, which include but are not limited to communications at the appropriate comprehension level, more time to complete directions, and specific behavioral supports?

There were no documents produced by the County to measure compliance with these requirements. Additionally, although the Wellpath pilot policy includes a process for the Adaptive Support Plan to identify the incarcerated person's adaptive deficits and supports related to communication and comprehension and the need for more time to complete directions, the custody policies do not address the process for staff to provide and document these supports. The County must ensure the policies and procedures are revised and address the *Murray v. Santa Barbara County* Remedial Plan requirements. Based on the County/Wellpath having a screening and identification process to identify incarcerated persons with intellectual/developmental disabilities and their adaptive supports, the Expert finds the County in Partial Compliance with this requirement.

Partial Compliance

9. Did a multidisciplinary team that includes appropriate health care staff monitor and ensure appropriate care for people with an Intellectual or Developmental Disability?

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

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

The Wellpath pilot policy and process to screen incarcerated persons for intellectual and developmental disabilities states, "Patients who have an adaptive supports needs plan shall be enrolled in the Mental Health Special Needs program and have a treatment plan that reflects the elements of the adaptive support needs plan."

The County advised the Expert that specific cases are reviewed during "HARP" (High Alert Risk Person) meetings. During the HARP meetings, the staff discusses mental health and classification case factors as well as treatment plans for the incarcerated people being monitored by the HARP team. The County advised the Expert that the County (with representatives from medical, mental health, and custody) reviews specific cases as part of the HARP meeting process. Although the County provided the Expert with a HARP Meeting Participants (January 2022 to May 2022), a review of these documents reflects no cases for incarcerated people identified with an Intellectual or Developmental Disabilities.

There were no specific cases for Intellectual or Developmentally Disabled incarcerated people produced. It is recommended that, in addition to the Wellpath pilot policy, the County establish and implement custody policies for a multidisciplinary team (including appropriate health care staff) to monitor and ensure appropriate care for people with an Intellectual or Developmental Disability. The County must ensure a multidisciplinary team (including appropriate health care staff) monitors and ensures appropriate care for people with an Intellectual or Developmental Disability as required by the Wellpath policy and the *Murray v. Santa Barbara County* Remedial Plan requirements.

Partial-Compliance

10. Did the multidisciplinary team develop an individualized plan for each person with an Intellectual or Developmental Disability?

As detailed above, Wellpath policies and procedures include a comprehensive screening process for the identification of adaptive support needs and adaptive functioning deficits, including the development of an adaptive support plan. However, the County did not produce any individualized treatment plans (adaptive support plans) for persons with an Intellectual or Developmental Disability. The County must ensure a multidisciplinary team develops an individualized plan for each incarcerated

person with an Intellectual or Developmental Disability as required by the Wellpath policy and the *Murray v. Santa Barbara County* Remedial Plan requirements.

Partial-Compliance

11. Did the individualized plan address safety, vulnerability, and victimization concerns?

As detailed above, Wellpath policies and procedures include a comprehensive screening process for the identification of adaptive support needs and adaptive functioning deficits, including the development of an adaptive support plan. The adaptive support plan includes assessing the incarcerated person's safety, vulnerability, and victimization concerns. However, the County did not produce any individualized treatment plans (adaptive support plans) for persons with an Intellectual or Developmental Disability. The County must ensure the individualized plan addresses safety, vulnerability, and victimization concerns.

Partial-Compliance

12. Did the individualized plan address adaptive support needs?

As detailed above, Wellpath policies and procedures include a comprehensive screening process for the identification of adaptive support needs and adaptive functioning deficits, including the development of an adaptive support plan. However, the County did not produce any individualized treatment plans (adaptive support plans) for persons with an Intellectual or Developmental Disability. The County must ensure the individualized plan addresses adaptive support needs.

Partial-Compliance

13. Did the individualized plan address programming, housing, and accommodation needs?

As detailed above, Wellpath policies and procedures include a comprehensive screening process for the identification of adaptive support needs and adaptive functioning deficits, including the development of an adaptive support plan. However, the County did not produce any individualized treatment plans (adaptive support plans) for persons with an Intellectual or Developmental Disability. The County must ensure the individualized plan addresses the programming, housing, and accommodation needs.

Partial-Compliance

14. Was the multidisciplinary team's plan reviewed on a regular basis and updated as needed?

As detailed above, Wellpath policies and procedures include a comprehensive screening process for the identification of adaptive support needs and adaptive functioning deficits, including the development of an adaptive support plan. However, the County did not produce any individualized treatment plans (adaptive support plans) for persons with an Intellectual or Developmental Disability. The County must ensure the multidisciplinary team's plan is reviewed on a regular basis and updated as needed. The County reports they currently have a multidisciplinary team that meets every Monday (HARP meeting) to discuss individuals with Intellectual or Developmental disabilities and who are listed on the HARP roster, and an individualized plan is developed. However, as noted in question #9, above, there were no incarcerated persons with an identified Intellectual or Developmental Disability on the HARP roster for the five months reviewed. The County further reports this requirement will be incorporated into the ADA policy within the next eight (8) months.

Non-Compliance

Physical Accessibility Requirements

1. Has the County implemented an ADA transition plan to remedy SBJ physical plant features that could result in access barriers for people with disabilities?

The County produced an ADA Self-Evaluation and Transition Plan of the SBCJ conducted by Vanir. The Transition Plan does not have an issue date. However, the Vanir Transition Plan reflects the site evaluation was conducted from September 6, 2016, to June 7, 2018. The Expert notes the County of Santa Barbara - Santa Barbara Jail ADA Transition Plan for Adult Detention Facility completed by Vanir identifies physical plant accessibility barriers of the SBJ. The County reports the County is in the process of fully implementing this requirement and has begun the ADA transition plan, including proposed remodel plans and the County's request for participation. The county commissioned Vanir Construction to identify ADA deficiencies in 2018. Vanir developed an ADA transition plan for the SBJ with identified timelines. On November 9, 2021, a contract was awarded to Nacht and Lewis for redesign of the SBJ campus to bring it in compliance with ADA requirements. The County anticipates completing this requirement upon conclusion of the SBJ remodel as contemplated by the Stipulated Judgment.

Partial Compliance

2. Has the ADA transition plan been implemented in the timeframe set forth in the Stipulated Judgment?

The Stipulated Judgment requires the County to fully implement all of the remedial measures according to the specified timeframes (where identified) set forth in the Remedial Plan. For remedial measures requiring a remodel, reconfiguration, or renovation of the SBJ, Defendants shall fully implement those measures on or before

July 1, 2023, subject to all applicable California Environmental Quality Act ("CEQA") review processes, permitting requirements, public comment and hearing requirements, and other public approval processes. The County did not provide the Expert with the status of the implementation schedule of the Transition Plan.

Un-ratable

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

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

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

However, there continue to be some areas where incarcerated people with disabilities are not provided access to some of the Jail's programs, services, and activities. This is primarily related to access to work assignments. The County must ensure mobility disabled incarcerated people have the opportunity to participate in the Jail's work assignment program using interim measures pending the completion of the Transition Plan (i.e., escorting mobility disabled incarcerated people to the specific work assignments if safety and security measures allow). The County anticipates completing this requirement within the next six (6) to eight (8) months.

Partial Compliance

4. Does the North Branch Jail provide adequate accessibility for people with disabilities, consistent with accessibility requirements under federal and state law?

During the Monitoring Tour of the NBJ, the Expert noted the NBJ has adequate accessible cells/dorms, showers, restrooms, and program areas (visiting, medical treatment rooms, holding cells, program areas) for incarcerated persons with mobility disabilities. However, the Expert notes that the NBJ currently does not have video phone access for disabled incarcerated persons who require the technology. The Expert notes the County has the kiosks in place; however, the functionality has not

been installed. The County anticipates completing this requirement within the next three (3) months.

Partial Compliance

Alarms/Emergencies

1. Has the County implemented written policies regarding the expectations of staff as to persons with disabilities during emergencies and alarms, including as to disabilities that may affect their ability to comply with orders or otherwise respond to emergencies and alarms?

The Expert reviewed the Santa Barbara County Sheriff's Office, Custody Operations – Policies and Procedures Manual, and the Santa Barbara County Sheriff's Office Policy Manual and found the County has not implemented written policies regarding the expectations of staff as to persons with disabilities during emergencies and alarms, including as to disabilities that may affect their ability to comply with orders or otherwise respond to emergencies and alarms. The County must ensure policies and procedures are revised to include the requirements of the *Murray v. Santa Barbara County* Remedial Plan. The County reports they are reviewing a sample Effective Communication policy provided by the Expert, which the County intends to adapt to meet the needs of this requirement. The County anticipates completing this requirement within the next six (6) months.

Non-Compliance

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

The Expert reviewed the Santa Barbara County Sheriff's Office, Custody Operations – Policies and Procedures Manual, and the Santa Barbara County Sheriff's Office Policy Manual and found the policies do not ensure appropriate handling of people with mobility-related disabilities who are unable to prone out or take a seated position on the ground during an alarm or emergency. The County must ensure policies and procedures are revised to include the requirements of the *Murray v. Santa Barbara County* Remedial Plan. The County anticipates completing this requirement within the next six (6) months.

Non-Compliance

3. Have the policies been communicated to staff?

Based on the County not having revised ADA policies and procedures in place, the Expert could not rate this item for compliance. The County anticipates completing this requirement within the next six (6) months.

Un-ratable

4. Have the policies been communicated to people with disabilities using Effective Communication?

Based on the County not having revised ADA policies and procedures in place, the Expert could not rate this item for compliance. The County anticipates completing this requirement within the next six (6) months.

Un-ratable

5. In order to facilitate appropriate accommodations during alarms or emergencies, does the County offer, but not require, individuals who have disabilities visible markers to identify their disability needs (e.g., wristbands)?

The County reported that currently, incarcerated people with disabilities who require accommodations during alarms or emergencies are not offered visible markers to identify their disability needs (e.g., wristbands). The County must establish a policy and implement this process as required by the *Murray v. Santa Barbara County* Remedial Plan. The County anticipates completing this requirement within the next six (6) months.

Non-Compliance

6. Does the County maintain a list that is posted in such a way to be readily available to Jail staff in each unit of people with disabilities that may require accommodations during an alarm or emergency?

During the on-site tour, the Expert confirmed each unit at the SBJ and NBJ had the Active ADA Alerts list posted in the Custody Deputy's workstation. This list includes the name, housing location, Disability, and accommodation needs of the incarcerated people housed in the SBCJ. As noted in other sections of this report, there must be a comprehensive, standardized ADA Tracking System that ensures reliable inclusion of all incarcerated persons with disabilities that require such accommodations. The Active ADA Alerts list must include alarm/emergency-related accommodations that incarcerated persons with disabilities require.

Partial Compliance

7. Has the County installed visual alarms appropriate for people who are deaf or hard of hearing?

During the on-site review, the Expert noted all housing units at the NBJ have visual alarms installed. The Expert noted all housing units at the SBJ, with the exception of the Northwest housing units, have visual alarms installed. The County must ensure the visual alarms meet the NFPA 72, 'National Fire Alarm Code' standards, and visual alarms be installed in the Northwest housing units. The County reports they are working with General Services to add visual alarms to the Northwest housing unit and anticipate completing this requirement within the next six (6) to eight (8) months.

Partial Compliance

8. Do all housing units have emergency and fire exit routes notices posted?

During the on-site review of the Main Jail and NBJ, the Expert noted none of the housing units had emergency and fire exit route notices posted. The County must ensure all housing units have the emergency and fire exit route notices posted as required by the *Murray v. Santa Barbara County* Remedial Plan. The County reports they are in the process of developing the notices and fire exit routes and anticipate completing this requirement within the next three (3) months.

Non-Compliance

Quality Assurance

1. Has the County developed and implemented written policies and procedures regarding monitoring compliance with ADA requirements and Jail ADA policies?

The County reports they have not developed and implemented written policies and procedures regarding monitoring compliance with ADA requirements and Jail ADA policies. The County must develop and implement written policies and procedures regarding monitoring compliance with ADA requirements and Jail ADA policies. The County anticipates completing this requirement within the next six (6) to eight (8) months. The County recently solicited recommendations from the Expert for the revision of the applicable ADA policies.

Non-Compliance

2. Do the written policies and procedures regarding monitoring compliance with ADA requirements and Jail ADA policies include monitoring of requests for ADA accommodations?

The County reports they have not developed and implemented written policies and procedures regarding monitoring compliance with ADA requirements and Jail ADA policies and procedures. The County must ensure the written policies and procedures regarding monitoring compliance with ADA requirements, and Jail ADA policies

include monitoring of requests for ADA accommodations. The County anticipates completing this requirement within the next six (6) to eight (8) months. The County recently solicited recommendations from the Expert for the revision of the applicable ADA policies.

Non-Compliance

3. Do the written policies and procedures regarding monitoring compliance with ADA requirements and Jail ADA policies include monitoring of ADA-related grievances?

The County reports they have not developed and implemented written policies and procedures regarding monitoring compliance with ADA requirements and Jail ADA policies. The County must ensure the written policies and procedures regarding monitoring compliance with ADA requirements, and Jail ADA policies include monitoring of ADA-related grievances. The County anticipates completing this requirement within the next six (6) to eight (8) months. The County recently solicited recommendations from the Expert for the revision of the applicable ADA policies.

Non-Compliance

4. Do the written policies and procedures regarding monitoring compliance with ADA requirements and Jail ADA policies include monitoring of ADA-related training?

The County reports they have not developed and implemented written policies and procedures regarding monitoring compliance with ADA requirements and Jail ADA policies. The County must ensure the written policies and procedures regarding monitoring compliance with ADA requirements, and Jail ADA policies include monitoring of ADA-related training. The County anticipates completing this requirement within the next six (6) to eight (8) months. The County recently solicited recommendations from the Expert for the revision of the applicable ADA policies.

Non-Compliance

5. Do the written policies and procedures regarding monitoring compliance with ADA requirements and Jail ADA policies include monitoring of the use of the ADA Tracking System?

The County reports they have not developed and implemented written policies and procedures regarding monitoring compliance with ADA requirements and Jail ADA policies. The County must ensure the written policies and procedures regarding monitoring compliance with ADA requirements, and Jail ADA policies include monitoring the use of the ADA Tracking System. The County anticipates completing this requirement within the next six (6) to eight (8) months. The County recently solicited recommendations from the Expert for the revision of the applicable ADA policies.

Non-Compliance

6. Has the County developed an ADA accountability plan that ensures quality assurance, tracks violations of the ADA and the Jail's ADA policies, and establishes staff accountability for egregious, serious, or repeated violations of the ADA and Jail ADA-related policies and procedures?

The County reports an ADA accountability plan has not been developed. The County must develop and implement an ADA accountability plan that ensures quality assurance, tracks violations of the ADA and the Jail's ADA policies, and establishes staff accountability for egregious, serious, or repeated violations of the ADA and Jail ADA-related policies and procedures. The ADA accountability plan must be incorporated into the Santa Barbara County Sheriff's Office Custody Operations – Policies and Procedures Manual. The County reports they are in the process of developing an ADA accountability plan and anticipates completing this in the next six (6) to eight (8) months.

Non-Compliance



Signature

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

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

Julian Martinez
Director
Sabot Consulting

September 5, 2022

Date