



## Expert Monitor's Report

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

On-Site Review: April 10-14, 2023

**Produced by:**

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## Table of Contents

<b>Introduction .....</b>	<b>2</b>
<b>Settlement Monitor Activities .....</b>	<b>3</b>
<b>Executive Summary.....</b>	<b>4</b>
<b>Summary of Ratings.....</b>	<b>9</b>
<b>Findings.....</b>	<b>12</b>
<b>5.A. Policy.....</b>	<b>12</b>
<b>5.B. ADA Coordinator.....</b>	<b>13</b>
<b>5.C. ADA Notice to Prisoners.....</b>	<b>15</b>
<b>5.D. Staff Training.....</b>	<b>18</b>
<b>5.E. ADA Tracking System.....</b>	<b>20</b>
<b>5.F. Screening for Disability and Disability-Related Needs .....</b>	<b>35</b>
<b>5.G. Disability-Related Requests and Grievances .....</b>	<b>43</b>
<b>5.H. Housing Placements.....</b>	<b>53</b>
<b>5.I. Visitation.....</b>	<b>63</b>
<b>5.J. Access to Programs, Services, and Activities.....</b>	<b>64</b>
<b>5.K. Health Care Appliances, Assistive Devices, Durable Medical Equipment.....</b>	<b>74</b>
<b>5.L. Transportation .....</b>	<b>83</b>
<b>5.M. Effective Communication.....</b>	<b>85</b>
<b>5.N. Access for Individuals with Hearing Impairments .....</b>	<b>95</b>
<b>5.O. Prisoners with Intellectual/Dvelopmental Disabilities .....</b>	<b>108</b>
<b>5.P. Physical Accessibility Requirements .....</b>	<b>117</b>
<b>5.Q. Alarms/Emergencies.....</b>	<b>120</b>
<b>5.R. Quality Assurance.....</b>	<b>123</b>
<b>Signature .....</b>	<b>127</b>

## 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.

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## The Settlement Monitor's Activities

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

### A. Role of the Expert

The duties of the Remedial Plan Experts are as follows:

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

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

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

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

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

## **B. Monitoring Process**

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

### **Partial Compliance (SC):**

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

### **Partial Compliance (PC):**

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

### **Non-Compliance (NC):**

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

### **Un-ratable (UR):**

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

## Executive Summary

This is the third 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 April 10-14, 2023. 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.

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

The Expert recognizes COVID-19 and staffing shortages continue to impact the operations of the SBCJ and the implementation of the Santa Barbara County Remedial Plan requirements. The Expert notes the County has made some modifications to the ATIMS 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 yet to implement the requirement for all staff to document the provision of these requirements within the ADA Tracking System. The County is also working with the ATIMS vendor to include functionality required by the *Murray v. Santa Barbara County* Remedial Plan. The Expert does note the ADA Coordinators continue to use 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 most 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, the County must focus on implementing the revised policies and procedures that include the requirements of the *Murray v. Santa Barbara County* Remedial Plan. Until the policies and procedures are implemented, and staff are trained on the revised policies and procedures, staff will not be fully aware of their requirements to ensure incarcerated people with disabilities have access to the SBCJ programs, services, and

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activities. The Expert recommends that the County focus on policy development and training. Doing so will assist the County in ensuring the incarcerated persons are provided the accommodations they need to access the SBCJ's program, services, and activities and the requirements of the *Murray v. Santa Barbara County* Remedial Plan. These areas are the "building blocks" of an effective "Disability" program. The Expert recommends that the County focus on the following areas:

- Policy revisions and development – The County must finalize and implement policies that include staff's roles and responsibilities related to the "Disability" program.
- The County must ensure that a process is put in place for the identification of Intellectually/Developmentally disabled incarcerated persons, their adaptive support deficits, and adaptive support needs. Wellpath had implemented a pilot which included the requirements of the *Murray v. Santa Barbara County* Remedial Plan; however, the County and Wellpath reported that the pilot was halted, and currently, policies, procedures, and a process is not in place.
- 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 (Video).
  - The Expert notes the county has placed required information on the county website, the jail handbook, multiple locations around the jail and incarcerated persons cells, The County has made strides in providing ADA information to incarcerated persons, the only incomplete requirement is the orientation video.
- 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.
- Include the functionality in the ATIMS 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. If the functionality cannot be included in the ATIMS JMS, the Expert recommends that the County consider procuring a JMS that can include the functionality required by the *Murray v. Santa Barbara County* Remedial Plan. The Expert notes that the current JMS has limitations in tracking disability-related information in real time. The County modified the current distribution of the ADA Active Alerts list; however, the "Notes" column is entered manually, and, in some cases, there are delays in the ADA Coordinators receiving the MTOs (Medical Treatment Orders).
- The Expert continues to recommend 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:

- Create a large print Spanish version of the Orientation Handbook.
- Create an accessible video that presents the contents of the Orientation Handbook.
- Ensure the incarcerated person's disability accommodation need(s) are printed on the incarcerated person's wristband.
- Ensure the disability information and the MTO (Medical Treatment Order) is distributed once approved by Wellpath (who enters/routing etc.) as outlined in the revised MTO distribution process.
- Ensure the MTOs are forwarded to ADA Coordinators/Classification staff timely.
- Ensure staff are aware of documentation requirements through policy, training, and quality assurance, including as to:
  - Intake Screening
  - Classification
  - Assignment of Housing
  - Assignment of Programs
  - Medical and Mental Health encounters
  - Due Process (Inmate Disciplinary Reports/Grievances)
  - Release (Health Care Appliances)
  - Transportation
  - Effective Communication/Sign Language Interpreter
  - Assistive Devices
  - Provision of Disability-Related Accommodations
  - Adaptive Supports for People with Cognitive/Intellectual Disabilities
- Ensure the screening process identifies all qualified incarcerated persons with disabilities and their accommodations.
- Ensure the County identifies the preferred method of communication for hearing-, vision-, learning-, and intellectually disabled incarcerated persons.
- Ensure Jail staff identify incarcerated persons with barriers to communication and provide and document Effective Communication for due process and clinical encounters.
- Ensure disability-related grievances and Disability Requests for Accommodations are responded to within 72 hours of receipt, and sooner for situations in which a person's safety or physical well-being is at risk.
- Ensure all ADA-related grievances are tracked as "ADA" for effective review, resolution, and quality assurance.
- Ensure disability-related grievances are identified by the reviewing supervisor, even if the incarcerated person who submitted the grievance did not check the "ADA" box.
- Ensure the County regularly reviews the disability-related grievances and complaint information for quality assurance purposes.



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- Explore ways to expand program opportunities to disabled incarcerated persons who are housed in the SBJ.
  - Develop essential functions and identification of physical limitations for all work assignments.
  - Install the accessible exercise equipment in all recreation yards.
    - The Expert notes the County has installed accessible exercise equipment in three (3) of the NBJ's exercise yards. If exercise equipment is installed in other exercise yards, the County must also install accessible exercise equipment.
  - Ensure disabled incarcerated persons are provided with equitable job opportunities.
  - Ensure the timely provision of HCA/DME/AD.
  - Create an inventory of HCA, including the Periodic Automatic Replacement number and a dedicated storage area (currently, they are spread out in various locations).
  - Ensure disabled incarcerated persons who are deaf and/or hard of hearing are provided equal access to telecommunication devices (videophones, video relay service, telephone amplification devices).
  - Install visual alarms in the SBJ.
  - Develop a Monitoring/Accountability Plan.
  - Develop and roll out Training.

The Expert's report identifies areas of non-compliance and areas that could not be measured for determination of Compliance based on the County's inability to provide supporting documents. However, 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 Partial Compliance.

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

## Summary of Ratings

Remedial Plan Citation	Requirement	Current Rating	Previous Rating
5.A.1	ADA Policy	SC	NC
5.B.1	ADA Coordinator	PC	PC
5.B.2	Designated ADA Coordinator	SC	SC
5.B.3	ADA Coordinator Duty Statement	SC	PC
5.B.4	ADA Coordinator Postings	SC	SC
5.C.1	ADA Notice to Prisoners	SC	PC
5.C.2	Orientation Handbook	PC	NC
5.C.3	Orientation Video	NC	NC
5.D.1	ADA Training	PC	NC
5.D.2	Modality of ADA Training	PC	NC
5.E.1	Development of ADA Tracking System	PC	PC
5.E.2	Requirements of ADA Tracking System	PC	PC
5.E.3	Availability of ADA Tracking System and Input Requirements	PC	PC
5.E.4	Requirement to Print Disability Accommodation on Wristband	NC	NC
5.E.5	Requirement for Staff to Check ADA Tracking System	PC	PC
5.F.1	Identification and Screening of Disabilities	PC	PC
5.F.2	Revision of Screening Process	SC	SC
5.F.3	Input of ADA Screening Results in ADA Tracking System	PC	PC
5.G.1	Revision of ADA Request Form	SC	SC
5.G.2	ADA Grievance Procedures	PC	PC
5.G.3	Provision of SLI During Grievance Interview	PC	PC
5.G.4	ADA Grievance Response and Process	PC	PC
5.G.5	Grievance Form ADA Checkbox/Grievance Processed as ADA When ADA Checkbox is Not Checked	PC	PC
5.G.6	Availability of Grievance Forms/Large Print Grievance Forms	SC	PC
5.G.7	Written Grievance Responses	PC	NC
5.G.8	Informing Incarcerated Persons of Grievance Procedures	PC	NC
5.G.9	Grievance Tracking System	PC	PC
5.H.1	Implementation of ADA Housing Assignment System	PC	PC
5.H.2	Housing of Disabled Incarcerated Persons	PC	PC
5.I.1	Accessibility of Family/Personal Visitation	PC	PC
5.I.2	Individualized Assessment of Disabled Incarcerated Persons for Visitation	PC	PC
5.J.1	Access to Programs, Services and Activities	PC	PC
5.J.2	Reading and Scribing Assistance	PC	PC

Remedial Plan Citation	Requirement	Current Rating	Previous Rating
5.J.3	Equitable Job Opportunities	PC	PC
5.K.1	Timely Provision and Operation of HCA/AD/DME	SC	SC
5.K.2	Primary Consideration of Accommodation/Device	PC	PC
5.K.3	Retention of HCA/AD/DME (Individualized Assessment)	PC	PC
5.K.4	Release of Incarcerated Persons with HCA/AD/DME	PC	PC
5.L.1	Accommodations During Transport	SC	SC
5.L.2	Prescribed HCA/AD/DME During Transport	SC	PC
5.L.3	Accessible Vehicles	SC	SC
5.L.4	Assistance On and Off Transport Vehicles	SC	PC
5.M.1	Effective Communication Policy	PC	PC
5.M.2	Effective Communication Assessment	PC	PC
5.M.3	Assessment of Effective Communication Needs at the Beginning of Medical Screening and Classification	NC	NC
5.M.4	Enhanced Procedures for Effective Communication	PC	NC
5.M.5	Provision of Effective Communication	PC	NC
5.M.6	Primary Consideration of Effective Communication Needs	PC	NC
5.M.7	Outside Education Program and Providers Requirement of Effective Communication	UR	UR
5.N.1	Identification of Preferred Method of Communication (Deaf and/or Hard of Hearing)	PC	PC
5.N.2	Provision of Sign Language Interpreters	PC	NC
5.N.3	Sign Language Interpreter Log	PC	PC
5.N.4	Waiver of a Sign Language Interpreter	PC	PC
5.N.5	Sign Language Interpreter Contract	SC	SC
5.N.6	Use of Lip Reading as Preferred Method of Communication	PC	PC
5.N.7	Use of Most Effective Form of Communication When SLI is not Practical or Waived	PC	NC
5.N.8	Provision of Videophones	PC	PC
5.N.9	Time of Usage for TTY/TDD or Videophone	PC	PC
5.N.10	Provision of SLI for Education, Vocational, and Religious Programs	PC	NC
5.N.11	Public Announcement	PC	PC
5.O.1	Intellectual Disability Policy	PC	PC
5.O.2	Regional Center Contact for Incarcerated Persons With Intellectual Disabilities	NC	NC
5.O.3	Accommodations for Incarcerated Persons With Intellectual Disabilities	NC	PC

Remedial Plan Citation	Requirement	Current Rating	Previous Rating
5.O.4	Development of an Individualized Plan by a Multidisciplinary Team for Incarcerated Persons With Intellectual Disabilities	NC	PC
5.P.1	ADA Transition Plan	PC	PC
5.P.2	Implementation of Transition Plan	UR	UR
5.P.3	Accessibility at the North Branch Jail	PC	PC
5.Q.1	Policies for Alarms and Emergencies	PC	NC
5.Q.2	Visible Markers and List to Accommodate Incarcerated Persons During Alarms/Emergencies.	PC	PC
5.Q.3	Installation of Visual Alarms	PC	PC
5.Q.4	Posting of Emergency and Fire Routes	SC	PC
5.R.1	ADA Compliance Monitoring	NC	NC
5.R.2	ADA Accountability Plan	NC	NC

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## Findings

### **5. A. Policy**

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

**Compliance Rating:** Substantial Compliance

**Prior Compliance Rating:** Non-Compliance

#### **Analysis/Observations:**

The County reports that the County has incorporated this requirement into the Custody Operations Americans with Disabilities Act (ADA) Policy (section 209) and the Inmate Orientation Handbook.

The Expert reviewed the revisions to the draft Custody Operations ADA Policy (Section 209). The Expert notes that although the draft Custody Operations ADA Policy (Section 209) includes the language, "It is the policy of the Santa Barbara County Sheriff's Office to not discriminate against any person protected by the Americans with Disabilities Act in the provision of services, programs, and activities.," the policy does not include the language required by the *Murray v. Santa Barbara County* Remedial Plan. Post monitoring tour, the Expert reviewed the revised Custody Operations ADA Policy (Section 209) and confirmed the policy includes the language required by the *Murray v. Santa Barbara County* Remedial Plan.

The Expert reviewed the revisions to the draft Custody Operations ADA Policy (Section 209). The Expert notes that although the draft Custody Operations ADA Policy (Section 209) includes the language, "Eligible persons with a Disability are entitled to an equal opportunity to participate in programs, services or activities offered by the Santa Barbara County Sheriff's Office (including contract service providers; e.g., Wellpath, Aramark, or others)," the policy does not include the language required by the *Murray v. Santa Barbara County* Remedial Plan. Post monitoring tour, the Expert reviewed the revised Custody Operations ADA Policy (Section 209) and confirmed the policy includes the language required by the *Murray v. Santa Barbara County* Remedial Plan.

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### **5. B. ADA Coordinator**

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

**Compliance Rating:** Partial Compliance

**Prior Compliance Rating:** Partial Compliance

**Analysis/Observations:**

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 sufficiently dedicated to coordinating efforts to comply with and carry out ADA-related requirements and policies. In addition to ADA Coordinator duties, Corporal Gray also performs the following duties; Prison Rape Elimination Act investigations, coordinating Public Records Act requests, Transgender Liaison/Coordinator, and other administrative duties.

The Santa Barbara County Sheriff's Office, Custody Operations – Policies and Procedures Manual, 209 Americans with Disabilities Act (ADA) Revised Draft 2/2023 Section 209.2.1 states, "The Chief Deputy should appoint a staff member to serve as the ADA Coordinator, whose primary responsibilities include, but are not limited to, coordinating compliance with ADA requirements."

The County must ensure the designated ADA Coordinator is sufficiently dedicated to ADA duties as required by the *Murray v. Santa Barbara County* Remedial Plan – that is with adequate time, direction, and resources to ensure implementation of all ADA-related tasks and systems. Post Monitoring tour the County provided the Expert with a Memorandum dated June 27, 2023 that reflects revised assignments of the ADA Coordinator. The memorandum reflects the ADA coordinators are solely assigned to ADA Coordinator duties. The Expert will need to confirm this during the next monitoring tour.

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

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

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

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

**Compliance Rating:** Substantial Compliance

**Prior Compliance Rating:** Substantial Compliance

**Analysis/Observations:**

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. During the monitoring tour, the County reported that Corporal T. Falfal would be promoted to Correctional Sergeant. The County must ensure a replacement is hired as soon as possible. The Expert is informed that, consistent with the parties' recent agreement, a new ADA Coordinator will be assigned at NBJ, with a staff member (Corporal A. Gray) designated to remain on site at the Main Jail to monitor day-to-day ADA compliance. The Expert will monitor this provision in the next round to ensure continued compliance.

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

**Compliance Rating:** Substantial Compliance

**Prior Compliance Rating:** Partial Compliance

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### **Analysis/Observations**

The Expert reviewed the "Duty Statement for Americans with Disabilities Act (ADA) Coordinator" duty statement produced by the County. The duty statement clearly enumerates the ADA Coordinators' job duties and training requirements. The duty statement was approved by the Expert.

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

**Compliance Rating:** Substantial Compliance

**Prior Compliance Rating:** Substantial Compliance

### **Analysis/Observations**

During the monitoring tour, the Expert noted that the method for people to contact the ADA Coordinator was posted in the intake area of all jail housing units at both the SBJ and the NBJ. The postings include the name and title of the ADA Coordinator and work address and also include the "ADA Hotline Phone Number" and work email address. Most of the incarcerated people with disabilities who were interviewed stated they were aware of who the ADA Coordinators are and how to contact them. This information must be updated as needed and based on the planned changes to ADA coordinator staffing.

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

### **5. C. ADA Notice to Prisoners**

- 5.C.1. *The County shall ensure that people with disabilities held at the Jail are adequately informed of their rights, including but not limited to:*
- a) *The right to receive reasonable accommodations;*
  - b) *The process for requesting a reasonable accommodation;*
  - c) *The role of the ADA Coordinator (and designee) and method to contact them;*
  - d) *The grievance process, location of relevant forms, and process for getting assistance in completing request and grievance forms;*



*e) Instructions on how to request and access health care services, including the provision of Effective Communication and other accommodations in accessing those services.*

**Compliance Rating:** Substantial Compliance

**Prior Compliance Rating:** Partial Compliance

**Analysis/Observations:**

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

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

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

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

**Compliance Rating:** Partial Compliance

**Prior Compliance Rating:** Non-Compliance

**Analysis/Observations:**

The County reports it is in the process of fully implementing this requirement. The County provides all incarcerated people a Custody Operations Orientation Handbook within the timelines set forth in this requirement. The Handbook is available in 18-point font in English; the County has sent the Handbook for translation into Spanish, and that version will be completed in the upcoming months. The County notes JMS when

an inmate is provided a copy of the Handbook. The County anticipates completing this requirement in the next two months.

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

During the incarcerated person interviews, nine (9) incarcerated persons interviewed stated they had not received a copy of the Handbook. The County added a field to the ATIMS property screen that documents when the Orientation Handbooks are provided to incarcerated persons. However, in order for the County to provide the Expert with proof of practice that the Orientation Handbook is provided to the incarcerated persons within six (6) hours of processing and classification, the County will need to provide the Expert documentation that reflects when the incarcerated person was processed into the jail in addition to the documentation that reflects when the Orientation Handbook was provided. In future monitoring, the Expert will select a sample size of cases to measure compliance. The County proof of compliance documents (1 case for NBJ and 1 case for SBJ) demonstrating that incarcerated persons are provided Handbooks within 6 hours of processing and classification. The Expert will need to see proof of practice from the Experts randomly selected cases during the next monitoring tour.

5.C.2.a. 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 reports that the County has sent the Orientation Handbook for translation into Spanish, and that version will be completed in the upcoming 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.

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

**Compliance Rating:** Non-Compliance

**Prior Compliance Rating:** Non-Compliance

**Analysis/Observations:**

The County reports it is in the process of fully implementing this requirement. The County is working towards creating a video that meets the requirements of this

provision. The County anticipates completing this requirement in the next six months. The County should provide a cut of the ADA-orientation video to the Expert and class counsel for review and comment. The video should contain simple language, provide closed captioning, and be provided in English and Spanish.

During the on-site review, the County advised the Expert an accessible video presenting the contents of the Orientation Handbook (including the ADA-related policies, procedures, and information) is currently not available. The County reports they are in the process of fully implementing this requirement. The County is working towards creating a video that meets the requirements of the *Murray v. Santa Barbara County* Remedial Plan. The County anticipates completing this requirement in the next six (6) months. 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).

- 5.C.3.a. The County does not currently use an accessible video that presents the contents of the Orientation Handbook, including the ADA-related policies. The County reports they are in the process of fully implementing this requirement. The County is working towards creating a video that meets the requirements of the *Murray v. Santa Barbara County* Remedial Plan. The County anticipates completing this requirement in the next six (6) months. When implemented, the County must ensure an SLI is used to interpret the contents of the Orientation to incarcerated people with disabilities who are Deaf and/or Hard of Hearing and who use American Sign Language as their primary means of communication. Although there were no specific cases identified during the rating period, the Expert notes that the County established a contract with "Purple Communications" on 1/11/23 for on-demand sign language interpreting services. These services should be used to interpret the contents of the orientation handbook pending the creation of the Orientation Video.

#### **5. D Staff Training**

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

**Compliance Rating:** Partial Compliance

**Prior Compliance Rating:** Non-Compliance

**Analysis/Observations:**

The County reports it is in the process of fully implementing this requirement. The County's Crisis Intervention and De-escalation Training addresses the use of force when interacting with people with disabilities. The County has completed ADA training in the academy for Custody Deputies and is working on developing training for healthcare staff, facility maintenance, and civilian staff at the jail, as well as bi-annual training. The County has reviewed training provided by the ADA Expert and is in the process of developing the training, which will meet the requirements of this provision. The County anticipates completing this requirement in the next twelve months.

During the first monitoring tour, the County produced a PowerPoint presentation titled "Disability Rights California Remedial Plan Implementation" that included 201 slides with 33 slides related to the ADA requirements of the *Murray v. Santa Barbara County Remedial Plan*. Of the 33 slides, 14 of the slides are dedicated to a quiz. The County reported the ADA Coordinators presented the training, and all custody staff was required to attend the training. During the on-site monitoring tour, 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 produced training records (Standards and Training for Correctional Program) which included 21 sign-in rosters. The training was provided in the Spring of 2021 for the training class titled "Disability Rights California Training," an 8-hour class. The sign-in rosters reflect a total of 223 staff attended the training. The sign-in rosters reflect the following staff classifications; Correctional Deputy II, Correctional Deputy, Correctional Deputy EX, SST, SK, UW, CMDR, BMS, LC, OPSR, LT, and SGT. Post monitoring tour the County produced HealthStream Assignment Completion Reports for Wellpath ADA Training for Wellpath staff. The reports reflect 14 staff completed the training and 19 staff have not completed the training.

The County also produced a PowerPoint presentation that included 34 slides. This training is specific to ADA-related training; however, the training curriculum appears to be incomplete. The training will need to be updated to reflect the soon-to-be finalized Sheriff's Office ADA Policy and any necessary updates to the ADA policy for health care staff. The Expert also notes that training sign-in sheets were not provided for 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*. For future monitoring; the County must track and provide documentation that shows staff were provided with the required ADA training.

5.D.1.a. The County 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 produced Course Rosters for the DRC Introduction conducted at Alan Hancock CC. The rosters reflect seven CDs on the rosters; however, only three participants signed the roster.

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.

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

**Compliance Rating:** Partial Compliance

**Prior Compliance Rating:** Non-Compliance

**Analysis/Observations:**

The County reports it is in the process of fully implementing this requirement. The CQA unit and CIT team members are working on a lesson plan to provide the required training. The County is exploring training via the Corrections One website. The County ADA Coordinator has completed the certification process and will be taking the certification test in the upcoming months. Thereafter, the County anticipates completing the lesson plans to meet this requirement in the next six to nine months.

The County is in the process of fully implementing this requirement. The CQA unit and CIT team members are working on a lesson plan to provide the required training. The County is exploring training via the Corrections One website. The County ADA Coordinator has completed the certification process and will be taking the certification test in the upcoming months. Thereafter, the County anticipates completing the lesson plans to meet this requirement in the next six to nine 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. In addition to the training being provided by qualified ADA instructors.

**5. E. ADA Tracking System**

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

**Compliance Rating:** Partial Compliance

**Prior Compliance Rating:** Partial Compliance

**Analysis/Observations:**

The County reports it is in the process of fully implementing this requirement. The County is presently researching alternate ADA tracking systems to better meet the provisions of the remedial plan. The County has developed an interim ADA tracking system that incorporates tabs for transgender and effective communication needs to address the ADA Expert's concerns. Additions have also been made to capture individuals with Intellectual Disabilities and to ensure effective communication. In the next six months, the County will coordinate with the ADA Expert to discuss the necessary components of the ADA Tracking System. Formal training on the ADA Tracking System will occur during the requisite ADA training and at all future Custody Academies. Training will be specific to the individual job class.

The County continues to use 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 first 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.

In the previous report, the Expert noted the JMS has some functional capability to track incarcerated people with disabilities. Once an individual is identified as a qualified individual with a disability, Jail staff (Classification/ADA Coordinator) enter this information from the MTO into the current JMS.

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

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Technology system. However, the County reported that the information in the ADA Active Alerts list "Notes" column must be entered manually by the ADA Coordinator upon receipt and review of the MTO. Information that is manually entered by the ADA Coordinators includes:

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

As part of document production, the Expert requested, and the County produced emails where the ADA Coordinator had not received an MTO for cases that the ADA Coordinator had identified an incarcerated person with a disability and/or an ADA Flag in ATIMS. In a review of the document, the Expert identified eight (8) cases where the MTO had not been provided to the ADA Coordinator. Additionally, during the monitoring tour, the Expert identified ten (10) cases listed on the ADA Active Alerts list that did not have information in the "Notes" column of the list. The County reported that the information in the "Notes" column is entered by the ADA Coordinators based on information on the MTO. The ADA Coordinator reported that for these cases, the MTO had not been provided by Wellpath. The Expert also identified five (5) cases where an MTO had been completed by Wellpath for an incarcerated person with a qualified disability; however, the incarcerated person was not listed in the ADA Active Alerts list. Although this does not provide aggregate data or context for the cases reviewed it shows there may be a gap in the process and/or staff awareness of the MTO distribution process.

The Expert notes the County is in the process of implementing the following process:

- Inmate/Patient arrives at Medical Intake.
- Medical intake nurse assesses Inmate/Patient for medical issues, including identified ADA concerns and accommodations.
- The intake nurse completes the Medical Treatment Order (MTO) on the computer documenting ADA concerns and accommodations needed (Or to be removed). The MTO shall be saved as a PDF.
- At the conclusion of medical intake, the nurse shall email the MTO (PDF) to [CustodyClassification@sbsheriff.org](mailto:CustodyClassification@sbsheriff.org) and [ADA@sbsheriff.org](mailto:ADA@sbsheriff.org). Classification will enter ADA accommodation(s) into the JMS flag alert and JMS Classification narrative.
- A printed copy of the MTO shall be given to the arresting Deputy/Officer by the nurse.
- The arresting Deputy/Officer gives MTO, along with booking paperwork, to the Intake Deputy.

- The Intake Deputy ensures inmate is accommodated with ADA requirements per MTO. The MTO is then given to the Inmate/Patient.
- The CQA (ADA) AOP II shall place into JMS attachments (Same process as the safety cell report).
- ADA Coordinator(s) shall confirm accommodation(s) is provided.

The Expert notes that at the time of the expert tour, staff were just initiating the revised MTO distribution process. The County reports that the implementation of the process appears to be working as intended and as required by the RP. The County reports staff took a recent 10-day sample of ADA Tracker documents and data (June 6-16, 2023). The review cases where the MTO information was not entered or available when the Tracker was created. The Expert notes that approximately 95% of the entries displayed appropriate input of ADA information. This is a positive note, and the Expert will monitor this in detail during the next monitoring tour.

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

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

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



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

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

- Harp Inmate
- ADA
- Tri Counties Patient
- MAT

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

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

As noted above, the ADA Coordinators currently manually enter disability-related information into the "Notes" column of the ADA Active Alert list. This manual process does not allow the County to input disability-related information in real time.

During the previous monitoring tour, the Expert reported that the County would also 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).

In the previous report, the Expert noted that although the County had made modifications to the ADA Tracking system (within the existing JMS), the ADA Tracking system is fragmented, disorganized, difficult for staff to use, and the functionality is

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

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

Post monitoring tour, the Expert and DRC provided specific detailed functionality requirements for the ATIMS JMS to satisfy the requirements of the *Murray v. Santa Barbara County Remedial*.

This includes:

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

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

If the functionality listed above is added to the exiting ATIMS JMS, this will allow Jail staff to successfully implement and document compliance with the specific requirements of the *Murray v. Santa Barbara County* Remedial Plan. The Expert also continues to recommend 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 (the County reports there is a sub-flag)
- Lower Tier (the County reports there is a sub-flag)
- Cane (the County reports there is a sub-flag)
- Crutches(the County reports there is a sub-flag)
- Walker (the County reports there is a sub-flag)

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

The Expert will confirm the flags during the next monitoring tour.

Once the functionality is added, 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.

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

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

**Compliance Rating:** Partial Compliance

**Prior Compliance Rating:** Partial Compliance

**Analysis/Observations:**

The County reports it is in the process of fully implementing this requirement. The County is presently researching alternate ADA tracking systems to better meet the

provisions of the remedial plan. The County has developed an interim ADA tracking system that includes alert tabs for dementia, intellectual disabilities, Armstrong Notifications, pain, can't walk long distances, crutches, developmental disabilities, effective communication, mental health IDR review, and severe mental illness. The accommodation required due to a specified disability is included in the alert. The ADA active alerts list is also accessible to staff and posted in module offices. The County has trained Classification and CQA deputies and has created a process to improve intake procedures to better identify and track individuals with disabilities. At the completion of medical intake, Wellpath inputs disability, assistive devices, effective communication, and accommodation information into the Classification Input Form (CIF) and generates a Medical Treatment Order (MTO) as needed. The CIF and MTO are transferred to the Classification Deputy, who then inputs all ADA flag information into the JMS tracking system and emails the ADA Coordinators. The County will be implementing this new process in the next three months. Wellpath has also implemented an Adaptive Support Needs Assessment Form to identify possible ADA inmates during receiving, as well as a "learning disability" check box on the Medical Treatment Order (MTO). Wellpath has submitted a request to include an "intellectual disability" check box on the MTO as well.

As noted in the previous report, 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

The Expert notes that the current MTO includes the following:

- Vision Impaired
- Hearing Impaired
- Speech Impaired
- Learning Disability
- Mobility Disability
- Seizure Condition
- Pregnancy
- Drug/Alcohol Withdrawal
- Physical Limitation (describe limits)
- Other (specify
- Lower Tire
- Lower Bunk
- Single Cell
- Extra Mattress
- Extra Blanket
- CPAP Device
- Cane
- Crutches
- Walker
- Wheelchair Full Time
- Wheelchair Part Time/Out of Unit
- Orthotic or Personal Shoes
- Prosthesis
- House is ADA Cell
- Shower Chair/ADA Shower
- Grab Bars
- Infirmary/OPHU Level Care Housing
- Daily Changes of Clothing/Linens
- Negative Pressure Room
- Other
- Patient Identified has exhibited characteristics of being a potential target for victimization
- Patient identified has exhibited characteristics of predatory behavior

There remains significant inconsistency and haphazardness in the "ADA Flag" and MTO categories. Revision and standardization of these disability and accommodation identifiers is necessary. Based on the information contained in the MTO, the Classification Unit/ADA Coordinator enters (manually) the specific disability into the ATIMS ADA Flags (Mobility Impaired, Vision Impaired, Hearing Impaired, etc.) However, as reported above, the ADA Coordinators manually enter disabilities and related health conditions information into the ADA Active Alerts list. Manually entering this information through this sort of multi-step process leads to human error, and without accurate information, staff may not be aware of the incarcerated person's specific disability and accommodation needs.

The County must ensure that disabilities and related health conditions are entered into the ADA Tracking system in real time.

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

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

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

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

The Expert notes that the County's MTO was revised to include an effective communication prompt which is utilized to identify all disabled incarcerated persons preferred method of communication. Additionally, the expert notes that Wellpath recently submitted the proposed ID/DD process for expert review.

The County must ensure that disabilities that may pose a barrier to communication, including but not limited to learning, intellectual, or developmental disabilities, and hearing, speech, or vision impairments, are entered into the ADA Tracking system

in real-time and that a process be put in place for Jail staff to identify the preferred method of communications for disabled incarcerated persons that have a barrier to communication. This information must be provided to Classification and the ADA Coordinator for tracking purposes. Communication disability-related categories should be revised and standardized across the MTO and JMS tracking systems.

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

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

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

The County modified the ADA Active Alert list with the functionality to track incarcerated person's accommodation needs, including housing, classification, transportation, Effective Communication, adaptive supports, HCA/AD/DME). However, as reported above, this information is entered manually by the ADA Coordinator and not in real time.

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

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

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

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

The County modified the ADA Active Alert list with the functionality to track Class membership in Armstrong v. Newsom (N.D. Cal. No. 94- cv-02307) (i.e., people held in the Jail related to a parole revocation proceeding or term), with their applicable disability classification(s) and accommodation need(s). However, as



reported above, this information is entered manually by the ADA Coordinator and not in real time.

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

As noted in question 5.E.1 above, if the functionality listed in question 5.E.1 above is added to the existing ATIMS JMS, this will allow Jail staff to have access to and the ability to document the specific requirements of the *Murray v. Santa Barbara County Remedial Plan*. This recommendation is based on the current ATIMS JMS' limitations in tracking disability-related information in real time. Although the County has modified the current ATIMS JMS, the modifications require staff to enter information as "inmate notes," and this process appears to be difficult to navigate and prone to errors.

The Expert recommends modifications to the ATIMS JMS and ADA Active Alerts list, including specific disability categories such as mobility, vision, hearing, learning, intellectual, etc., and the associated accommodation needs.

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

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

**Compliance Rating:** Partial Compliance

**Prior Compliance Rating:** Partial Compliance

**Analysis/Observations:**

The County reports it is in the process of fully implementing this requirement. The County is presently researching alternate ADA tracking systems to better meet the provisions of the remedial plan. The County has developed an interim ADA tracking system, and as indicated by the ADA Expert in his last report, Health care staff, the ADA Coordinator, and ADA Coordinator-designees have the ability to input information into the ADA tracking system in real time. Currently, only select deputies and medical staff have access to the current ADA tracking system. The County is in the process of developing a manner in which the ADA tracking system's prisoner disability information is readily available to all required staff under the remedial plan, but full implementation may be deferred until a new ADA tracking system is in place.

The Expert notes that the County has made some modifications to the ADA Tracking system by automating the distribution process of the Active Alert List. This allows some of the disability-related information to be distributed to Jail staff in a more expedited fashion (the report is automatically distributed once a day in an email to all Jail staff).

The Expert notes the ATIMS JMS ADA Tracking System is installed on all custody jail staff computer desktops and is available to all jail custody staff, and they have the ability to view all of the ADA Flags that have been entered by the Classification Unit and the ADA Coordinator. The Expert also notes that all Jail staff are also provided an updated Active ADA Alerts list which is automatically distributed daily. However, as described above, not all required disability accommodations are tracked by the ADA Active Alerts list. The Expert identified eight (8) cases where disability-related information from the MTO had not been provided to the ADA Coordinator, and in ten (10) cases, the ADA Active Alerts list did not have information in the "Notes" column of the ADA Active Alert list. The County reported that the information in the "Notes" column is entered by the ADA Coordinators based on information on the MTO. The Expert also identified five (5) cases where an MTO had been completed by Wellpath for an incarcerated person with a qualified disability; however, the incarcerated person was not listed in the ADA Active Alerts list.

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

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

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 an effective process is put in place for entering the MTO information in the systemwide ADA tracking system 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.

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

**Compliance Rating:** Non-Compliance

**Prior Compliance Rating:** Non-Compliance

**Analysis/Observations:**

The County reports it is in the process of fully implementing this requirement. In the next six months, the County will be exploring options to print a prisoner's disability accommodation needs on an inmate's wristband. Thereafter, the County will perform the necessary training and implementation of this provision. However, full implementation may be deferred until a new ADA tracking system is in place.

The Expert notes 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.

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

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

**Compliance Rating:** Partial Compliance

**Prior Compliance Rating:** Partial Compliance

**Analysis/Observations:**

The County reports it is in the process of fully implementing this provision. The County is presently researching alternate ADA tracking systems to better meet the provisions of the remedial plan. The County has developed an interim ADA tracking system that allows staff to document that the tracker was checked at the required intervals per this provision. Presently, the County is partially completing the requirements of this provision but is working towards full compliance. In the next six months, the County

will train staff to check the interim ADA tracking system prior to each area addressed by this provision.

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, with the exception of transportation staff, all staff 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 checks the ADA Tracking System for each incarcerated person and documents the check, immediately prior to all trips to court or outside health care appointments.

The County reports they are in the process of fully implementing this provision. The County is presently researching alternate ADA tracking systems to better meet the provisions of the remedial plan. The County has developed an interim ADA tracking system that allows staff to document that the tracker was checked at the required intervals per this provision. Presently, the County is partially completing the requirements of this provision but is working towards full compliance. In the next six months, the County will train staff to check the interim ADA tracking system.

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*.

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

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

**Compliance Rating:** Partial Compliance

**Prior Compliance Rating:** Partial Compliance

#### **Analysis/Observations:**

The County reports it is in the process of fully implementing this requirement. In the last reporting period, Wellpath had a pilot program for identifying intellectual and developmental disabilities. This program was managed by Wellpath Regional Mental Health Department, and due to management changes, the pilot program was halted

and is currently being redeveloped. Wellpath and the County estimate that this program will return in the next six to eight months. The County reports Wellpath recently submitted the proposed ID/DD process for expert review. For all other inmates, the County is taking steps to identify and verify inmates' disabilities and disability-related needs and coordinating with Classification, CQA deputies, and the ADA Coordinators so that they are aware of inmates' effective communication needs and accommodations. The County has trained Classification and CQA deputies and has created a process to improve intake procedures to better identify and track individuals with disabilities. At the completion of medical intake, Wellpath inputs disability, assistive devices, effective communication, and accommodation information into the Classification Input Form (CIF) and generates a Medical Treatment Order (MTO) as needed. The CIF and MTO are transferred to the Classification Deputy, who then inputs all ADA flag information into the JMS tracking system and emails the ADA Coordinators. The County will be implementing this new process in the next three months. Wellpath also implemented an Adaptive Support Needs Assessment Form to identify possible ADA inmates during receiving, as well as a "learning disability" check box on the MTO. Wellpath has submitted a request to include an "intellectual disability" check box on the MTO as well. In the next six months, the County will develop a process to ensure that appropriate staff assess individual effective communication needs at medical intake and classification screening and to facilitate effective communication thereafter. The County presently takes steps to provide effective communication based on identified needs using simple language, SLI, Purple Communications VRS and VRI, written communication, etc. The County has also updated the Custody Operations ADA Policy (Section 209) to meet the provisions of this requirement. The County is looking into the process of incorporating the ADA Expert's additional intake questions. In the next six months, the County and Wellpath will continue to meet and develop this process.

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

The disabilities include:

- Mobility impairment requiring a wheelchair fulltime
- Mobility impairment requiring a wheelchair part-time
- Mobility impairment not requiring a wheelchair
- Hearing impairment
- Speech impairment
- Vision impairment
- Learning Disability

- Other Impairment or disability

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

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

The draft Custody Operations ADA Policy (Section 209) includes the following process for the identification and verification of an individual being processed into the Jail. The policy states, "All inmates shall be screened by medical personnel prior to entry into the jail. This initial screening allows for the ability to identify most Disabilities or need for accommodations prior to the housing of the inmate. Wellpath Policy F-08 outlines the process in which inmates being booked and/or housed in the Santa Barbara County Jail who claim or are observed to have a disability are screened and evaluated for disabilities and accommodations needs including housing restrictions, physical limitations, effective communication, and adaptive support to ensure equal access to all programs, services, and activities. It is the responsibility of medical staff to assess

(testing/screening) inmates upon intake for evidence of a Disability or special management need. This assessment information will be entered into the inmate's EMR."

During the previous monitoring tour, the Expert noted that the Active ADA Alerts for the SBJ and the NBJ reflected a total of 22 incarcerated persons designated as disabled. The Expert noted that this was 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 this monitoring tour, the Expert notes that the Active ADA Alerts reflect a total of 46 incarcerated persons designated as disabled. This is a significant increase from the previous monitoring tour.

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

- An incarcerated person (SBJ) who has a mobility disability, although the Active Alert list reflects, he is prescribed a walker, he has not been provided the walker.
- An incarcerated person (SBJ) who has a hearing disability and wears hearing aids on the streets has not been evaluated for hearing aids.
- An incarcerated person (SBJ) who has a mobility disability states he uses a cane on the streets and claims staff told him they do not issue walking sticks.
- An incarcerated person (NBJ) stated that he requires orthopedic shoes, and although they have been prescribed, they have not been provided.
- An incarcerated person (NBJ) stated that he requires orthopedic shoes, and although they have been prescribed, they have not been provided.
- An incarcerated person (SBJ) who has a hearing disability and wears hearing aids on the streets has not been evaluated for hearing aids.
- An incarcerated person (SBJ) who has a mobility disability stated he requires an evaluation for a wheelchair.
- An incarcerated person (SBJ) stated that based on having neurotropy, he needs an evaluation for "special shoes."

- An incarcerated person (NBJ) who has a hearing disability states he needs an evaluation for hearing aids.
- An Incarcerated person (SBJ) claimed he had a mobility boot when arrested, and the police did not allow him to keep it. When processed at the jail, a boot was not provided, and he was housed in an upper bunk and upper tier.
- An incarcerated person (SBJ) States during his last incarceration, he was prescribed a walker and cane; however, they were not provided during his current incarceration. He also stated he needs an evaluation for a shower chair.

#### Disability Requests for Accommodation

- Five (5) cases where the incarcerated persons claimed they have a vision disability and require accommodations.
- One (1) case where an incarcerated person claimed they have a mobility disability and requested a cane.
- Nine (9) cases where the incarcerated persons claimed they needed accommodations for a mobility disability.
- One (1) case where an incarcerated person who has a mobility disability requested a wheelchair.

#### ADA-related grievances

- Five (5) cases where incarcerated persons requested a vision test and/or prescription glasses.
- Two (2) cases where incarcerated persons requested a shoe chrono/orthopedic shoes.
- Three (3) cases where incarcerated persons requested a knee brace and/or sleeve.
- Two (2) cases where incarcerated persons requested a cane.

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. To successfully achieve the objectives of the 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? Did you get anything to help you with a disability when you were in CDCR? Do you still need that help?
- Do you have any other disabilities not covered in this evaluation that you need help with?

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

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

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

The Wellpath staff has specific policies in place for the identification and verification of disability and disability-related needs, including screening persons being processed into the Jail for disabilities during the medical intake process. However, as noted above, there were cases identified where the incarcerated person had a qualified disability, and the Wellpath staff had not identified the disability and accommodations. The Expert was not provided medical progress notes to measure compliance with the requirements to provide and document Effective Communication. The Expert notes that the County recently implemented an effective communication form which the County intends to use for all staff and clinical encounters with incarcerated person as required by the *Murray v. Santa Barbara County Remedial Plan*. The County must ensure medical staff identifies all incarcerated persons and their accommodations

(including the preferred method of communication), conduct the required checks of the ADA Tracking System, and provide and document Effective Communication.

5.F.2. *The County, in consultation with subject matter experts and Plaintiffs' counsel, shall revise its ADA screening process to ensure consideration of:*

- a) *The individual's self-identification or claim to have a disability;*
- b) *Documentation of a disability in the individual's health, custody, and any other available records;*
- c) *Staff observation that the individual may have a disability that affects placement, program access, or Effective Communication; and*
- d) *The request of a third party (such as a family member) for an evaluation of the individual for a possible disability.*

**Compliance Rating:** Substantial Compliance

**Prior Compliance Rating:** Substantial Compliance

**Analysis/Observations:**

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.

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

**Compliance Rating:** Partial Compliance

**Prior Compliance Rating:** Partial Compliance

**Analysis/Observations:**

The County reports it is in the process of fully implementing this requirement. The County is presently researching alternate ADA tracking systems to better meet the provisions of the remedial plan. The County has developed an interim ADA tracking system. The County has trained Classification and CQA deputies and has created a process to improve intake procedures to better identify and track individuals with disabilities. At the completion of medical intake, Wellpath inputs disability, assistive devices, effective communication, and accommodation information into the Classification Input Form (CIF) and generates a Medical Treatment Order (MTO) as needed. The CIF and MTO are transferred to the Classification Deputy, who then inputs all ADA flag information into the JMS tracking system and emails the ADA Coordinators. The County will be implementing this new process in the next three months.

Staff interviewed reported that 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, as part of document production, the Expert requested, and the County produced emails where the ADA Coordinator had not received an MTO for cases where the ADA Coordinator had identified an incarcerated person with a disability and/or an ADA Flag in ATIMS. In a review of the document, the Expert identified eight (8) cases where the MTO had not been provided to the ADA Coordinator. Additionally, during the monitoring tour, the Expert identified ten (10) cases listed on the ADA Active Alerts list that did not have information in the "Notes" column of the list. The County reported that the information in the "Notes" column is entered by the ADA Coordinators based on information on the MTO. The ADA Coordinator reported that for these cases, the MTO had not been provided by Wellpath. The Expert also identified five (5) cases where an MTO had been completed by Wellpath for an incarcerated person with a qualified disability; however, the incarcerated person was not listed in the ADA Active Alerts list. Although this does not provide aggregate data or context for the cases reviewed it shows there may be a gap in the process and/or staff awareness of the MTO distribution process.

The Expert notes the County is in the process of implementing the following process:

- Inmate/Patient arrives at Medical Intake.
- Medical intake nurse assesses Inmate/Patient for medical issues, including identified ADA concerns and accommodations.
- Intake nurse completes the Medical Treatment Order (MTO) on the computer documenting ADA concerns and accommodations needed (Or to be removed). The MTO shall be saved as a PDF.
- At the conclusion of medical intake, the nurse shall email the MTO (PDF) to [CustodyClassification@sbsheriff.org](mailto:CustodyClassification@sbsheriff.org) and [ADA@sbsheriff.org](mailto:ADA@sbsheriff.org). Classification

will enter ADA accommodation(s) into the JMS flag alert and JMS Classification narrative.

- A printed copy of the MTO shall be given to the arresting Deputy/Officer by the nurse.
- The arresting Deputy/Officer gives MTO, along with booking paperwork, to the Intake Deputy.
- The Intake Deputy ensures inmate is accommodated with ADA requirements per MTO. The MTO is then given to the Inmate/Patient.
- The CQA (ADA) AOP II shall place into JMS attachments (Same process as the safety cell report).
- ADA Coordinator(s) shall confirm accommodation(s) is provided.

The Expert notes that at the time of the expert tour, staff were just initiating the revised MTO distribution process. The County reports that the implementation of the process appears to be working as intended and as required by the RP. The County reports staff took a recent 10-day sample of ADA Tracker documents and data (June 6-16, 2023). The review cases where the MTO information was not entered or available when the Tracker was created. The Expert notes that approximately 95% of the entries displayed appropriate input of ADA information. This is a positive note, and the Expert will monitor this in detail during the next monitoring tour.

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.

### **5. G. Disability-Related Requests and Grievances**

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

**Compliance Rating:** Substantial Compliance

**Prior Compliance Rating:** Substantial Compliance

#### **Analysis/Observations:**

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

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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."

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

**Compliance Rating:** Partial Compliance

**Prior Compliance Rating:** Partial Compliance

**Analysis/Observations**

The County reports it has implemented a grievance procedure which is outlined in the Custody Operations ADA Policy (Section 209) and Grievance Procedures Policy (Section 361). The County revised the policies to incorporate the language recommended by the ADA Expert.

The Expert reviewed the revisions to the Custody Operations ADA Policy (Section 209) to confirm that the draft policy includes 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 policy states, "ADA or Disability related Grievances/Requests for Accommodations. Please refer to Custody Policy 361 - Grievance Procedures for information regarding ADA/disability-related grievances, requests for accommodations, and associated staff responsibilities." The Expert also reviewed Custody Policy 361 - Grievance Procedures, which 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. However, the policies do not include the language recommended by the Expert.

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.

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

**Compliance Rating:** Partial Compliance

**Prior Compliance Rating:** Partial Compliance

**Analysis/Observations**

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

The Expert reviewed the revisions to the Custody Operations ADA Policy (Section 209) to confirm that the draft policy includes the requirement for staff to provide Qualified Sign Language Interpreters (SLIs) on-site or through a VRI service during intake and for due process functions, health care encounters, and Jail programming, when sign language is the person's primary means of Effective Communication unless the person waived the assistance of an interpreter and/or delay would pose an urgent safety or security risk. Upon review, the draft Custody Operations ADA Policy (Section 209) includes the requirement for staff to provide SLI/VRI for due process functions and health care encounters. Additionally, the Expert notes the policy does not include the language recommended by the Expert.

A review of the Active ADA Alerts produced by the County reflects no incarcerated persons with a hearing disability who uses sign language communication. During subsequent monitoring tours, the County will need to provide documents that reflect the provision of an SLI/VRI to the Expert if available.

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

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

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The County must revise Custody Policy 361 - Grievance Procedures and Custody Operations ADA Policy (Section 209) to include the requirements of the *Murray v. Santa Barbara County Remedial Plan*.

- 5.G.4. *To ensure that ADA accommodations requests and ADA grievances are promptly addressed, the County shall:*
- a) Respond to an individual's Request for Accommodations within 72 hours of receipt;*
  - b) Respond to an ADA-related grievance within 72 hours of receipt;*
  - c) Establish an expedited process for urgent ADA requests and grievances (e.g., situations in which a person's safety or physical well-being is at risk); and*
  - d) Allow each person to retain accommodation(s) they possess at the time of arrival at the Jail, or that they have been previously provided by the Jail, pending review of a grievance/appeal regarding the denial or removal of such accommodation(s), absent an individualized security concern that is documented.*

**Compliance Rating:** Partial Compliance

**Prior Compliance Rating:** Partial Compliance

**Analysis/Observations**

The County reports it is in the process of implementing this requirement. The County has created an ADA Request for Accommodations Log to track the timeframe within which the County and Wellpath respond to accommodation requests. The County revised the Custody Operations Grievance Procedures Policy (Section 361) to address inmate-related ADA requests and Grievances, including the ADA Expert's recommended additions related to urgent grievances. Absent security concerns, the County allows inmates to retain accommodations they possess upon arrival at the Jail in accordance with this provision. The County also revised the Custody Operations ADA Policy (Section 209) to include the Expert's recommended additions related to the retention of accommodations upon arrival at the Jail. In the next six months, the County will conduct training regarding policies 209 and 361 and the procedures associated with those policies.

The Expert reviewed the revisions to the Custody Operations ADA Policy (Section 209) and Custody Policy 361 - Grievance Procedures to confirm that the draft policy includes the requirement for the County to respond to an individual's Request for Accommodations within 72 hours of receipt. Upon review, the Expert notes the policies do not include the requirement or the language recommended by the Expert.

The County produced 27 Disability Requests for Accommodation. The Expert notes the Disability Request for Accommodation Form includes signatures for medical staff, ADA Coordinator and Division Lieutenant. In a review of the Disability Request for Accommodation, the Expert notes that in all 27 cases, the Disability Request for

Accommodation was not signed by the Division Lieutenant within 72 hours of the request. However, the Expert notes that in 19 cases, the ADA Coordinator signed the Disability Request for Accommodation within 72 hours of the request.

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

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

The Expert reviewed the Custody Policy 361 - Grievance Procedures and found the policy includes this requirement. The County produced 18 ADA Grievances. A review of July 2022 to December 2022 Grievance Tracker reflects 17 ADA Grievances were submitted by incarcerated persons. Of the 18 ADA Grievances reviewed, the Expert notes 13 were not responded to within the required 72 -hours. However, of the 13, ten (10) reflect the ADA Coordinator's signature within the 72-hours. The Expert notes that the Grievance Form includes a signature for the Administrative Review, and the Expert needs clarification if the grievance requires the Administrative Reviewers' signature to consider the grievance resolved.

The Expert also reviewed Grievances Logs the County produced for all Experts for the months of July, September, and November 2022. Based on this review, the Expert identified 44 grievances that contain an ADA component; however, these grievances were not identified as ADA Grievances and were not produced by the County as part of the ADA document production. The issues include;

- Requesting medical evaluation – one (1) mobility,
- Requesting HCA/DME/AD – eight (8) knee sleeves, orthopedic shoes, knee brace, and cane,
- Requesting MAT treatment – 27
- Requesting access to programs – three (3) GED services in South Dorm, work assignment, removal from work assignment due to disability,
- Requesting hearing aids – one (1)
- Requesting glasses or vision test – four (4)

In a review of the 44 ADA-related grievances, the Expert found that 40 were not responded to within the required 72 hours. The County must ensure that ADA-related grievances are responded to (including the Administrative Review) within the required 72 hours of receipt. Additionally, for future monitoring, the County must produce all grievance responses as part of document production.

b) *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)?*



During the previous monitoring tour, the Expert noted the Santa Barbara County Sheriff's Office Custody Operations – Policies and Procedures Manual 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." Although The County reports it revised the Custody Operations Grievance Procedures Policy (Section 361) to address inmate-related ADA requests and Grievances, including the ADA Expert's recommended additions related to urgent grievances, the Expert reviewed the revisions to the draft Custody Operations ADA Policy (Section 209) Custody Policy 361 - Grievance Procedures and found the policies do not contain the Expert's recommended language. Additionally, grievances reviewed 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 but were not.

The County must also revise Custody Policy 361 - Grievance Procedures and Custody Operations ADA Policy (Section 209) to include the requirements of the *Murray v. Santa Barbara County* Remedial Plan and ADA requests and grievances that contain situations in which a person's safety or physical well-being is at risk are responded to in an expedited timeframe.

- c) *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 revisions to the draft Custody Operations ADA Policy (Section 209) and found the policy has not been revised to include this requirement. The County must revise the policy and ensure staff is trained on the policy and the *Murray v. Santa Barbara County* Remedial Plan requirements.

The problems with tracking (and processing) ADA grievances have not been remedied. As described in this section, this offers 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.

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

**Compliance Rating:** Partial Compliance

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**Prior Compliance Rating:** Partial Compliance

**Analysis/Observations**

The County produced a blank Santa Barbara County Sheriff's Office Custody Operations – Inmate Grievance Form (SH – 585a). The Expert notes the Inmate Grievance Form includes an "ADA" box. There were a few grievances reviewed that were submitted on the old form.

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

The County reports that the County has implemented a grievance form containing the ADA box to meet this requirement. A reviewing supervisor checks grievances to ensure that they are identified as disability-related, even if the box is not checked. The County revised Custody Operations Policies 209 and 361 to incorporate the requirements of this provision. The County has also provided supervisor training regarding this provision, and managers are auditing all grievances quarterly.

The Expert reviewed the revisions to the draft Custody Operations ADA Policy (Section 209) and found the policy states, "When reviewing grievances, lead supervisors shall review the grievance to determine if the grievance is related to a disability or accommodation and ensure that the "ADA" box is checked on the grievance and that the grievance is routed appropriately."

The County produced 18 ADA Grievances, and the Expert notes that although 11 of the grievances did not have the "ADA" box checked, the grievances were categorized as "ADA." However, of the 44 grievances that contained an ADA component (identified in question 4. b above), 31 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 ensure in cases where the incarcerated person submits an ADA-related grievance and does not check the "ADA" box, these grievances are categorized, processed, and responded to as ADA-related grievances.

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

**Compliance Rating:** Substantial Compliance

**Prior Compliance Rating:** Partial Compliance

**Analysis/Observations**

During the monitoring tour, the Expert asked housing unit deputies if grievance forms were readily available and accessible to incarcerated people. All of the housing units had grievance forms available.

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

As part of document production, the County produced a large print (18-point font) version of the grievance form used by the County to accommodate incarcerated people with vision impairments. The County reported that the County has implemented the grievance form in 18-point font, which is readily available at the SBJ. The Expert noted the large print grievance forms were available in the NBJ and the SBJ.

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

**Compliance Rating:** Partial Compliance

**Prior Compliance Rating:** Non-Compliance

#### **Analysis/Observations**

The County reports the ADA Coordinators currently respond to all ADA-related grievances in writing, including the resolution, basis for denial (if applicable), and process for appeal. Managers are auditing all grievances quarterly.

During the previous monitoring tour, 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 18 ADA Grievances, and the Expert notes the responses include the resolution and the basis for a denial (if applicable). However, the grievances do not include the process for appeal when provided to incarcerated persons with a disability.

Additionally, the Expert also reviewed Grievances Logs the County produced for all Experts for the months of July, September, and November 2022. Based on this review, the Expert identified 44 grievances that contain an ADA component; however, these grievances were not identified as ADA Grievances and were not produced by the County as part of the ADA document production. The issues include;

- Requesting medical evaluation – one (1) mobility,
- Requesting HCA/DME/AD – eight (8) knee sleeves, orthopedic shoes, knee brace, and cane,

- Requesting MAT treatment – 27
- Requesting access to programs – three (3) GED services in South Dorm, work assignment, removal from work assignment due to disability,
- Requesting hearing aids – one (1)
- Requesting glasses or vision test – four (4)

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

The Expert notes that some of the grievance responses do not address the incarcerated person's request and/or do not include a thorough response. These include:

- #20057, #20023, #20042, #20071, #20007, #19862, #19790, #19853, #19842, #20235, #20211, #20325, – Requested placement in the MAT Program, and the response states, “Patient is on the waitlist for the MAT program and will be enrolled when space becomes available.”
- #20021 – Requested placement in the MAT Program, and the response states, “I have received you[r] appeal and will forward to the MAT Coordinator. While I am empathetic to your desire to be on the MAT Program, based on your grievance it does not appear to be an ADA violation.”
- #19913 - Requested vision test, and the response states, “Patient seen 8/1 for c/o hernia pain and migraine with no request for glasses. Patient is currently on nurse sick call list for vision test.”
- #19733 - Requested glasses, and the response states, “Patient is in the process of being scheduled to see optometrist.”
- #20333 - Requested glasses, and the response states, “Patient is in the process of being scheduled to see optometry.”
- #19850 – Requested hearing aids, and the response does not address the request.
- #19823 – Requested knee brace, and the response states, “Brace will be provided to patient when received by medical.”
- #19781 – Requested orthopedic shoes, and the response states, “Patients shoes have been ordered but are on back order. Medical will provide shoes to patient as soon as they are received.”
- #19843 – Requested orthopedic shoes, and the response states, “Patient will be seen at nurse sick call to sign ROI to verify use of shoes and to address need.”
- #19855 – Claims he can't even walk and can barely stand in the shower; response states, "Patient seen by RN sick call for this concern on 7/17. There is no documentation of wheelchair use in patient chart. Patient can address these concerns at upcoming chronic care appointment."

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

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

**Compliance Rating:** Partial Compliance

**Prior Compliance Rating:** Non-Compliance

**Analysis/Observations**

The County reported that the County has revised the Custody Operations Orientation Handbook and grievance section of the Custody Operations Policy 209 - ADA Policy to incorporate the revisions recommended by the Expert related to this provision.

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

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

During the incarcerated person interviews, nine (9) incarcerated persons interviewed stated they had not received a copy of the Handbook. The County added a field to the ATIMS property screen that documents when the Orientation Handbooks are provided to the incarcerated persons. However, in order for the County to provide the Expert with proof of practice that the Orientation Handbook is provided to the incarcerated persons within six (6) hours of processing and Classification, the County will need to provide the Expert documentation that reflects when the incarcerated person was processed into the Jail in addition to the documentation that reflects when the Orientation Handbook was provided. In future monitoring, the Expert will select a sample size of cases to measure compliance.

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

**Compliance Rating:** Partial Compliance

**Prior Compliance Rating:** Partial Compliance

**Analysis/Observations**

The County reports the ADA Coordinators track ADA-related grievances in the JMS system. When the County receives ADA-related grievances, the County regularly reviews such information for quality assurance purposes. Managers are auditing all grievances quarterly. The County is now flagging ADA grievances per the ADA Expert's recommendation.

The County reports the Jail currently uses ATIMS to log and track all grievances. The County produced 18 ADA-related grievances. However, the Expert also reviewed Grievance Logs the County produced for all Experts for the months of July, September, and November 2022. Based on this review, the Expert identified 44 grievances that contain an ADA component; however, these grievances were not identified as ADA Grievances and were not produced by the County as part of the ADA document production. These grievances were not identified as ADA-related grievances when staff identified the ADA-related grievances for document production. Although the County has included an "ADA" selection in the Grievance Type dropdown menu and, all ADA-related grievances are identified as "ADA" by staff entering the grievances into the ATIMS, there were 44 grievances that were not identified as ADA grievances.

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

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

Although the County reports when the County receives ADA-related grievances, the County regularly reviews such information for quality assurance purposes, and managers are auditing all grievances quarterly, the County did not produce results of the quality assurance reviews, including grievances identified as not being processed in compliance with the policy and actions taken by the County to correct deficiencies identified during the quality assurance reviews.

The Expert notes the County has a quarterly grievance report process (Mauhrin 1Q23). Notably, the report does not include an analysis of the ADA grievances. The Expert notes that the County has a summary of grievances for the NBJ and SBJ. The summary includes the categories of ADA-Miscellaneous, ADA-Classification/Housing

and ADA-Medical. Since the County is required to have a specific tracking system for disability-related grievances, including as part of its QA/QI processes, an analysis of the ADA grievances should be incorporated in the quarterly Grievance Report process. This will help to get the County to a place where it can self-monitor and sustain compliance on this and other ADA/disability matters.

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

### **5. H. Housing Placements**

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

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

**Compliance Rating:** Partial Compliance

**Prior Compliance Rating:** Partial Compliance

#### **Analysis/Observations:**

- a) The need for a lower bunk*

The County reports it is in the process of fully implementing this provision. The County presently implements a housing assignment system that includes an individualized assessment by health care staff and maintains the following flags in the ADA tracking system: Low Bunk, No stairs, and Level Terrain. The County is in the process of adding additional flags (grab bar and the need for accessible toilets) to the ADA tracking system. Wellpath has also requested revisions to the MTO related to level terrain and anticipates that the MTO will be revised in the next three to six months. The County has trained Classification and CQA deputies and has created a process to improve intake procedures to better identify and track individuals with disabilities. At the completion of medical intake, Wellpath inputs disability, assistive devices, effective communication, and accommodation information into the Classification Input Form (CIF) and generates a Medical Treatment Order (MTO) as needed. The CIF and MTO are transferred to the Classification Deputy, who then inputs all ADA flag information into the JMS tracking system and emails the ADA Coordinators. The County will be implementing this new process in the next three months.

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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. Additionally, the Expert notes the County has made revisions to the policy that provide additional guidance and requirements for staff to document the check of the ADA Tracking System when housing disabled incarcerated persons.

The Expert also notes that Wellpath MTO for Patient includes the documentation of approval for Lower Bunk. The MTO is completed and approved by the Medical Provider after an individualized evaluation and provided to custody staff (ADA Coordinator). The Expert notes the County is in the process of implementing the following process.

- Inmate/Patient arrives at Medical Intake.
- Medical intake nurse assesses Inmate/Patient for medical issues, including identified ADA concerns and accommodations.
- Intake nurse completes the Medical Treatment Order (MTO) on the computer documenting ADA concerns and accommodations needed (Or to be removed). The MTO shall be saved as a PDF.
- At the conclusion of medical intake, the nurse shall email the MTO (PDF) to [CustodyClassification@sbsheriff.org](mailto:CustodyClassification@sbsheriff.org) and [ADA@sbsheriff.org](mailto:ADA@sbsheriff.org). Classification will enter ADA accommodation(s) into the JMS flag alert and JMS Classification narrative.
- A printed copy of the MTO shall be given to the arresting Deputy/Officer by the nurse.
- The arresting Deputy/Officer gives MTO, along with booking paperwork, to the Intake Deputy.
- The Intake Deputy ensures inmate is accommodated with ADA requirements per MTO. The MTO is then given to the Inmate/Patient.
- The CQA (ADA) AOP II shall place into JMS attachments (Same process as the safety cell report).
- ADA Coordinator(s) shall confirm accommodation(s) is provided.

The Expert notes that the draft Custody Operations ADA Policy (Section 209) states, "Disabled inmates, e.g., deaf/hearing-impaired, speech-impaired, mobility-impaired, and vision-impaired Inmates as well as developmentally disabled/intellectually disabled, learning disabled and inmates undergoing kidney dialysis will be housed in accessible cells depending on accommodations needed." The policy also states, "In addition to Effective Communication techniques and examples of accommodations identified throughout this policy, additional methods of accommodations or aids that may be made available to disabled inmates include, but are not limited to: video remote interpreting service, video visiting, sign language interpreters, reading glasses, magnifiers, easy read books/materials, large print books/materials, Braille books/materials, photocopying machines with enlargement capabilities, staff assistance, structural modifications, grab bars, transfer bars, raised sinks and toilets,



special transport vehicles, prosthetic or orthotic devices, health care appliances/assistive devices/durable medical equipment, modification of work/education assignments and schedules, shower chairs, shower hoses, shower benches, and lower bunk/lower tier.”

The Expert finds that the County has a process in place to identify a disabled incarcerated person's need for a lower bunk and document the accommodation need in the current ADA Tracking System. The County must implement the process for routing the MTO and the draft policy and ensure staff is trained.

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

As noted above, the County is in the process of adding additional flags (grab bar and the need for accessible toilets) to the ADA tracking system.

The Expert notes 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).

As noted in a) above, the County is in the process of implementing a process for the MTO to be routed to Classification staff, ADA staff, and intake staff in addition to being entered into the JMS/ADA Tracking System.

The Expert notes that the draft Custody Operations ADA Policy (Section 209) states, “Disabled inmates, e.g., deaf/hearing-impaired, speech-impaired, mobility-impaired, and vision-impaired Inmates as well as developmentally disabled/intellectually disabled, learning disabled and inmates undergoing kidney dialysis will be housed in accessible cells depending on accommodations needed.” The policy also states, “In addition to Effective Communication techniques and examples of accommodations identified throughout this policy, additional methods of accommodations or aids that may be made available to disabled inmates include, but are not limited to: video remote interpreting service, video visiting, sign language interpreters, reading glasses, magnifiers, easy read books/materials, large print books/materials, Braille books/materials, photocopying machines with enlargement capabilities, staff assistance, structural modifications, grab bars, transfer bars, raised sinks and toilets, special transport vehicles, prosthetic or orthotic devices, health care appliances/assistive devices/durable medical equipment, modification of work/education assignments and schedules, shower chairs, shower hoses, shower benches, and lower bunk/lower tier.”

The Expert finds that the County has a process in place to identify disabled incarcerated persons need for grab bars in the cell and/or shower and document the accommodation need in the current ADA Tracking System. The County must

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implement the process for routing the MTO and the draft policy and ensure staff is trained.

c) *The need for accessible toilets*

As noted above, the County is in the process of adding additional flags (grab bar and the need for accessible toilets) to the ADA tracking system.

The Expert notes 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).

As noted in a) above, the County is in the process of implementing a process for the MTO to be routed to Classification staff, ADA staff, and intake staff in addition to being entered into the JMS/ADA Tracking System.

The Expert notes that the draft Custody Operations ADA Policy (Section 209) states, "Disabled inmates, e.g., deaf/hearing-impaired, speech-impaired, mobility-impaired, and vision-impaired Inmates as well as developmentally disabled/intellectually disabled, learning disabled and inmates undergoing kidney dialysis will be housed in accessible cells depending on accommodations needed."

The Expert finds that the County has a process in place to identify disabled incarcerated person's need for accessible toilets and document the accommodation need in the current ADA Tracking System. The County must implement the process for routing the MTO and the draft policy and ensure staff is trained.

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

The Expert notes 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).

As noted in a) above, the County is in the process of implementing a process for the MTO to be routed to Classification staff, ADA staff, and intake staff in addition to being entered into the JMS/ADA Tracking System.

The Expert notes that the draft Custody Operations ADA Policy (Section 209) states, "Disabled inmates, e.g., deaf/hearing-impaired, speech-impaired, mobility-impaired, and vision-impaired Inmates as well as developmentally disabled/intellectually disabled, learning disabled and inmates undergoing kidney dialysis will be housed in accessible cells depending on accommodations needed." The policy also states, "In addition to Effective Communication techniques and examples of accommodations

identified throughout this policy, additional methods of accommodations or aids that may be made available to disabled inmates include, but are not limited to: video remote interpreting service, video visiting, sign language interpreters, reading glasses, magnifiers, easy read books/materials, large print books/materials, Braille books/materials, photocopying machines with enlargement capabilities, staff assistance, structural modifications, grab bars, transfer bars, raised sinks and toilets, special transport vehicles, prosthetic or orthotic devices, health care appliances/assistive devices/durable medical equipment, modification of work/education assignments and schedules, shower chairs, shower hoses, shower benches, and lower bunk/lower tier.”

The Expert finds that the County has a process in place to identify a disabled incarcerated person's need for no stairs in the path of travel (lower tier) and document the accommodation need in the current ADA Tracking System. The County must implement the process for routing the MTO and the draft policy and ensure staff is trained.

*e) The need for level terrain*

The Expert notes 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.

The Expert also notes the draft Custody Operations ADA Policy (Section 209) does not address the requirement for the County to assess incarcerated persons for the housing accommodation of level terrain.

The County must ensure that the policies and practices include in the requirement that the housing assignment system includes an individualized assessment completed by health care staff, with the results documented in the ADA Tracking System, of the need for the accommodation of level terrain as required by the *Murray v. Santa Barbara County Remedial Plan*.

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

**Compliance Rating:** Partial Compliance

**Prior Compliance Rating:** Partial Compliance

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## **Analysis/Observations**

The County reports it is in the process of fully implementing this requirement. The County presently houses people with disabilities consistent with their security classification at the Northern Branch Jail. The County does so at Main Jail, subject to the structural constraints of that facility. Given the current Main Jail population, the County presently houses inmates consistent with their security classification regardless of disability. During COVID-19 outbreaks or quarantine, the County ensures that inmates with disabilities are housed in areas where they have access to ADA showers, even if the quarantine cells are not ADA compliant. If the Main Jail population requires additional ADA housing, the County will work within the confines of the structural barriers of the facility to provide accommodations to those with disabilities that cannot be ADA cells. Additionally, the County has taken significant steps towards ensuring that all locations within the Main Jail offer the same or equivalent programs, services, or activities as facilities where they would be housed absent a disability (with one notable exception being work opportunities). This requirement has yet to be completed due to structural building issues. The County anticipates fulfilling this requirement once the proposed Main Jail renovation, remodel, or reconstruction is complete.

The Expert notes 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."

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The draft Custody Operations ADA Policy (Section 209) states, "It is the responsibility of Classification staff to interview the inmate and designate the appropriate housing unit based on Disability and the appropriate housing possibilities for ADA accommodating housing." The policy also states, "It is the responsibility of Classification staff to interview the inmate and designate the appropriate housing unit based on the Disability and the classification plan (including the medical/mental health staff disability designation of the inmate, associated physical limitations, etc.)."

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

#### Southern Branch Jail

- Central Module-01
- Central Module-04
- East Module-01
- East Module-04
- East Module-06
- East Module-08
- East Module-23
- East Isolation
- Intake and Release Center
- Northwest-A
- Northwest-C
- Northwest-Isolation
- South Dorm
- West Module-01
- West Module-08
- West Module-10

#### Northern Branch Jail

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

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The Expert notes 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 cells are not ADA-compliant. If the SBJ population requires additional ADA housing, the County works within the confines of the structural barriers of the facility to provide accommodations to incarcerated persons with disabilities that cannot be housed in ADA-accessible cells.

Importantly, there are incarcerated persons with disabilities housed in the SBJ South Dorm (including some who are not receiving medical care that would warrant medical housing) receive inferior yard access, do not have access to work assignment opportunities, and do not have access to the full range of in-person 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 access to yard, dayroom, work assignment opportunities, in-person programs, and in-person education classes. Based on this, the Expert finds the County in Partial Compliance with these requirements.

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

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

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

As stated above, the County presently houses people with disabilities consistent with their security classification at the NBJ. The County does so at 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 the incarcerated person's 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 for whom an ADA housing placement is not available. This requirement has yet to be completed due to structural

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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.

*(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 greater access to medical staff. Based on South Dorm being in the general vicinity of the medical treatment area classification, staff houses incarcerated people who may need greater access to medical staff. However, 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, and during the monitoring tour, there was one (1) incarcerated person with disabilities housed in the medical area.

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

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

As stated above, with the exception of SBJ South Dorm due to the requirement of COVID-19 quarantine/isolation, incarcerated people with disabilities are housed in areas consistent with their classification case factors and. 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.

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

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### **5. I. Visitation**

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

**Compliance Rating:** Partial Compliance

**Prior Compliance Rating:** Partial Compliance

**Analysis/Observations:**

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.

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

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

**Compliance Rating:** Partial Compliance

**Prior Compliance Rating:** Partial Compliance

**Analysis/Observations**

The County reports it is in the process of completing this requirement. Individuals with disabilities presently have full access to visitation at the Jail. The County has worked towards remedying the ADA Expert's concerns related to effective communication with this population by adapting the Adaptive Needs Assessment Form to incorporate effective communication. The individualized assessment is initiated with the Medical Treatment Order, which is provided to custody staff to ensure accommodations are provided.

The Expert notes the Wellpath MTO includes the documentation of approval accommodations the incarcerated people with disabilities need to access the Jails



programs, services, and activities. After the individualized evaluation is conducted, the MTO is provided to custody staff.

The Expert also notes that the draft Custody Operations ADA Policy (Section 209) states, "Reasonable accommodations shall be afforded to all inmates with disabilities to facilitate their full participation in visiting, whether contact or non-contact (based on inmate eligibility in accordance with custody and housing status). Inmates shall be allowed to retain their prescribed health care appliance/assistive device (e.g., cane, walker, crutches) during the course of their assigned visit. Staff may be required to provide prompting such as personal notification to developmentally disabled/intellectually disabled inmates as necessary. Noncontact visiting booths will be physically accessible for inmates with disabilities. Auxiliary aids and assistive devices, such as volume control telephones and writing materials shall be provided for EC for noncontact visits. These accommodations shall also be provided for the inmate's visitors as necessary."

The Expert notes the draft Custody Operations ADA Policy (Section 209) has not been implemented, and staff has not been trained. The County must implement the policy and ensure staff is trained on the policy and the *Murray v. Santa Barbara County Remedial Plan* requirements.

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

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

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

**Compliance Rating:** Partial Compliance

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**Prior Compliance Rating:** Partial Compliance

**Analysis/Observations:**

The County reports it offers inmates the Sheriff's Treatment Program, a partnership with Santa Barbara City College, and EDVO tablets. These programs are available to all individuals regardless of ADA status. The County also has outdoor exercise equipment and audiobooks, and magnifiers to meet this requirement. The County currently provides auxiliary aids, large print, and easy reading material during programs for individuals needing those accommodations. The County also offers work assignments to ADA inmates. The County provides program facilitators with a list of inmates with disabilities and their accommodation needs. The County currently provides equal access to all components of these provisions, including showers, telephones, videophones, religious services, visitation, medical services, mental health services, etc. Per the ADA Monitor's Recommendation, the County updated the Custody Operations ADA Policy (Section 209) to include language related to equal access in accordance with this provision.

The Expert notes 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. During the previous tour, the County reported that accessible exercise equipment had been delivered and was pending installation. Although the accessible exercise equipment has been delivered, the exercise equipment has not been installed. The Expert notes that post monitoring tour, the County has installed accessible exercise equipment in three (3) of the NBJ's recreation yards. If exercise equipment is installed in other exercise yards, the County must also install accessible exercise equipment. The accessible exercise equipment will be assessed during the next monitoring tour.

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

- Chaplain Services/Bible Studies – All Modules
- Courage to Change Journals – Modules C, D, E, G, and H.
- Life Management (Hancock College) – Modules D and G.
- Aggression Replacement Training – Modules C, D, and G.
- Personal and Career Exploration (Hancock College) – Modules E and H.
- Introduction to Human Services (Hancock College) – Module G
- Case Management Skills – Modules E and G.
- Basis Counseling Skills (Hancock College) – Module E
- Alcohol and Other Drug Workbook – Modules E and H.
- Consumer and Family Finance – Module H.
- Customer Services Series – Modules C and D.

- Criminals and Gang Member Anonymous – Modules D and H.
- ServSafe – Modules E and G.
- Yoga – Modules C, D, and E.
- AA/NA – Modules C, D, E, G, and H.
- Parent-Child Relationship (Hancock College) – Module C.
- Tattoo Removal – All Modules

#### Sheriff's Treatment Program

- Traumatic Stress and Resilience – Modules D and E.
- Courage to Change Substance Abuse (Journals) – Module A
- Courage to Change Responsible Thinking (Journals) – Modules C and E.
- Courage to Change Alcohol and Other Work Group – Module H.
- Breaking the Cycle – Modules C and D.
- Personal Growth – Module C,
- Courage to Change Social Values/Family Ties (Journals) – Modules G and H
- Courage to Change Responsible Thinking/ Alcohol and Other Work Group – Module H.

Other courses that are provided, however, are not on the current calendar include:

- Business Resume Writing
- Sales and Marketing
- Introduction to Human Services
- Basic Counseling Skills
- Career Readiness Academy
- Planned Parenthood Workshops
- Work Experience
- Life Career Planning
- Sanitation and Safety Equipment

The NBJ Programs staff reported that Modules F, J, and K participate in remote Courage to Change programming. Additionally, Program staff reported that effective 4/10/23, Module A would begin in-person programming.

The Expert notes the SBJ Sheriff's Treatment Master Schedule reflects the following programs available to incarcerated persons in the following locations:

- Alcohol and Other Drug Workbook – Modules Back Central 4, Back Central 1, East 24, West 1, and East 24.
- Substance Use Journal – Modules Back Central 1, West 4, and West 6.
- Social Values – Modules West 4, East 6, and West 6.
- Social Values Independent Study – Module East 23.

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The SBJ Program staff reported that incarcerated persons housed in the South dorm have the ability to participate in the Sheriff's Treatment Program. Additionally, Program staff reported that EDOVO Tablet Program is also available to all incarcerated persons, including those that do not participate in the above-listed programs. The Programs staff reported that the following housing areas are only provided access to tablets and no other program opportunities:

- Northwest Modules A, C, and D.
- Northwest Isolation
- New East Isolation

In a review of the SBJ/NBJ Programs Calendar/Schedule, the Expert notes that mobility-disabled incarcerated persons housed at the NBJ have equal access to the programs that are available to similarly situated people without disabilities, consistent with their health and security needs. Incarcerated persons housed in Modules J and K have access to the Sheriff Treatment Program via remote journals/curriculum based on the Classification and higher custody designation. As these modules primarily house people with serious mental health needs, it is essential that this group have equal access to programs, including in-person programming. The Expert notes that although Program staff reported that incarcerated persons housed in the SBJ South dorm are able to participate in the Sheriff's Treatment Program, this is not reflected in the NBJ Sheriff's Treatment Schedule. The Expert also notes that the SBJ does not provide programming opportunities such as those that are offered at the NBJ (Hancock College), and mobility incarcerated persons housed in the Northwest and South dorm are only provided remote programming opportunities. As these modules primarily house people with serious mental health needs (Northwest) and medical/physical disabilities (South Dorm), it is essential that this group have equal access to programs, including in-person programming.

In a review of the grievances produced as part of the document production, the Expert notes an incarcerated person filed a grievance (#20327) requesting GED services in the SBJ South Dorm. In the grievance, the incarcerated person stated, "I requested GED services via kite. The response was education wasn't being provided in medical dorm at the time. I feel that my medical condition or housing shouldn't deprive me taking the GED class."

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

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

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The Expert notes that the draft Custody Operations ADA Policy (Section 209) states, "In addition to Effective Communication techniques and examples of accommodations identified throughout this policy, additional methods of accommodations or aids that may be made available to disabled inmates include, but are not limited to: video remote interpreting service, video visiting, sign language interpreters, reading glasses, magnifiers, easy read books/materials, large print books/materials, Braille books/materials, photocopying machines with enlargement capabilities, staff assistance, structural modifications, grab bars, transfer bars, raised sinks and toilets, special transport vehicles, prosthetic or orthotic devices, health care appliances/assistive devices/durable medical equipment, modification of work/education assignments and schedules, shower chairs, shower hoses, shower benches, and lower bunk/lower tier."

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

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

The program facilitators stated they now receive a list of incarcerated people with disabilities and their accommodations needs. The County reports they currently provide auxiliary aids, large print, and easy reading material during programs for individuals needing those accommodations. 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/VRI. There were no cases to review where an SLI/VRI was provided during educational, vocational, reentry and substance abuse programming. The Expert notes that the County established a contract with "Purple Communications" on 1/11/23 for on-demand sign language interpreting services. The Expert will monitor this in detail during the next monitoring tour.

The County must ensure that program facilitators are provided auxiliary aids (Pocket Talkers) for use by the incarcerated person program participants that require this accommodation.

b) *Work Assignments*

The "Current ADA Inmate Worker" list produced by the County reflects three (3) disabled incarcerated persons assigned to a work assignment. One (1) is assigned to the Kitchen Crew at the NBJ, one (1) is assigned to the Kitchen Crew at the SBJ, and one (1) is assigned to the Laundry at the SBJ.

In a review of the grievances produced as part of the document production, the Expert also notes an incarcerated person filed a grievance (#19992) regarding a work assignment. The incarcerated person states, "according to the Americans Disability Act (ADA) and the Remedial Plan PC 34 (J), SBSB is supposed to follow specific

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guidelines, for which they are not. About 2-3 weeks ago, I sent a yellow kite to Classification asking for a job, and to not discriminate, that I am just trying to be helpful. Not a word, not even an explanation on a returned kite which I never received in return. You have protective custody inmates (PC) working, but you won't put a handicap inmate (GP ADA or create a job such as a porter or even a few hours in the kitchen accommodations. I feel discriminated against and believe something should be done about this." The response states, "Per our conversation, arrangements are being made with our ADA Coordinator to put you to work. As I explained, the kitchen crew is currently full; however, we intend to provide you a clerical assignment in some capacity, with work on weekends." There is no evidence/documentation to support the incarcerated person was assigned to a work position.

The County must ensure that disabled incarcerated persons have an equal opportunity to be assigned to work positions, with accommodations provided as needed.

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 was not available in any of the SBJs recreation yards at the time of the tour but have since been installed in the main yard and recreation areas 200, 300, and 400. The outdoor recreation yards at the NBJ do not have exercise equipment other than basketball and handball areas. If exercise equipment is installed in other exercise yards, the County must also install accessible exercise equipment. The accessible exercise equipment will be assessed during the next monitoring tour.

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

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modifications in order for the County to be found in Partial Compliance with the Remedial Plan components.

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

The program facilitators stated they now receive a list of incarcerated people with disabilities and their accommodation needs. However, they also reported that the only accommodations they provide to incarcerated people with disabilities are the provision of reading glasses, assistance in understanding the program content, and the provision of an SLI. No other accommodations (auxiliary aids, large print, magnifiers) are available for incarcerated people with disabilities. The County must ensure that program facilitators are provided auxiliary aids (Pocket Talkers and magnifiers) for use by the incarcerated person program participants that require this accommodation.

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. The deficiencies noted in the County of Santa Barbara - Santa Barbara Jail ADA Transition Plan for Adult Detention Facility completed by Vanir will need to be remedied to provide disabled incarcerated persons equal access to showers.

The Expert notes there are accessible showers in every housing Module at the NBJ.

g) *Telephones and/or videophones*

The Expert addresses access to videophones in Section 5.N.8 of the report. The Expert notes that the draft Custody Operations ADA Policy (Section 209) states, "All telephones are equipped with amplification buttons that allow the user to control the level of amplification. If an inmate requires further amplification, they can request an amplification device from the ADA Coordinator." The County must ensure that disabled incarcerated persons are provided access to videophones and amplification devices.

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

During the previous monitoring tour, the County advised the Expert that recreational reading material is provided to the County by donations. During the monitoring tour, the Expert again noted that 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. The County has informed the Expert that large print books have been ordered. Large print and easy reading books are also reportedly on

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the tablets, for which systemwide rollout will be moving forward in the next monitoring round. The County must ensure that easy reading, large print books, and other materials are accessible to people with a vision-related disability.

*i) Religious services*

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

*j) Family/personal and professional visits*

All visiting areas are accessible to incarcerated people with disabilities. The Expert will be assessing the Zoom/Video equipment in the next monitoring round and assessing whether that equipment sufficiently accommodates incarcerated people with vision, hearing, and cognitive disabilities.

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

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

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

**Compliance Rating:** Partial Compliance

**Prior Compliance Rating:** Partial Compliance

**Analysis/Observations**

The County reports it has revised the Custody Operations ADA Policy (Section 209) and Healthcare Policy (Section 240) to include the provisions of this requirement. This requirement has been incorporated into the Custody Operations Orientation Handbook. The County is currently assisting inmates if they request scribing and reading assistance.



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

The Expert notes that the draft Custody Operations ADA Policy (Section 209) states, “Jail staff must provide the necessary assistance to all disabled inmates on a case-by-case basis to ensure that those who have difficulty reading and/or communicating in writing (e.g., developmentally disabled/intellectually disabled, learning disabled, and vision-impaired inmates) will be provided reasonable access to forms, documents, regulations, and procedures. Staff shall provide the assistance and equipment necessary to all inmates with disabilities on a case-by-case basis to ensure that inmates who have difficulty reading and/or communicating in writing, e.g., developmentally/intellectually disabled inmates and learning disabled inmates are provided reasonable access to forms, documents, Title 15, etc.” The draft policy also states, “Staff must provide assistance to disabled inmates who need help with the completion of accommodation requests or grievances or understanding the processes relating to both. The assistance may include scribing or reading grievance/accommodation staff responses or explaining the processes.”

The County must implement the policy and ensure staff are trained.

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

**Compliance Rating:** Partial Compliance

**Prior Compliance Rating:** Partial Compliance

**Analysis/Observations**

The County reports it is in the process of fully implementing this requirement. ADA inmates are presently offered work opportunities. The CQA unit is currently working with Classification to create job assignments within each housing unit at the Main Jail. The County will finalize clear job duty statements with essential functions and limitations to complete this requirement. Wellpath has begun outlining a process for identifying specific disabilities that will affect job duties and anticipates completing that process within the next four to six months.

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The Expert notes the draft Custody Operations ADA Policy (Section 209) states, "The County shall ensure equitable work opportunities for people with disabilities, including by ensuring:

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

Jail facilities and work supervisors must not establish criteria that screens out or tends to screen out, inmates with disabilities who have the ability to participate in the programs being offered."

To measure compliance with this requirement, the Expert requested a list of all work assignments/positions available for incarcerated persons, housing locations of workers, and a list of all incarcerated persons currently assigned to work positions. To date, the County has not provided the requested information.

The "Current ADA Inmate Worker" list produced by the County reflects three (3) disabled incarcerated persons assigned to a work assignment. One (1) is assigned to the Kitchen Crew at the NBJ, one (1) is assigned to the Kitchen Crew at the SBJ, and one (1) is assigned to the Laundry at the SBJ. The County must ensure that disabled incarcerated persons have an equal opportunity to be assigned to work positions.

See grievances noted in Section 5.J.1.b.

The Expert notes some disabled incarcerated persons at the Jails have been provided work opportunities. However, the County must ensure work opportunities are equitable for disabled incarcerated persons as non-disabled incarcerated persons. The Expert recommends that staff do specific outreach to incarcerated people with disabilities to inform them of work opportunities and the availability of reasonable accommodations as needed. This can be done during the ADA coordinator interviews with people with disabilities, or through some other method. Many incarcerated people with disabilities have, based on past practices at the jail, been given an understanding that work opportunities are not available to them. Correcting this now-inaccurate understanding is important to ensuring equal and meaningful access to work opportunities moving forward.

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

The County produced job duty statements for the following positions:

- Main Jail Runners / IRC Runners / Operations / Cleaning Crews

- Kitchen Workers
- IRC / Men's Paint Crew
- Laundry Crew

The Expert could not confirm if the County produced all job duty statements as the County did not produce a list of all work assignments at the Jails.

The County must ensure all job duty statements are clear and include essential functions and specific criteria.

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

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

The Expert notes the draft Custody Operations ADA Policy (Section 209) has not been implemented, and staff has not been trained. The County must implement the policy and ensure staff is trained on the policy and the *Murray v. Santa Barbara County* Remedial Plan requirements. The ADA coordinators should play an active role in ensuring that health care and classification complete the required individualized assessments, identify, and provide reasonable accommodations as needed, and do not improperly exclude any individual with a disability.

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

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

**Compliance Rating:** Substantial Compliance

**Prior Compliance Rating:** Substantial Compliance

#### **Analysis/Observations:**

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. The draft Custody Operations ADA Policy (Section 209) states, "Health care appliances/durable medical equipment/orthopedic devices/prosthetic devices/assistive devices shall be prescribed and approved for eligible inmates by licensed medical providers, subject to medical necessity. Inmate health care appliances including those belonging to an inmate prior to entry in Santa Barbara County Jail (SBJ/NBJ) must be approved in accordance with Wellpath Policy HCD-110\_F-10 Durable Medical Equipment Medical Supply."

In a review of the grievances produced as part of document production, the Expert notes the following grievances are related to the timely provision of HCA/DME/AD:

- #20171 – Knee Brace
- #19757 – Glasses
- #19781 – Orthopedic shoes
- #19746 – Diabetic shoes

Although the County has written policies 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 continues to store 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 again recommends that the County create an inventory of HCA, including a Periodic Automatic Replacement number and a dedicated storage area.

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

**Compliance Rating:** Partial Compliance

**Prior Compliance Rating:** Partial Compliance

#### **Analysis/Observations**

The County reports it has updated the Custody Operations ADA Policy (Section 209) to meet the provisions of this requirement. The ADA Coordinators are considering an inmate's request for accommodation and granting the request absent specific, articulated reasons for denial allowable under the ADA or unless another effective accommodation is available. Requests for ADA accommodations are tracked, and the reason for denial is documented accordingly.

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

Additionally, the Expert was informed during the previous tour that in cases where medical staff determined the authorization of an assistive device was not medically necessary; the ADA coordinator makes an individualized assessment, and, in some cases, the incarcerated person is issued the assistive device as an accommodation. However, in a review of the draft Custody Operations ADA Policy (Section 209), the Expert notes the policy states, "Health care appliances/durable medical equipment/orthopedic devices/prosthetic devices/assistive devices shall be prescribed and approved for eligible inmates by licensed medical providers, subject to medical necessity. Inmate health care appliances, including those belonging to an inmate prior to entry in Santa Barbara County Jail (SBJ/NBJ), must be approved in accordance with Wellpath Policy HCD-110\_F-10 Durable Medical Equipment Medical Supply." The draft policy does not include the language that "The ADA Coordinators are considering an inmate's request for accommodation and granting the request absent specific, articulated reasons for denial allowable under the ADA or unless another effective accommodation is available." The policy states the provision of HCA/DME/AD is approved for eligible inmates by licensed medical providers, subject to medical necessity.

The Expert does note that the ADA Coordinator provides incarcerated persons with HCA/AD/DME based on their request, absent a medical evaluation. Such a situation was reflected in two incarcerated person interviews.

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. 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 (or would pose a security threat based on an individualized assessment of the person's current circumstances). The fact that the provider prefers to prescribe 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 the individualized assessment of the incarcerated person to determine if they have a qualified disability and/or impairment and, if so,
2. Jail staff provide the incarcerated disabled person with an accommodation that is reasonable so the incarcerated person can access the Jail's programs, services, and activities. The incarcerated person's personal preference should be granted unless the request is unreasonable, pose a specific security risk that is documented, and/or would be medically harmful.

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

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

*a) Where Jail staff determine it is necessary to remove personal HCA/AD/DME for security reasons, the County shall provide an equivalent Jail-issued device unless custody staff, with ADA Coordinator approval, determine and document, based on an individualized assessment, that the device constitutes a risk of bodily harm or threatens the security of the facility.*

*b) If such a determination is made, the ADA Coordinator shall document the decision and reasons for it and shall consult with medical staff to determine an appropriate alternative accommodation.*

**Compliance Rating:** Partial Compliance

**Prior Compliance Rating:** Partial Compliance

### **Analysis/Observations**

The County reports that the County presently allows inmates to retain HCAs/ADs/DME unless there is a security risk identified during an individualized assessment of the inmate, consistent with this provision. The County has updated the Custody Operations ADA Policy (Section 209) to meet the requirements of this provision. The County has provided additional staff training regarding this provision. The County reports 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 Expert notes the draft Custody Operations ADA Policy (Section 209) includes specific guidance and a process that meets the *Murray v. Santa Barbara County* Remedial Plan requirements. However, the Expert notes the policy has not been implemented, and staff have not been trained. Additionally, the Expert notes that the County is in the process of finalizing a "Safety and Security Assessment Form" that will document the individualized determination.

The County must implement the policy and the Safety and Security Assessment Form and ensure staff is trained on the policy and the *Murray v. Santa Barbara County* Remedial Plan requirements. Post monitoring tour, the County has implemented the policy and Safety and Security Assessment form. The Expert will assess the implementation during the next monitoring round.

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

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

The Expert notes the draft Custody Operations ADA Policy (Section 209) includes specific guidance and a process that meets the *Murray v. Santa Barbara County* Remedial Plan requirements. However, the Expert notes the policy has not been implemented, and staff have not been trained. Additionally, the Expert notes that the County is in the process of finalizing a "Safety and Security Assessment Form" that will document the individualized determination.

The County must implement the policy and the Safety and Security Assessment Form and ensure staff is trained on the policy and the *Murray v. Santa Barbara County* Remedial Plan requirements. . Post monitoring tour, the County has Implemented the policy and Safety and Security Assessment form. The Expert will assess the implementation during the next monitoring round.

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

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

The Expert notes the draft Custody Operations ADA Policy (Section 209) includes specific guidance and a process that meets the *Murray v. Santa Barbara County* Remedial Plan requirements. However, the Expert notes the policy has not been implemented, and staff have not been trained. Additionally, the Expert notes that the County is in the process of finalizing a "Safety and Security Assessment Form" that will document the individualized determination.

The County must implement the policy and the Safety and Security Assessment Form and ensure staff is trained on the policy and the *Murray v. Santa Barbara County* Remedial Plan requirements. . Post monitoring tour, the County has Implemented the policy and Safety and Security Assessment form. The Expert will assess the implementation during the next monitoring round.

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

The County did not provide documentation of any cases where staff determined it was necessary to remove a personal HCA/AD/DME for security reasons. The Expert notes the draft Custody Operations ADA Policy (Section 209) includes specific guidance and a process that meets the *Murray v. Santa Barbara County* Remedial Plan requirements. However, the Expert notes the policy has not been implemented, and staff have not been trained. Additionally, the Expert notes that the County is in the process of finalizing a "Safety and Security Assessment Form" that will document the consult with medical staff to determine an appropriate alternative accommodation.

The County must implement the policy and the Safety and Security Assessment Form and ensure staff is trained on the policy and the *Murray v. Santa Barbara County* Remedial Plan requirements. . Post monitoring tour, the County has Implemented the policy and Safety and Security Assessment form. The Expert will assess the implementation during the next monitoring round.

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

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



**Compliance Rating:** Partial Compliance

**Prior Compliance Rating:** Partial Compliance

**Analysis/Observations**

The County reports it has updated the Custody Operations ADA Policy (Section 209) to meet the requirements of this provision. All Custody staff has been trained on this provision.

The Expert reviewed the revisions to the Custody Operations ADA Policy (Section 209) to confirm that the draft policy includes written directives governing the release of people who need assistive devices. Upon review of the draft Custody Operations ADA Policy (Section 209) includes the requirements of the *Murray v. Santa Barbara County Remedial Plan*.

The Expert notes the policy has not been implemented, and staff have not been trained. The County must implement the policy and ensure staff is trained on the policy and the *Murray v. Santa Barbara County Remedial Plan* requirements.

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

The Expert reviewed the revisions to the Custody Operations ADA Policy (Section 209) and noted the draft policy states, "Any denied orthopedic, prosthetic appliance/equipment/device denied by the ADA Coordinator or designee will be placed into the inmate's property, recorded on the inmate's property receipt and is to be returned to the inmate upon release."

The Expert toured the property rooms and the Main and NBJ and identified nine (9) personal mobility devices being stored in the property room/Conex. A review of the JMS found that of the nine (9) devices, all of the devices belonged to incarcerated persons who were still in custody.

The Expert notes the policy has not been implemented, and staff have not been trained. The County must implement the policy and ensure staff is trained on the policy and the *Murray v. Santa Barbara County Remedial Plan* requirements.

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

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The Expert reviewed the revisions to the Custody Operations ADA Policy (Section 209) to confirm that the draft policy includes the requirement that cases where 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, the prisoner is permitted to retain the device that was used while in custody upon release, or provided a comparable device, upon release. Upon review, the Expert notes the draft policy does not include this requirement.

The County provided an SBSO Santa Barbara Sheriff Inmate History-Inmate Notes ADA-Accommodation At Release dated 9/28/22. The Note reflects the following case:

- While incarcerated person did not come into custody with a wheelchair or walker, he was provided one per Wellpath Medical. The incarcerated person was allowed to retain his County/Wellpath-issued walker upon release.

The Expert notes the note was entered by the ADA Coordinator and not the staff that processed the release.

The Custody Support Technician that is assigned to property and release stated she identifies incarcerated persons with prescribed HCA/AD/DME who are being released by reviewing the ATIMS Property Release queue and the ADA Flags. She further indicated that if the incarcerated person would be released with the County issued HAC/AD/DME.

Although the County reports there is a process in place for cases where an incarcerated person did not have a personal mobility device but was ambulatory with the assistance of a cane, crutch, or walker, for the incarcerated person to retain the device that was used while in custody upon release, or provided with a comparable device, upon release, the draft Custody Operations ADA Policy (Section 209) does not include the *Murray v. Santa Barbara County* Remedial Plan requirements.

The County must revise the *Murray v. Santa Barbara County* Remedial Plan to include the requirement.

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

The Expert reviewed the revisions to the Custody Operations ADA Policy (Section 209) to confirm that the draft policy includes the requirement that in cases where a person who was due for release required a wheelchair but did not have a personal wheelchair, Jail staff must coordinate with the prisoner, family or friends, and other County agencies as needed to secure a wheelchair or take other steps to address the

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individual's needs upon release. Upon review, the Expert notes the draft policy does not include this requirement.

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

Although the County reports there is a process in place for cases where a person who was due for release required a wheelchair but did not have a personal wheelchair, for Jail staff to 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 draft Custody Operations ADA Policy (Section 209) does not include the *Murray v. Santa Barbara County* Remedial Plan requirements.

The County must revise the policy to reflect the *Murray v. Santa Barbara County* Remedial Plan requirement.

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

The Expert reviewed the revisions to the Custody Operations ADA Policy (Section 209) to confirm that the draft policy includes the requirement for staff to document cases where a person who was due for release required a wheelchair but did not have a personal wheelchair and Jail staff coordinated 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 in the ADA Tracking System for purposes of individual tracking and quality assurance. Upon review, the Expert notes the draft policy does not include this requirement.

The County reports the SBSO Santa Barbara Sheriff Inmate History-Inmate Notes ADA-Accommodation At Release is used to document this process. However, the Custody Support Technician that is assigned to the property and release does not have access to the ATIMS SBSO Santa Barbara Sheriff Inmate History-Inmate Notes ADA-Accommodation At Release.

The County must revise the policy to reflect the *Murray v. Santa Barbara County* Remedial Plan requirement. Additionally, the County must ensure staff providing the accommodation (AD/DME/HCA) have access to the ATIMS SBSO Santa Barbara Sheriff Inmate History-Inmate Notes ADA-Accommodation At Release to document the provision of the accommodations.

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### **5. L. Transportation**

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

**Compliance Rating:** Substantial Compliance

**Prior Compliance Rating:** Substantial Compliance

**Analysis/Observations:**

During the previous monitoring tour, 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. A review of the draft Custody Operations ADA Policy (Section 209) finds that the draft policy also includes specific guidance and directive for staff to ensure incarcerated people who require accessible transportation and/or assistance during the transport are provided accommodations. The Expert also notes that the "Active ADA Alerts" report includes the type of accommodation the incarcerated person requires during transport in the notes section of the report.

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 and the type of accommodations/vehicle required. 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 July 2022 to December 2022. A review of the logs reflects that ADA Accessible vehicles were used 16 times. The logs also reflect the time the van/vehicles were used as an accommodation. All incarcerated people with Mobility-Disabilities interviewed confirmed the County provides accessible transportation and/or assistance to them during the transport.

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

**Compliance Rating:** Substantial Compliance

**Prior Compliance Rating:** Partial Compliance

### **Analysis/Observations**

The County reports it has existing documentation to demonstrate the availability of HCA's/AD's/DME to inmates during the transport process. The County has updated the Custody Operations ADA Policy (Section 209) to meet the requirements of this provision.

The Expert reviewed the revisions to the Custody Operations ADA Policy (Section 209) to confirm that the draft policy includes requirements to ensure the policy requires prescribed HCAs/ADs/DME for people with disabilities be available to them at all times during the transport process, including in temporary holding cells. Upon review, the draft Custody Operations ADA Policy (Section 209) includes the requirements of the *Murray v. Santa Barbara County* Remedial Plan.

The Transportation staff interviewed stated that 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.

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

**Compliance Rating:** Substantial Compliance

**Prior Compliance Rating:** Substantial Compliance

### **Analysis/Observations**

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 coordinating the delivery of a new ADA Van to replace the current one used at the SBJ. The County reports it was supposed to be delivered during the tour. However, there were some unforeseen complications that delayed the delivery.

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

**Compliance Rating:** Substantial Compliance

**Prior Compliance Rating:** Partial Compliance

### **Analysis/Observations**

The County reported that the County currently provides assistance to people with mobility or other disabilities. The County has updated the Custody Operations ADA Policy (Section 209) to meet the requirements of this provision.

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

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

### **5. M. Effective Communication**

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

**Compliance Rating:** Partial Compliance

**Prior Compliance Rating:** Partial Compliance

### **Analysis/Observations:**

The County utilizes Purple Communications VRS and VRI for effective communication. Wellpath has incorporated an Adaptive Needs Assessment screening at intake to identify possible effective communication issues as well. The County has updated the Custody Operations ADA Policy (Section 209) to meet the requirements of this provision.

The Expert reviewed the revisions to the Custody Operations ADA Policy (Section 209) to confirm that the draft policy includes requirements to ensure that people with disabilities receive accommodations and services necessary to provide Effective Communication consistent with the provisions of the Settlement Agreement. Upon review, the draft Custody Operations ADA Policy (Section 209) includes most of the requirements for staff to ensure that people with disabilities receive accommodations and services necessary to provide Effective Communication consistent with the provisions of the Settlement Agreement. However, as detailed in 5.N.10, the policy

does not include the requirement for staff to provide Effective Communication for education, vocational, and religious programs.

The County must revise Custody Operations ADA Policy (Section 209) to be consistent with the *Murray v. Santa Barbara County* Remedial Plan. Effective Communication must be provided for all services, programs, and activities, including with respect to classes/jobs/other programs. The Expert notes that the County recently implemented an effective communication form which the County intends to use for all staff and clinical encounters with incarcerated person as required by the *Murray v. Santa Barbara County* Remedial Plan.

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

**Compliance Rating:** Partial Compliance

**Prior Compliance Rating:** Partial Compliance

### **Analysis/Observations**

The County reports it is in the process of fully implementing this requirement. Wellpath is presently screening for effective communication needs, including intellectual and developmental disabilities, at intake and at the 14-day Health Appraisal. The County has trained Classification and CQA deputies and has created a process to improve intake procedures to better identify and track individuals with disabilities. At the completion of medical intake, Wellpath inputs disability, assistive devices, effective communication, and accommodation information into the Classification Input Form (CIF) and generates a Medical Treatment Order (MTO) as needed. The CIF and MTO are transferred to the Classification Deputy, who then inputs all ADA flag information into the JMS tracking system and emails the ADA Coordinators. The County will be implementing this new process in the next three months. Wellpath also implemented an Adaptive Support Needs Assessment Form to identify possible ADA inmates during receiving, as well as a "learning disability" check box on the Medical Treatment Form. For inmates identified with intellectual and developmental disabilities, Wellpath refers such inmates for additional assessment. During the last reporting period, Wellpath had initiated a pilot program for identifying and confirming intellectual and developmental disabilities. This program was managed by Wellpath Regional Mental Health Department, and due to management changes, the pilot program was halted and is currently being redeveloped. Wellpath and the County estimate that this program will return in the next six to eight months. The County presently takes steps to provide effective communication based on identified needs using simple language, SLI, Purple Communications VRS and VRI, written communication, etc. The County has updated

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

The Expert notes 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 ongoing basis."

The Expert notes the draft Custody Operations ADA Policy (Section 209) states, "Wellpath Policy F-08 outlines the process in which inmates being booked and/or



housed in the Santa Barbara County Jail who claim or are observed to have a disability are screened and evaluated for disabilities and accommodations needs including housing restrictions, physical limitations, effective communication, and adaptive support to ensure equal access to all programs, services and activities.”

Although the County has policies in place that require medical staff to identify the Effective Communication needs of people being processed into the Jail, 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.

*5.M.2.a. 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 for the provision and documentation of Effective Communication. The draft Custody Operations ADA Policy (Section 209) contains sufficient guidance for Jail staff for the provision and documentation of Effective Communication. The policy will need to be implemented and staff trained in the coming months.

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

**Compliance Rating:** Non-Compliance

**Prior Compliance Rating:** Non-Compliance

## **Analysis/Observations**

The County reports it is in the process of fully implementing this requirement. Wellpath is presently screening for effective communication needs, including intellectual and developmental disabilities, at intake and at the 14-day Health Appraisal. The County has trained Classification and CQA deputies and has created a process to improve intake procedures to better identify and track individuals with disabilities. At the completion of medical intake, Wellpath inputs disability, assistive devices, effective communication, and accommodation information into the Classification Input Form (CIF) and generates a Medical Treatment Order (MTO) as needed. The CIF and MTO are transferred to the Classification Deputy who then inputs all ADA flag information into the JMS tracking system and emails the ADA Coordinators. The County will be implementing this new process in the next three months. For inmates identified with intellectual and developmental disabilities, Wellpath refers such inmates for additional assessment. During the last reporting period, Wellpath had initiated a pilot program for identifying and confirming intellectual and developmental disabilities. This program was managed by Wellpath Regional Mental Health Department, and due to management changes, the pilot program was halted and is currently being redeveloped. Wellpath and the County estimate that this program will return in the next six to eight months. The County presently takes steps to provide effective communication based on identified needs using simple language, SLI, Purple Communications VRS and VRI, written communication, etc. In the next six months, the County will develop a process to ensure that appropriate staff assesses those with intellectual and developmental disabilities. The County will conduct training to ensure effective communication is provided to all inmates with effective communication needs. The County has updated the Custody Operations ADA Policy (Section 209) to meet the requirements of this provision.

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's Effective Communication needs at the beginning of the medical intake screening. During the interviews with the Classification Unit, the classification staff reported they do not query or review the ADA Tracking System at the beginning of the classification screening process to assess and identify Effective Communication needs. The County must implement the draft Custody Operations ADA Policy (Section 209) and train medical intake staff and classification staff on the requirements to assess the individual's Effective Communication needs at the beginning of the medical intake screening and classification screening and ensure staff conducts the assessments. The Expert notes that the County recently implemented an effective communication form which the County intends to use for all staff and clinical encounters with

incarcerated person as required by the *Murray v. Santa Barbara County Remedial Plan*.

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

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

**Compliance Rating:** Partial Compliance

**Prior Compliance Rating:** Non-Compliance

#### **Analysis/Observations**

The County reports it is in the process of fully implementing this provision. The County has updated the Custody Operations ADA Policy (Section 209) to meet the provisions of this requirement. In the next eight to twelve months, the County will conduct training to ensure effective communication is used and documented in all situations as required by this provision.

#### *a) Due Process Events*

The County did not produce completed classification documents, completed disciplinary reports, completed service of notices (to appear and/or for new charges), completed release documents, and probation encounters/meetings in custody. Based on this, the Expert was not able to measure the County's compliance with these requirements. During subsequent monitoring tours, the County will need to provide documents that reflect the provision of Effective Communication to the Expert if available. The Expert notes that the County recently implemented an effective communication form which the County intends to use for all staff and clinical

encounters with incarcerated person as required by the *Murray v. Santa Barbara County* Remedial Plan. Additionally, while the County acknowledges that it still needs to provide training on use of Effective Communication and the new form facility-wide, the ADA Coordinators and some additional staff have been utilizing effective communication during some components of the provision; however, some work remains to reach Partial Compliance.

b) *Clinical Encounters*

The County did not produce any completed documents for medical, dental, and mental health encounters. Based on this, the Expert was not able to measure the County's compliance with these requirements. During subsequent monitoring tours, the County will need to provide documents that reflect the provision of Effective Communication to the Expert if available. The Expert notes that the County recently implemented an effective communication form which the County intends to use for all staff and clinical encounters with incarcerated person as required by the *Murray v. Santa Barbara County* Remedial Plan. Additionally, while the County acknowledges that it still needs to provide training on use of Effective Communication and the new form facility-wide, the ADA Coordinators and some staff have been utilizing effective communication during some components of the provision; however, some work remains to reach Partial Compliance.

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

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

**Compliance Rating:** Partial Compliance

**Prior Compliance Rating:** Non-Compliance

**Analysis/Observations**

The County reports it is in the process of fully implementing this provision. The County has updated the Custody Operations ADA Policy (Section 209) to meet the provisions of this requirement. Wellpath is presently screening for effective communication needs, including intellectual and developmental disabilities, at intake and at the 14-day Health Appraisal. The County has trained Classification and CQA deputies and has created a process to improve intake procedures to better identify and track individuals with disabilities. At the completion of medical intake, Wellpath inputs disability, assistive devices, effective communication, and accommodation information into the

Classification Input Form (CIF) and generates a Medical Treatment Order (MTO) as needed. The CIF and MTO are transferred to the Classification Deputy, who then inputs all ADA flag information into the JMS tracking system and emails the ADA Coordinators. The County will be implementing this new process in the next three months. For inmates identified with intellectual and developmental disabilities, Wellpath refers such inmates for additional assessment. During the last reporting period, Wellpath had initiated a pilot program for identifying and confirming intellectual and developmental disabilities. This program was managed by Wellpath Regional Mental Health Department, and due to management changes, the pilot program was halted and is currently being redeveloped. Wellpath and the County estimate that this program will return in the next six to eight months. The County presently takes steps to provide effective communication based on identified needs using simple language, SLI, Purple Communications VRS and VRI, written communication, etc. In the next six months, the County will develop a process to ensure that appropriate staff assesses those with intellectual and developmental disabilities. In the next eight to twelve months, the County will conduct training to ensure effective communication is used and documented in all situations as required by this provision. The County will also capture this Information in the current ADA tracking system.

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.

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

The County must ensure that staff identifies each person's Disability where there may be a barrier to comprehension or communication requiring reasonable accommodation(s). The Expert notes that the County recently implemented an effective communication form which the County intends to use for all staff and clinical encounters with incarcerated person as required by the *Murray v. Santa Barbara County* Remedial Plan. Additionally, while the County acknowledges that it still needs to provide training on use of Effective Communication and the new form facility-wide, the ADA Coordinators and some staff have been utilizing effective communication during some components of the provision; however, some work remains to reach Partial Compliance.

*5.M.5.a. 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,

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completed service of notices (to appear and/or for new charges), completed release documents, and probation encounters/meetings in custody.

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

The 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). The Expert notes that the County recently implemented an effective communication form which the County intends to use for all staff and clinical encounters with incarcerated person as required by the *Murray v. Santa Barbara County* Remedial Plan. Additionally, while the County acknowledges that it still needs to provide training on use of Effective Communication and the new form facility-wide, the ADA Coordinators and some staff have been utilizing effective communication during some components of the provision; however, some work remains to reach Partial Compliance.

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

The County 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.

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

The County must ensure staff documents the method used to achieve Effective Communication and how the staff person determined the person understood the encounter, process, and/or proceeding. The Expert notes that the County recently implemented an effective communication form which the County intends to use for all staff and clinical encounters with incarcerated person as required by the *Murray v. Santa Barbara County* Remedial Plan. Additionally, while the County acknowledges that it still needs to provide training on use of Effective Communication and the new form facility-wide, the ADA Coordinators and some staff have been utilizing effective communication during some components of the provision; however, some work remains to reach Partial Compliance.

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

**Compliance Rating:** Partial Compliance

**Prior Compliance Rating:** Non-Compliance

**Analysis/Observations**

The County reports it is in the process of completing this requirement. The County presently documents an inmate's request on the Classification Input Form and provides SLI, bilingual aids, TTY/TDD and video phones, and Purple Communications VRS/VRI, including 24/7 SLI services. The County and Wellpath also currently offer translation services via the Language Line. Per the ADA Expert's recommendation, the County has purchased amplification devices for phone calls. Large fonts and audiobooks are offered to visually impaired inmates. In the next eight to twelve months, the County will conduct training to ensure effective communication is used and documented in all situations as required by this provision. The County will also capture this information in the current ADA tracking system.

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 Expert notes that the County has not had many incarcerated persons that require SLI as a form of effective communication. Post monitoring tour, the County produced documents that on 9/1/22 Mr. Herrera was unable to hear the phone and was provided a phone amplifier to keep with him so he could hear. Additionally, and SLI was utilized on 1/18/23 and 3/22/23.

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

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

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

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**Compliance Rating:** Un-ratable

**Prior Compliance Rating:** Un-ratable

**Analysis/Observations**

Based on the ongoing COVID-19 restrictions, the County initially reported that all outside education, program, and service providers were currently not providing services at the Jail. However, the County now reports that outside education, programs, and service providers are providing services in the facilities. During the next rating period, the County will need to provide proof of practice for this provision.

**5. N. Access for Individuals with Hearing Impairments**

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

**Compliance Rating:** Partial Compliance

**Prior Compliance Rating:** Partial Compliance

**Analysis/Observations:**

The County reports that The County is in the process of fully implementing this provision. The County has updated the Custody Operations ADA Policy (Section 209) to meet the provisions of this requirement. The County created a section on the Classification Input Form listing the inmate's preferred method of communication during the intake process. Additionally, a section in the ADA Tracking System has been created to document the preferred method of communication. In the next six months, the County, in conjunction with Wellpath, will establish a procedure for identifying each person's preferred method of communication and incorporating such method into Medical Treatment Orders. Thereafter, the County will provide training on the procedures.

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



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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. County reports Wellpath will inform custody staff of the incarcerated person's preferred method of communication via the MTO, which will be revised to include the identified preferred method of communication. Post monitoring tour, the County produced a revised MTO (May 9, 2023) that includes the effective communication accommodations for deaf and/or hard of hearing incarcerated persons.

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*.

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

**Compliance Rating:** Partial Compliance

**Prior Compliance Rating:** Non-Compliance

### **Analysis/Observations**

The County reports it is in the process of fully implementing this provision. The County contracts with Purple Communications to provide SLI services at both facilities. The County revised Custody Operations ADA Policy (Section 209) to include language advising that if an inmate's preferred method of communication is via an SLI, it will be provided for all due process encounters. In the next six months, the County will train staff on the use of Purple Communications and documentation within the ADA Tracking System.

The Wellpath Policy, HCD-110\_F-09 Effective Communication – Santa Barbara requires an SLI to be used during exchanges of health care information with patients whose primary method of communication is American Sign Language (ASL). The Expert reviewed the revisions to the Custody Operations ADA Policy (Section 209) to confirm that the draft policy includes the requirement for staff to provide Qualified Sign Language Interpreters (SLIs) on-site or through a VRI service during intake and for due process functions, health care encounters, and Jail programming, when sign language is the person's primary means of Effective Communication unless the person waived the assistance of an interpreter and/or delay would pose an urgent safety or security risk. Upon review, the draft Custody Operations ADA Policy (Section 209)

includes the requirement for staff to provide SLI/VRI for due process functions and health care encounters. The policy does not address Jail programming. Post monitoring tour, the County produced a revised draft of Custody Operations ADA Policy (Section 209), and the Expert notes the draft policy includes the *Murray v. Santa Barbara County* Remedial Plan requirements.

A review of the Active ADA Alerts produced by the County reflects no incarcerated persons with a hearing disability who uses sign language communication. During subsequent monitoring tours, the County will need to provide documents that reflect the provision of an SLI/VRI to the Expert if available. The County must also include the requirement for the provision of an SLI/VRI during Jail programming. Post monitoring tour the County produced SBSO Santa Barbara Sheriff, Inmate History-Inmate notes for two incarcerated persons. A review if the notes reflect, an incarcerated person was provided an SLI during the medical intake and also provided an SLI during a telepsych appointment, over the course of 6 days in March 2023. There is no documentation that the incarcerated person was provided an SLI for any other encounter, including with MH staff, classification staff (orientation/housing), the ADA coordinator initial meeting, etc. In the other case, the notes reflect that an incarcerated person was provided an SLI during a mental health encounter; however, the interpreter indicated that the incarcerated person hand motions was not sign language. The Expert also notes that the documentation of the SLI in the notes was entered by the ADA Coordinator and not the staff member who provided the accommodation.

During the next monitoring tour, the County will need to produce documents supporting the provision of a SLI where an SLI/VRI was provided during intake and for due process functions, medical health care encounters, and Jail programming. The Expert notes that the County established a contract with "Purple Communications" on 1/11/23 for on-demand sign language interpreting services.

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

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

**Compliance Rating:** Partial Compliance

**Prior Compliance Rating:** Partial Compliance

**Analysis/Observations**

The County is in the process of fully implementing this requirement. The County has developed a documentation section (ADA-SLI) in the ADA tracking system to log all required documentation. The County has revised the Custody Operations ADA Policy

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(Section 209) to contain verbiage indicating that all due process encounters that require an SLI will be documented in the ADA Tracking System. The County is also in the process of developing a training class to teach staff how to properly log required documentation in the ADA tracking system. The County anticipates completing this requirement in the next six to eight months.

The Wellpath Policy, HCD-110\_F-09 Effective Communication – Santa Barbara requires Health Care Staff requires staff to document accommodation or assistance used for reaching effective communication with the patient when documenting exchanges of health care information. The Expert reviewed the revisions to the Custody Operations ADA Policy (Section 209) to confirm that the draft policy includes the requirement for staff to log when, for whom, and for what purpose an SLI was used. Upon review, the draft Custody Operations ADA Policy (Section 209) includes the requirement for staff to document the provision of SLI/VRI for due process functions health care encounters.

A review of the Active ADA Alerts produced by the County reflects no incarcerated persons with a hearing disability who uses sign language communication. Post monitoring tour the County produced SBSO Santa Barbara Sheriff, Inmate History-Inmate notes for two incarcerated persons. A review if the notes reflect, an incarcerated person was provided an SLI during the medical intake and also provided an SLI during a telepsych appointment, over the course of 6 days in March 2023. There is no documentation that the incarcerated person was provided an SLI for any other encounter, including with MH staff, classification staff (orientation/housing), the ADA coordinator initial meeting, etc. In the other case, the notes reflect that an incarcerated person was provided an SLI during a mental health encounter; however, the interpreter indicated that the incarcerated person hand motions was not sign language. The Expert also notes that the documentation of the SLI in the notes was entered by the ADA Coordinator and not the staff member who provided the accommodation.

During the next monitoring tour, the County will need to produce documents supporting the provision of a SLI where an SLI/VRI was provided. The Expert notes that the County established a contract with "Purple Communications" on 1/11/23 for on-demand sign language interpreting services.

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

The Wellpath Policy, HCD-110\_F-09 Effective Communication – Santa Barbara, Health Care Staff states, "A patient with documented hearing, vision, speech impairments, developmental disability, learning disability, functional illiteracy, and/or limited English proficiency shall be questioned to determine their understanding of the information presented during an exchange of health care information, health care

grievance interview and/or communication. Health care staff shall determine the patient's ability to understand and participate in the exchange of health care information. If no assistance or accommodation is needed, the reason shall be documented." The Expert reviewed the revisions to the Custody Operations ADA Policy (Section 209) to confirm that the draft policy includes the requirement for staff to log when, for whom, and why an SLI was not used for a person with an identified need for SLI services (e.g., waived or delay would have posed urgent safety or security risk). Upon review, the draft Custody Operations ADA Policy (Section 209) includes the RP requirements.

A review of the Active ADA Alerts produced by the County reflects no incarcerated persons with a hearing disability who uses sign language communication. . Post monitoring tour the County produced SBSO Santa Barbara Sheriff, Inmate History-Inmate notes for two incarcerated persons. A review if the notes reflect, an incarcerated person was provided an SLI during the medical intake and also provided an SLI during a telepsych appointment, over the course of 6 days in March 2023. There is no documentation that the incarcerated person was provided an SLI for any other encounter, including with MH staff, classification staff (orientation/housing), the ADA coordinator initial meeting, etc. In the other case, the notes reflect that an incarcerated person was provided an SLI during a mental health encounter; however, the interpreter indicated that the incarcerated person hand motions was not sign language. The Expert also notes that the documentation of the SLI in the notes was entered by the ADA Coordinator and not the staff member who provided the accommodation.

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

Although the County has a process in place to document the provision of an SLI, there were no cases to review of when, for whom, and why an SLI was not used for a person with an identified need for SLI services (e.g., waived or delay would have posed urgent safety or security risk.

- 5.N.4. *When a prisoner waives an SLI, the log must document.*
- (a) *the method of communication of the waiver, and*
  - (b) *the method staff used to determine that the waiver was knowing and freely given.*

**Compliance Rating:** Partial Compliance

**Prior Compliance Rating:** Partial Compliance

**Analysis/Observations**

The County reports it is in the process of fully implementing this requirement. The County has developed a documentation section (ADA-SLI) in the ADA tracking system to log all required documentation. The County has revised the Custody Operations ADA Policy (Section 209) to contain verbiage indicating that all due process encounters that require an SLI will be documented in the ADA Tracking System. The County is also in the process of developing a training class to teach staff how to properly log any inmate waiver of SLI within the ADA Tracking System. The County anticipates completing this requirement in the next six to eight months.

The Wellpath Policy, HCD-110\_F-09 Effective Communication – Santa Barbara requires that if the patient refuses the assistance of an SLI, the patient must sign a refusal of clinical services form, and the circumstances must be documented on the form. However, there is no requirement for staff to document/log the method of communication of the waiver. The 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. The Expert reviewed the revisions to the Custody Operations ADA Policy (Section 209) to confirm that the draft policy includes the requirement for staff to log the method of communication of the waiver in cases where an incarcerated person whose preferred method of communication is SLI waives an SLI. Upon review, the draft Custody Operations ADA Policy (Section 209) does not include the requirement for staff to log the method of communication of the waiver in cases where an incarcerated person whose preferred method of communication is SLI waives an SLI. Post monitoring tour, the County produced a revised draft of Custody Operations ADA Policy (Section 209), and the Expert notes the draft policy includes the *Murray v. Santa Barbara County* Remedial Plan requirements.

A review of the Active ADA Alerts produced by the County reflects no incarcerated persons with a hearing disability who uses sign language communication. During subsequent monitoring tours, the County will need to provide documents that reflect the waiver of an SLI/VRI to the Expert if available. The County must also include the requirement for staff to log the method of communication of the waiver in cases where an incarcerated person whose preferred method of communication is SLI waives an SLI in the policies.

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

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

The Wellpath Policy, HCD-110\_F-09 Effective Communication – Santa Barbara requires that if the patient refuses the assistance of an SLI, the patient must sign a refusal of clinical services form, and the circumstances must be documented on the form. However, there is no requirement for staff to document/log the method of communication of the waiver. The Expert reviewed the revisions to the Custody Operations ADA Policy (Section 209) to confirm that the draft policy includes the requirement for staff to log the method staff used to determine that the waiver was knowing and freely given. Upon review, the draft Custody Operations ADA Policy (Section 209) does not include the RP requirements for staff to log the method staff used to determine that the waiver was knowing and freely given. Post monitoring tour, the County produced a revised draft of Custody Operations ADA Policy (Section 209), and the Expert notes the draft policy includes the *Murray v. Santa Barbara County* Remedial Plan requirements.

A review of the Active ADA Alerts produced by the County reflects no incarcerated persons with a hearing disability who uses sign language communication. During subsequent monitoring tours, the County will need to provide documents that reflect the waiver of an SLI/VRI to the Expert if available. The County must also include the requirement for staff to log the method of communication of the waiver in cases where an incarcerated person whose preferred method of communication is SLI waives an SLI in the policy.

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

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

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

**Compliance Rating:** Substantial Compliance

**Prior Compliance Rating:** Substantial Compliance

### **Analysis/Observations**

The Expert notes that the County established a contract with "Purple Communications" (Order CN3750) on 1/11/23 for on-demand sign language interpreting services.

The Wellpath Policy, HCD-110\_F-09 Effective Communication – Santa Barbara, and the draft Santa Barbara County Sheriff's Office, Custody Operations – Policies and Procedures Manual, 209 Americans with Disabilities Act (ADA) include directives and some guidance for staff to provide an SLIVRI for incarcerated people identified as Deaf and whose primary/preferred method of communication is ASL. Some 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 ensure sufficient guidance is provided for staff to schedule and ensure SLI services are provided when required. Post monitoring tour, the County produced a revised draft of Custody Operations ADA Policy (Section 209), and the Expert notes the draft policy includes the *Murray v. Santa Barbara County* Remedial Plan requirements.

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

**Compliance Rating:** Partial Compliance

**Prior Compliance Rating:** Partial Compliance

### **Analysis/Observations**

The County reports it updated the Custody Operations ADA Policy (Section 209) to include language advising that if an inmate's preferred method of communication is SLI, written communication, lip reading, or any other type of effective communication device or service, it will be provided for all encounters.

The Wellpath Policy, HCD-110\_F-09 Effective Communication – Santa Barbara requires an SLI to be used during exchanges of health care information with patients whose primary method of communication is American Sign Language (ASL). The Expert reviewed the revisions to the Custody Operations ADA Policy (Section 209) to confirm that the draft policy prohibits lip reading as the sole method of Effective Communication if the incarcerated person did not indicate that lip reading was their preferred method of communication. Upon review, the draft Custody Operations ADA Policy (Section 209) includes the requirement for staff to use Sign Language Interpreters for exchanges of information during due process encounters with inmates whose primary method of communication is American Sign Language. The policy does not address Jail programming. Post monitoring tour, the County produced a revised draft of Custody Operations ADA Policy (Section 209), and the Expert notes the draft policy includes the *Murray v. Santa Barbara County* Remedial Plan requirements.

A review of the Active ADA Alerts produced by the County reflects no incarcerated persons with a hearing disability who uses sign language communication. During

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subsequent monitoring tours, the County will need to provide documents that reflect the provision of lip reading as the method of communication to the Expert if available.

Although the County has a process in place to document the provision of lip reading as a form of Effective Communication, there were no cases to review where lip reading was provided as a form of Effective Communication during intake and for due process functions, medical health care encounters, and Jail programming.

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

**Compliance Rating:** Partial Compliance

**Prior Compliance Rating:** Non-Compliance

**Analysis/Observations**

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

The Expert reviewed the revisions to the Custody Operations ADA Policy (Section 209) to confirm that the draft policy requires Jail staff to employ the most effective form of communication available in cases where the use of an SLI was not practicable or was waived by the incarcerated person. Upon review, the draft Custody Operations ADA Policy (Section 209) does not include the requirement. Post monitoring tour, the County produced a revised draft of Custody Operations ADA Policy (Section 209), and the Expert notes the draft policy includes the *Murray v. Santa Barbara County* Remedial Plan requirements.

A review of the Active ADA Alerts produced by the County reflects no incarcerated persons with a hearing disability who uses sign language communication. During subsequent monitoring tours, the County will need to provide documents that reflect Jail staff employed the most effective form of communication available in cases where the use of an SLI was not practicable or was waived by the incarcerated person to the Expert if available.



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

**Compliance Rating:** Partial Compliance

**Prior Compliance Rating:** Partial Compliance

**Analysis/Observations**

The County reports that presently the County utilizes Purple Communications VRS and VRI and is also utilizing ViaPath GTL for technical assistance. The County has acquired one tablet and two video phones for the use of Purple Communications for video phone, TDD/TTY, VRS, and VRI usage. The County has contacted ViaPath GTL to assist with a tablet or kiosk access to the Purple Communications VRS/VRI services. The County revised the Custody Operations ADA Policy (Section 209) to meet the requirements of this provision.

The Expert reviewed the revisions to the Custody Operations ADA Policy (Section 209) to confirm that the draft policy requires Jail staff to provide videophones to deaf and/or hard of hearing incarcerated people. Upon review, the draft Custody Operations ADA Policy (Section 209) includes the requirement.

The County advised the Expert the County provides deaf and/or hard of hearing incarcerated persons access to video phones via tablets and Purple Communications. The County advised the Expert that in cases where a deaf and/or hard of hearing incarcerated person requests access to a video phone, the incarcerated person advises the Custody Deputy, and the Custody Deputy provides access to the technology. The Expert also notes the County reported they are in the process of installing videophone technology on the NBJ Kiosks.

Although the County has a process in place to provide videophones to deaf and/or hard of hearing incarcerated persons, the current process does not provide equal access as incarcerated persons that use conventional phones have access to the phones during programming time and do not have to request access to the telephones. The County must ensure access to videophones is equal for deaf and/or hard of hearing prisoners as non-deaf and/or hard of hearing prisoners do.

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

The County advised the Expert the County provides deaf and/or hard of hearing incarcerated persons access to video phones via tablets and Purple Communications. Purple Communications customers can use the Software and Purple Products to place

free VRS calls, to receive VRS calls, and to make and receive non-VRS point-to-point calls. However, the Expert notes the County reported they are in the process of installing videophone technology on the NBJ Kiosks.

Although the County has a process in place to provide videophones to deaf and/or hard of hearing incarcerated persons at the SBJ, the County does not have video phones installed and operational at the NBJ.

The County must ensure videophones are installed and operational for deaf and/or hard of hearing prisoners at the NBJ.

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

**Compliance Rating:** Partial Compliance

**Prior Compliance Rating:** Partial Compliance

#### **Analysis/Observations**

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

The Expert reviewed the revisions to the Custody Operations ADA Policy (Section 209) to confirm that the draft policy requires Jail staff to provide videophones to deaf and/or hard of hearing incarcerated people. Upon review of the draft Custody Operations ADA Policy (Section 209), the Expert notes the policy states, "Time limits will not be imposed on the use of the TTY/TDD, Captioned telephones, VRS and videophone technology absent exigent circumstances."

As noted above, the current process does not provide equal access to videophones as conventional phones. Non-deaf and/or hard of hearing incarcerated persons have unrestricted access to the phones during programming time and do not have to request access to the telephones. The County must ensure access to videophones is equal for deaf and/or hard of hearing prisoners as non-deaf and/or hard of hearing prisoners do.

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

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

The Expert reviewed the revisions to the Custody Operations ADA Policy (Section 209) to confirm that the draft policy requires Jail staff to document the time that each prisoner used and had access to videophone/VRS/TDD/TTY equipment. Upon review of the draft Custody Operations ADA Policy (Section 209), the Expert notes the policy does not include this requirement. During the previous monitoring tour, 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. During this rating period, the County reports there were no deaf and/or hard of hearing incarcerated persons who used the videophone/VRS/TDD/TTY technology. During subsequent monitoring tours, the County will need to provide documents that reflect Jail staff documented the time that each incarcerated person used and had access to videophone/VRS/TDD/TTY equipment to the Expert if available.

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

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

**Compliance Rating:** Partial Compliance

**Prior Compliance Rating:** Non-Compliance

**Analysis/Observations**

The County reports it is in the process of completing this requirement. The County currently provides SLI services via Purple Communication VRI. The County has included this provision in the Custody Operations ADA Policy (Section 209). In the next eight to twelve months, the County will provide comprehensive ADA training to all staff, including training on this provision.

The Expert reviewed the revisions to the Custody Operations ADA Policy (Section 209) to confirm that the draft policy includes the requirement for staff to provide an SLI/VRI for education, vocational, and religious programs when the incarcerated person's primary method of communication is SLI. Upon review, the draft Custody Operations ADA Policy (Section 209) does not include this requirement. Post monitoring tour, the County produced a revised draft of Custody Operations ADA

Policy (Section 209), and the Expert notes the draft policy includes the *Murray v. Santa Barbara County* Remedial Plan requirements.

A review of the Active ADA Alerts produced by the County reflects no incarcerated persons with a hearing disability who uses sign language communication. The Expert notes that the County established a contract with "Purple Communications" on 1/11/23 for on-demand sign language interpreting services.

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

*5.N.11. In housing units where an individual with a hearing-related disability resides, public announcements shall be communicated as consistent with individual Effective Communication needs. This includes announcements regarding visiting, meals, recreation release and recall, count, lock-up, and unlock. Verbal announcements may be effectively communicated via written messages on a chalkboard or dry erase board, or by personal notification, as consistent with individual need. These procedures shall be communicated to people during the orientation process and shall be incorporated into relevant policies and post orders.*

**Compliance Rating:** Partial Compliance

**Prior Compliance Rating:** Partial Compliance

#### **Analysis/Observations**

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

The Expert reviewed the revisions to the Custody Operations ADA Policy (Section 209) to confirm that the draft policy includes the requirement for staff in housing units where an individual with a hearing-related disability resides, for public announcements to be communicated as consistent with individual Effective Communication needs. Upon review, the draft Custody Operations ADA Policy (Section 209) includes the requirement for staff to effectively communicate announcements for visiting, meals, recreation release, recall, count, lock-up, and unlock. Additionally, the policy allows for verbal announcements to be effectively communicated via written messages on a

chalkboard or dry-erase board, or by personal notification, as consistent with individual need.

Once the draft policy is implemented, staff must be trained on this requirement.

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

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

The County must ensure the procedures for public announcements are included in the orientation video.

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

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

Once the draft policy is implemented, staff must be trained on this requirement.

## **5. O. Prisoners with Intellectual/Developmental Disabilities**

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

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

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**Compliance Rating:** Partial Compliance

**Prior Compliance Rating:** Partial Compliance

**Analysis/Observations:**

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

The County is in the process of fully implementing this requirement. The Custody Operations ADA Policy (Section 209) includes the requirements of this provision. In the last reporting period, Wellpath had a pilot program for identifying intellectual and developmental disabilities. This program was managed by Wellpath Regional Mental Health Department, and due to management changes, the pilot program was halted and is currently being redeveloped. Wellpath and the County estimate that this program will return in the next six to eight months.

The Expert reviewed the revisions to the Custody Operations ADA Policy (Section 209) to confirm that the draft policy includes comprehensive written policies and procedures regarding people with Intellectual and/or Developmental Disabilities. Upon review, the draft Custody Operations ADA Policy (Section 209) includes a process for custody staff to be made aware of incarcerated persons identified as Intellectually/Developmentally disabled and their adaptive support needs. The policy also includes the requirements for staff to provide and document adaptive supports. Once the Wellpath policies are developed and implemented, the County must ensure Custody Operations ADA Policy (Section 209) is consistent with the Wellpath policy.

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

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

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

As detailed above, Wellpath currently does not have a comprehensive screening process for the screening, identification of adaptive support needs, and adaptive functioning deficits for Intellectual/Developmental disabilities. However, the County has drafted Custody Operations ADA Policy (Section 209). The draft policy includes procedures for the management and provision of accommodations for incarcerated people with disabilities once their adaptive support deficits and needs are identified.

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

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

**Compliance Rating:** Non-Compliance

**Prior Compliance Rating:** Non-Compliance

#### **Analysis/Observations**

The County reports it is in the process of fully implementing this requirement. Wellpath's Mental Health Coordinator is responsible for communicating with Tri-Counties Regional Center staff regarding the identified inmates and appropriate treatment plans as required by this provision. During this rating period, the Mental Health Coordinator position became vacant, and the County is working to hire a replacement. While the County intermittently contacts the Tri-Counties Regional Center, full implementation of this provision will occur when the vacancy is filled. In the next six months, the County will be developing policies and procedures to capture the information related to this requirement.

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The County produced a "Contact with Tri-County Regional Center," which reflects one (1) case where the County contacted the Tri-County Regional Center. However, the case noted is dated outside the rating period. The "Active Alert List" (4/11/23) reflects four (4) Intellectually/Developmentally disabled incarcerated persons in SBCJ custody.

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

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

The County produced a "Contact with Tri-County Regional Center," which reflects one (1) case where the County contacted the Tri-County Regional Center. However, the case noted is dated outside the rating period. The "Active Alert List" (4/11/23) reflects four (4) Intellectually/Developmentally disabled incarcerated persons in SBCJ custody.

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

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

The County did not produce documentation that medical and custody staff reviewed the IPP. The "Active Alert List" (4/11/23) reflects four (4) Intellectually/Developmentally disabled incarcerated persons in SBCJ custody.

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

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

The County did not produce documentation for cases where the incarcerated person was not a Regional Center client, and the County requested that the Regional Center (or other appropriate agency) perform an evaluation. The "Active Alert List" (4/11/23) reflects four (4) Intellectually/Developmentally disabled incarcerated persons in SBCJ custody.



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

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

The County did not produce documentation for cases where Jail staff worked with the Regional Center and any relevant County agencies to move a person with an identified Intellectual or Developmental Disability out of custody and into a setting with appropriate supports to meet the person's individual needs. The "Active Alert List" (4/11/23) reflects four (4) Intellectually/Developmentally disabled incarcerated persons in SBCJ custody.

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

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

**Compliance Rating:** Non-Compliance

**Prior Compliance Rating:** Partial Compliance

**Analysis/Observations**

The County reports it is in the process of fully implementing this requirement. The Custody Operations ADA Policy (Section 209) includes the requirements of this provision. In the last reporting period, Wellpath had a pilot program for identifying intellectual and developmental disabilities. This program was managed by Wellpath Regional Mental Health Department, and due to management changes, the pilot program was halted and is currently being redeveloped. Wellpath and the County estimate that this program will return in the next six to eight months, at which time the County will better meet the requirements of this provision. Wellpath also implemented an Adaptive Support Needs Assessment Form to identify possible ADA inmates during receiving, as well as a "learning disability" check box on the Medical Treatment Form.

The Expert reviewed the revisions to the Custody Operations ADA Policy (Section 209) to confirm that the draft policy includes the requirement for staff to provide

Intellectually/Developmentally disabled incarcerated persons with accommodations tailored to their needs, which include but are not limited to communications at the appropriate comprehension level, more time to complete directions, and specific behavioral supports. Upon review, the draft Custody Operations ADA Policy (Section 209) includes these requirements. However, the process for screening and verification of Intellectually/Developmentally disabled incarcerated persons and their adaptive support needs is currently not in place. Additionally, a process for staff to document the provision of the accommodations is not in place.

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

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

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

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

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

**Compliance Rating:** Non-Compliance

**Prior Compliance Rating:** Partial Compliance

### **Analysis/Observations**

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 County reports it is in the process of fully implementing this requirement. The County has incorporated this requirement into the Custody Operations ADA Policy (Section 209). The County currently has a multidisciplinary team that meets every Monday (HARP meeting) to discuss items 1-3. Individuals with Intellectual or Developmental Disability are included on the HARP roster, and an individualized plan for those individuals is developed by mental health staff. In the last reporting period,

Wellpath had a pilot program for identifying intellectual and developmental disabilities. This program was managed by Wellpath Regional Mental Health Department, and due to management changes, the pilot program was halted and is currently being redeveloped. Wellpath and the County estimate that this program will return in the next six to eight months, at which time the County will better meet the requirements of this provision.

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

The County 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) review specific cases as part of the HARP meeting process. The County produced HARP meeting logs; however, in review of the logs, it appears that the cases are primarily related to mental health and is not a multidisciplinary team that is monitoring and ensuring 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 Custody Operations ADA Policy (Section 209) and the *Murray v. Santa Barbara County* Remedial Plan requirements.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**5. P. Physical Accessibility Requirements**

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

**Compliance Rating:** Partial Compliance

**Prior Compliance Rating:** Partial Compliance

**Analysis/Observations:**

The County is in the process of fully implementing this requirement and has begun the ADA transition plan, including proposed remodel plans and the County's request for participation. In 2018, the County commissioned Vanir Construction to identify ADA deficiencies and develop an ADA transition plan for the Main Jail. On November 9, 2021, a contract was awarded to Nacht and Lewis for redesign of the main jail campus to bring it in compliance with ADA requirements. In 2022, Nacht and Lewis began holding a series of workshops with the County's project team to develop detailed program requirements for renovating the existing facilities. The County is presently in the process of planning remodel, reconfiguration, renovation, or new construction of the facilities, including remedying access barriers for people with disabilities. While the County is working on interim measures to address such access barriers, full compliance of this provision will likely follow remodel, reconfiguration, renovation, or

new construction of the facilities as contemplated in paragraph 10 of the Stipulated Judgement.

The County previously produced the ADA Self-Evaluation and Transition Plan of the SBCJ conducted by Vanir. The Transition Plan does not have an issue date. However, the Vanir Transition Plan reflects the site evaluation was conducted from September 6, 2016, to June 7, 2018. The 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 Expert notes that on May 16, 2023, the County of Santa Barbara Board of Supervisors voted to recommend that the Board of Supervisors:

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

The Expert notes that these actions will impact the ADA transition plan to remedy SBJ physical plant features that could result in access barriers for people with disabilities.

*5.P.2. The above ADA transition plan will be implemented in the timeframe set forth in the Stipulated Judgment. The County and the Sheriff's Office agree that, during the period of implementation of the ADA transition plan at the Main Jail, they will take all reasonable steps to promote and ensure accessibility for people with disabilities to the maximum extent possible. This includes the use of interim measures to address existing access barriers in order to ensure safety and program access for people with disabilities.*

**Compliance Rating:** Un-ratable

**Prior Compliance Rating:** Un-ratable

### **Analysis/Observations**

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.

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The Expert notes that on May 16, 2023, the County of Santa Barbara Board of Supervisors voted to recommend that the Board of Supervisors:

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

The Expert notes that these actions impact the ADA transition plan that was developed to remedy SBJ physical plant features that could result in access barriers for people with disabilities.

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

The County reports that the County is working on interim measures to address such access barriers. The County is developing a policy to document the reasonable steps that the County will take during the implementation of the ADA transition plan. Such reasonable steps include ensuring inmates have access to classrooms, programs, work assignments, and showers despite the existence of structural barriers. The County will utilize the ADA tracking system to document such accommodations.

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 continues to be an area where incarcerated people with disabilities are not provided access to some of the Jail's programs, services, and activities. This is primarily related to accommodations during program participation. The County must ensure disabled incarcerated people are provided the necessary accommodations while participating in the Jails programs.



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

**Compliance Rating:** Partial Compliance

**Prior Compliance Rating:** Partial Compliance

**Analysis/Observations**

The County reports it is in the process of fully implementing this requirement. The Northern Branch jail was built in compliance with current ADA standards and has been approved by the Board of State and Community Corrections (BSCC). The ADA Expert identified videophone accessibility issues, which the County is working towards remedying. In the next three months, the County will coordinate with the ADA Expert to address compliance with this provision.

During the Monitoring Tour of the NBJ, the Expert noted the NBJ has adequate accessible cells/dorms, showers, restrooms, and program areas (visiting medical treatment rooms, holding cells, and program areas) for incarcerated persons with mobility disabilities. 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.

**5. Q. Alarms/Emergencies**

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

**Compliance Rating:** Partial Compliance

**Prior Compliance Rating:** Non-Compliance

**Analysis/Observations:**

The County reports it has updated the Custody Operations ADA Policy (Section 209) to meet the requirements of this provision. The Expert reviewed the revisions to the Custody Operations ADA Policy (Section 209) to confirm that the draft policy includes

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. However, upon review, the policy does not include the required language. Post monitoring tour, the County produced a revised draft of Custody Operations ADA Policy (Section 209), and the Expert notes the draft policy includes the *Murray v. Santa Barbara County Remedial Plan* requirements.

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

The County reports that the County has updated the Custody Operations ADA Policy (section 209) to meet the requirements of this provision. The Expert reviewed the revisions to the Custody Operations ADA Policy (Section 209) to confirm that the draft policy includes the requirement for staff to 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. However, upon review, the policy does not include the required language. . Post monitoring tour, the County produced a revised draft of Custody Operations ADA Policy (Section 209), and the Expert notes the draft policy includes the *Murray v. Santa Barbara County Remedial Plan* requirements.

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

The County reports it has updated the Custody Operations ADA Policy (Section 209) to meet the requirements of this provision. However, based on the County not having implemented the draft Custody Operations ADA Policy (Section 209), the Expert could not rate this item for compliance.

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

The County reports it has updated the Custody Operations ADA Policy (Section 209) to meet the requirements of this provision. However, based on the County not having implemented the draft Custody Operations ADA Policy (Section 209), the Expert could not rate this item for compliance.

*5.Q.2. In order to facilitate appropriate accommodations during alarms or emergencies, the County shall offer, but shall not require, individuals who have disabilities visible markers to identify their disability needs (e.g., wristbands). The County shall maintain a list, posted in such a way to be readily available to Jail staff in each unit, of people with disabilities that may require accommodations during an alarm or emergency.*

**Compliance Rating:** Partial Compliance

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**Prior Compliance Rating:** Partial Compliance

**Analysis/Observations**

The County reports that the ADA Alert List is posted in every module and lists all ADA inmates and any accommodations or assistance that inmates would need to be provided in an emergency. Additionally, the inmate's names and accommodations are highlighted for easy recognition in case of an emergency situation. The list has been updated to include inmates with Intellectual or Developmental Disabilities ID/DD, and inmates with Learning Disabilities are identified during the Adaptive Needs Assessment. The County has revised the Custody Operations ADA Policy 209 to address this provision. In the next six months, the County will be exploring options to print a prisoner's disability accommodation needs on an inmate's wristband. Thereafter, the County will perform the necessary training and implementation of this provision. However, full implementation may be deferred until a new ADA tracking system is in place.

The Expert reviewed the revisions to the Custody Operations ADA Policy (Section 209) to confirm that the draft policy includes written policies for the County to offer but not require incarcerated persons who have disabilities visible markers to identify their disability needs. Upon review, the policy includes language that incarcerated persons with disabilities will be issued an identification vest. However, a section of the policy implies the wearing of the vest is mandatory.

The County must ensure the policy meets the *Murray v. Santa Barbara County* Remedial Plan requirements.

- 5.Q.2.a. *Does the County maintain a list that is posted in such a way to be readily available to Jail staff in each unit of people with disabilities that may require accommodations during an alarm or emergency?*

During the on-site tour, the Expert confirmed each unit at the 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 persons 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 Expert notes that the Active ADA Alerts list includes in the "Notes" column that reflects the type of assistance required for "Alarms/Emergencies. However, as reported in the ADA Tracking section of this report, the information in the "Notes" column is manually entered by the ADA Coordinators. During the monitoring tour, the Expert noted nine (9) cases where the "Notes" field was blank. The County must ensure that information related to accommodations needs during an alarm or emergency for incarcerated persons with disabilities must be entered timely and be available to housing unit staff.

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5.Q.3. *The County shall install visual alarms appropriate for people who are deaf or hard of hearing.*

**Compliance Rating:** Partial Compliance

**Prior Compliance Rating:** Partial Compliance

**Analysis/Observations**

The County reports it is in the process of fully implementing this requirement. The Northern Branch Jail presently has the alarms required by this provision. The County is reviewing potential alarm installation at the Main Jail, but implementation may depend on the remodel, reconfiguration, renovation, or new construction plans.

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 Central West, do not have visual alarms installed.

The County must ensure the visual alarms meet the NFPA 72, 'National Fire Alarm Code' standards and visual alarms be installed in the SBJ housing units.

5.Q.4. *All housing units shall post notices for emergency and fire exit routes.*

**Compliance Rating:** Substantial Compliance

**Prior Compliance Rating:** Partial Compliance

**Analysis/Observations**

During the on-site review of the Main Jail and NBJ, the Expert noted all of the housing units had emergency and fire exit route notices posted.

**5. R. Quality Assurance**

5.R.1. *The County shall develop and implement written policies and procedures regarding monitoring compliance with ADA requirements and Jail ADA policies, including (but not limited to) the following:*

- a) Requests for ADA accommodations;*
- b) ADA-related grievances;*
- c) ADA-related training;*
- d) Use of the ADA Tracking System.*

**Compliance Rating:** Non-Compliance

**Prior Compliance Rating:** Non-Compliance

**Analysis/Observations:**

The County reports it is in the process of fully implementing this requirement. The County has revised the Custody Operations ADA Policy (Section 209) to include the requirements of this provision. In the next eight to twelve months, the County will provide comprehensive ADA training to all staff. The County is presently researching alternate ADA tracking systems to better meet the provisions of the remedial plan and will provide training on that system when it is in place.

The Expert reviewed the revisions to the Custody Operations ADA Policy (Section 209) to confirm that the draft policy includes written policies and procedures for the County to monitor compliance with the ADA requirements and the Jail ADA policies. However, upon review, the policy does not include the required language.

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

*5.R.1.a. Do the written policies and procedures regarding monitoring compliance with ADA requirements and Jail ADA policies include monitoring of requests for ADA accommodations?*

The Expert reviewed the revisions to the Custody Operations ADA Policy (Section 209) to confirm that the draft policy includes written policies and procedures for the County to monitor compliance of requests for ADA accommodations. However, upon review, the policy does not include the required language.

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

*5.R.1.b. Do the written policies and procedures regarding monitoring compliance with ADA requirements and Jail ADA policies include monitoring of ADA-related grievances?*

The Expert reviewed the revisions to the Custody Operations ADA Policy (Section 209) to confirm that the draft policy includes written policies and procedures for the County to monitor compliance of the ADA-related grievances. However, upon review, the policy does not include the required language.

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

*5.R.1.c. Do the written policies and procedures regarding monitoring compliance with ADA requirements and Jail ADA policies include monitoring of ADA-related training?*

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The Expert reviewed the revisions to the Custody Operations ADA Policy (Section 209) to confirm that the draft policy includes written policies and procedures for the County to monitor compliance of the ADA-related training. However, upon review, the policy does not include the required language.

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

*5.R.1.d. Do the written policies and procedures regarding monitoring compliance with ADA requirements and Jail ADA policies include monitoring of the use of the ADA Tracking System?*

The Expert reviewed the revisions to the Custody Operations ADA Policy (Section 209) to confirm that the draft policy includes written policies and procedures for the County to monitor compliance of the use of the ADA Tracking System. However, upon review, the policy does not include the required language.

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

*5.R.2. The County shall develop an ADA accountability plan that will ensure quality assurance, track violations of the ADA and the Jail's ADA policies, and establish staff accountability for egregious, serious, or repeated violations of the ADA and Jail ADA-related policies and procedures.*

**Compliance Rating:** Non-Compliance

**Prior Compliance Rating:** Non-Compliance

**Analysis/Observations**

The County reports it is in the process of fully implementing this requirement. The County has revised the Custody Operations ADA Policy (Section 209) to include the requirements of this provision. In the next three months, the County will consult the ADA Expert regarding the development of an ADA accountability plan as required by this provision.

The Expert reviewed the revisions to the Custody Operations ADA Policy (section 209) to confirm that the draft policy includes an ADA accountability plan that includes the RP requirements, including quality assurance, tracking of violations of the ADA, and the Jail's ADA policies, and establishes staff accountability for egregious, serious, or repeated violations of the ADA and Jail ADA-related policies and procedures. However, upon review, the policy does not include the required language.

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



## 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 that reads "Julian Martinez".

November 4, 2023

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Julian Martinez  
Director  
Sabot Consulting

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Date